



COMISARIOS DEPORTIVOS

EL DERECHO DE REVISIÓN

Ponente: Miguel Hidalgo Aguado



EL DERECHO DE REVISIÓN

Comisarios Deportivos

¿QUÉ ES?

ARTÍCULO 14 DERECHO DE REVISIÓN

14.1.1 En las *Competiciones* de un *Campeonato*, una copa, un trofeo, un challenge o una serie de la *FIA*, o de una serie internacional, en caso de que se descubriera un *elemento nuevo, significativo y relevante* que no estuviera disponible para las partes que solicitan la revisión en el momento de la decisión en cuestión, los comisarios deportivos, que tomaron la decisión, o, en caso de imposibilidad, quien designe a tal efecto la *FIA*, pueden decidir *volver a examinar su decisión* después de una solicitud de revisión por:

- una de las partes interesadas y/o una parte directamente afectada por la decisión dictada, o
- el Secretario General del Deporte de la FIA

Los comisarios deportivos deberán reunirse (en persona o por otros medios) en la fecha que acuerden, convocando a la parte o partes afectadas, para recibir cuantas explicaciones resulten útiles, y juzgar a la luz de los hechos y de los elementos expuestos.

EL DERECHO DE REVISIÓN

Comisarios Deportivos

¿QUÉ ES?

La reapertura de un procedimiento en base a un elemento que en el momento de tomar la decisión no estaban disponibles.

El plazo durante el cual puede presentarse un recurso de revisión expira catorce días hábiles después del final de la Competición en cuestión. (art. 14.4.1.)

EL DERECHO DE REVISIÓN

¿CUÁL ES EL PROCESO?

Es un proceso de dos decisiones.

1. El mismo Colegio de CC. DD. que tomó en primer lugar la decisión debe decidir si el elemento descubierto es nuevo, significativo y relevante.
2. En caso de que lo sea, decidirían de nuevo.

EL DERECHO DE REVISIÓN

Comisarios Deportivos

¿NUEVO, SIGNIFICATIVO Y RELEVANTE?

NUEVO

El elemento no estaba disponible para las partes en el momento de tomar la decisión.

SIGNIFICATIVO

Un elemento cuya existencia puede suponer un cambio importante.

RELEVANTE

Que tiene una relación y vinculación con el caso.

EL DERECHO DE REVISIÓN

Comisarios Deportivos

Rally Dakar 2022

30. December 2021 - 14. January 2022



Date:	Wednesday, 5 th January 2022	Time: 20.45 hrs
Subject:	STEWARDS DECISION N° 14	Document No: 2.17
From:	The Stewards	
To:	The Competitor car no 207 - TOYOTA GAZOO RACING Crew: Giniel DE VILLIERS / Dennis MURPHY	
Number of pages: 2		Attachments: 0

The Stewards, having received a report (Incident Report N° 2), photos, tracking system report and an ERTF report from the FIM Jury, having heard the competitor's representative, have considered the following matter, determine the following:

Fact: Car N° 207 in Selective Section 2 at about 11.00 hrs, after coming over a dune, they ran over a motorbike that was behind the dune.

Offence: according to the FIA International Sporting Code Art. 12.2.1.h (creating an unsafe situation)

Decision: 5 hours time penalty on Leg 2

Reason: The competitor was summoned to give him the opportunity of presenting his defence. The representative, Mr. de Villiers, explained: We have not heard any alarm signal from Sentinel. We do not doubt that we have received a signal. The problem is that the button for the Sentinel is located on the floor of the co-driver's side. During the Selective Section, the co-driver's feet jump back and forth and can easily, accidentally press the button. When we came over the dune, we saw the motorcyclist and I avoided him so as not to hurt him. At the bottom of the dune, we turned around to make sure that the rider was not injured. We didn't feel hitting the bike when we landed. Then we continued the Selective Section. We are very embarrassed that something like this happens. We apologise very much for this incident. We are also willing to compensate the cost to rebuild the bike.

Fortunately, the rider was not any more near his Motorbike and he suffered no injuries. However, the Motorbike is destroyed.

This evening, Mr de Villiers met with the rider at the FIM Jury office and reached an agreement that Mr de Villiers will cover the cost of the replacement of the destroyed motorbike. In addition, Mr de Villiers will pay the entry fee for the 2023 Dakar Rally to the rider. The rider stated that he is very satisfied with this arrangement.

The Sentinel (car-to-car communication system) is essential for the driver's safety and for the safety of all other competitors in Rally Dakar. Safety is one of the major concerns by the FIA. Safety remains a key challenge and the FIA is committed to do everything possible to protect, among others, the drivers. It is the obligation of the crew to react to the signal of the Sentinel System to avoid danger to themselves and others.

The Stewards consider the behaviour of the crew as an infringement of the regulation which must have consequences. Since Mr. de Villiers has voluntarily contacted the rider, apologised, and will pay for the damage caused, the stewards consider a time penalty to be necessary but also appropriate.

Rally Dakar 2022

30. December 2021 - 14. January 2022



Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.

According to Art 12.3.3.b of the FIA International Sporting Code, the decision of the stewards becomes immediately binding even in the event of an appeal, since it concerns a breach of Article 12.2.

Uwe M. SCHMIDT
FIA Chairman of the Stewards

Jordi PARRO
FIA Steward

Ahmad JAN
ASN Steward

This decision was notified via SPORTITY to the competitor representative as below:

Name in block letters	Jean-Marc Fortin	Date	05.01.2022
Position in the team	Team Representative	Time	21.15 hrs

Published on the Digital Notice Board on 04.01.2022 at 21.20 hrs

EL DERECHO DE REVISIÓN

Comisarios Deportivos

Decision: 5 hours time penalty on Leg 2

Reason: The competitor was summoned to give him the opportunity of presenting his defence. The representative, Mr. de Villiers, explained: We have not heard any alarm signal from Sentinel. We do not doubt that we have received a signal. The problem is that the button for the Sentinel is located on the floor of the co-driver's side. During the Selective Section, the co-driver's feet jump back and forth and can easily, accidentally press the button. When we came over the dune, we saw the motorcyclist and I avoided him so as not to hurt him. At the bottom of the dune, we turned around to make sure that the rider was not injured. We didn't feel hitting the bike when we landed. Then we continued the Selective Section. We are very embarrassed that something like this happens. We apologise very much for this incident. We are also willing to compensate the cost to rebuild the bike.

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The Stewards consider the behaviour of the crew as an infringement of the regulation which must have consequences. Since Mr. de Villiers has voluntarily contacted the rider, apologised, and will pay for the damage caused, the stewards consider a time penalty to be necessary but also appropriate.

MEMBER OF



EL DERECHO DE REVISIÓN

Comisarios Deportivos

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The Stewards consider the behaviour of the crew as an infringement of the regulation which must have consequences. Since Mr. de Villiers has voluntarily contacted the rider, apologised, and will pay for the damage caused, the stewards consider a time penalty to be necessary but also appropriate.

Decisión: 5 horas de penalización en la Etapa 2

Razón: El competidor fue convocado para darle la oportunidad de presentar su defensa. El representante, el Sr. de Villiers, explicó: No hemos escuchado ninguna señal de alarma de Sentinel. No dudamos de que hayamos recibido un aviso. El problema es que la botonera del Sentinel está situada en el suelo del lado del copiloto. Durante el Sector Selectivo, los pies del copiloto saltan de un lado a otro y, con facilidad, pulsan accidentalmente el botón. Cuando pasamos por la duna, vimos al motorista y lo esquivé para no herirlo. Al pie de la duna, nos dimos la vuelta para asegurarnos de que el motorista no estaba herido. No sentimos el golpe de la motocicleta cuando aterrizamos. Luego continuamos el tramo selectivo. Nos da mucha vergüenza que ocurra algo así. Pedimos muchas disculpas por este incidente. También estamos dispuestos a compensar los costes de reconstrucción de la motocicleta.

Los Comisarios Deportivos consideran que el comportamiento de la tripulación es una infracción del reglamento que debe tener consecuencias. Dado que el Sr. de Villiers se ha puesto en contacto voluntariamente con el motorista, se ha disculpado y pagará los daños causados, los comisarios consideran que es necesario, pero también apropiado, imponer una sanción de tiempo.

EL DERECHO DE REVISIÓN

Comisarios Deportivos

Rally Dakar 2022

30. December 2021 - 14. January 2022



Date:	Friday, 7 th January 2022	Time: 16.15 hrs
Subject:	STEWARDS DECISION N° 57	Document No: 2.61
From:	The Stewards	
To:	The Competitor car no 207 - TOYOTA GAZOO RACING	
Crew:	Giniel DE VILLIERS / Dennis MURPHY	
Number of pages:	1	Attachments: 0

The Stewards have received a petition from Toyota Gazoo Racing for them to review, in accordance with Article 14.1.1 of the FIA International Sporting Code, the following decision made by them:




Decision No. 14: 5 hours time penalty on Leg 2

The Stewards, having examined the evidence, summoned, and heard the team representative Mr. Jean-Marc Fortin, determine the following:

- Decision:** (1) There is a significant and relevant new element which was unavailable to TOYOTA GAZOO RACING at the time of the decision concerned.
 (2) The Stewards will review their decision no 14, considering the new evidence.

- Reason:** (1) The petition was submitted within the stipulated time limit
 (2) The element brought before the Stewards shows a more accurate and detailed timeline of the motorbike incident in SS 2. Thus, the Stewards consider it significant and relevant, and it may likely modify the initial decision.
 (3) At the time of the hearing and the decision TOYOTA GAZOO RACING did not have access to the detailed data of the tracking system. After ERTF (GPS System) has checked the car on 06.01.2022 for possible mal function of the SENTINEL system, there raised some doubt about exact time of the alarm displayed in the car. This has led to the Competitor requesting the data from MARLINK (Tracking System). These data are not published and only after ERTF has brought certain doubts into question, the competitor had a chance to the acquire the data from MARLINK.

Competitors are reminded that, in accordance with Article 14.3 of the FIA International Sporting Code, this decision is not subject to appeal.




 Uwe M. SCHMIDT Jordi PARRO Ahmad JAN
 FIA Chairman of the Stewards FIA Steward ASN Steward

This decision was notified via SPORTITY to the competitor representative as below:

Name in block letters	Jean-Marc Fortin	Date	07.01.2022
Position in the team	Competitor representative	Time	16.30 hrs

Published on the Digital Notice Board on 07.01.2022 at 16.35 hrs.

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EL DERECHO DE REVISIÓN

Comisarios Deportivos

The Stewards have received a petition from Toyota Gazoo Racing for them to review, in accordance with Article 14.1.1 of the FIA International Sporting Code, the following decision made by them:

Decision No. 14: 5 hours time penalty on Leg 2

The Stewards, having examined the evidence, summoned, and heard the team representative Mr. Jean-Marc Fortin, determine the following:

Decision: (1) **There is a significant and relevant new element which was unavailable to TOYOTA GAZOO RACING at the time of the decision concerned.**

(2) The Stewards will review their decision no 14, considering the new evidence.

Reason: (1) The petition was submitted within the stipulated time limit

(2) The element brought before the Stewards shows a more accurate and detailed timeline of the motorbike incident in SS 2. Thus, the Stewards consider it significant and relevant, and it may likely modify the initial decision.

(3) At the time of the hearing and the decision TOYOTA GAZOO RACING did not have access to the detailed data of the tracking system. After ERTF (GPS System) has checked the car on 06.01.2022 for possible mal function of the SENTINEL system, there raised some doubt about exact time of the alarm displayed in the car. This has led to the Competitor requesting the data from MARLINK (Tracking System). These data are not published and only after ERTF has brought certain doubts into question, the competitor had a chance to the acquire the data from MARLINK.

Competitors are reminded that, in accordance with Article 14.3 of the FIA International Sporting Code, this decision is not subject to appeal.

MEMBER OF



EL DERECHO DE REVISIÓN

Comisarios Deportivos

The Stewards have received a petition from Toyota Gazoo Racing for them to review, in accordance with Article 14.1.1 of the FIA International Sporting Code, the following decision made by them:

Decision No. 14: 5 hours time penalty on Leg 2

The Stewards, having examined the evidence, summoned, and heard the team representative Mr. Jean-Marc Fortin, determine the following:

Decision: (1) There is a significant and relevant new element which was unavailable to TOYOTA GAZOO RACING at the time of the decision concerned.
(2) The Stewards will review their decision no 14, considering the new evidence.

Reason: (1) The petition was submitted within the stipulated time limit
(2) The element brought before the Stewards shows a more accurate and detailed timeline of the motorbike incident in SS 2. Thus, the Stewards consider it significant and relevant, and it may likely modify the initial decision.
(3) At the time of the hearing and the decision TOYOTA GAZOO RACING did not have access to the detailed data of the tracking system. After ERTF (GPS System) has checked the car on 06.01.2022 for possible mal function of the SENTINEL system, there raised some doubt about exact time of the alarm displayed in the car. This has led to the Competitor requesting the data from MARLINK (Tracking System). These data are not published and only after ERTF has brought certain doubts into question, the competitor had a chance to the acquire the data from MARLINK.

Competitors are reminded that, in accordance with Article 14.3 of the FIA International Sporting Code, this decision is not subject to appeal.

Decisión: (1) Existe un elemento nuevo, significativo y relevante, que era inaccesible para TOYOTA GAZOO RACING en el momento de la decisión en cuestión.
(2) Los Comisarios Deportivos revisarán su decisión N.º 14, considerando la nueva evidencia.

Razón: (1) La petición fue presentada dentro del plazo estipulado.
(2) El elemento aportado a los Comisarios Deportivos muestra un cronograma más preciso y detallado del incidente de la motocicleta en la SS2. Por lo tanto, los comisarios lo consideran significativo y relevante, y es probable que modifique la decisión inicial.
(3) En el momento de la comparecencia y de la decisión, TOYOTA GAZOO RACING no tenía acceso a los datos detallados del sistema de seguimiento. Después de que el ERTF (sistema de GPS) comprobara el coche el 06/01/2022 por un posible mal funcionamiento del sistema SENTINEL, se plantearon algunas dudas acerca del momento exacto en el que la alarma se mostró en el coche. Esto llevó al competidor a solicitar los datos de MARLINK (sistema de seguimiento). Estos datos no se publican y sólo después de que la ERTF haya puesto en tela de juicio ciertas dudas, el competidor tuvo la oportunidad de adquirir los datos de MARLINK.

EL DERECHO DE REVISIÓN

Comisarios Deportivos

Rally Dakar 2022

30. December 2021 - 14. January 2022



Date: Friday, 7th January 2022 Time: 16.45 hrs
Subject: STEWARDS DECISION N° 57A Document No: 2.62

From: The Stewards

To: The Competitor car no 207 - TOYOTA GAZOO RACING
Crew: Giniel DE VILLIERS / Dennis MURPHY

Number of pages: 2

Attachments: 0

The Stewards, having received a report (Incident Report N° 2), photos, tracking system report and an ERTF report from the FIM Jury, having heard the competitor's representative, have received a petition by the competitor, having decided that they will reconsider the matter (STW Decision No 57) have considered the following matter, determine the following:

Fact: Car N° 207 in Selective Section 2 at about 11.00 hrs (08.00 hrs UTC) , after coming over a dune, they ran over a motorbike that was behind the dune.

Decision: (1) Decision No. 14 of 5th of January is cancelled
(2) The Clerk of the Course is requested to delete the 5 hours time penalty of car # 207 in the result of Leg 2 and to create a new classification.
(3) No further action

Reason: The statement made by the driver regarding the matter in the hearing on 4th of January: Mr. de Villiers, explained: "We have not heard any alarm signal from Sentinel. We do not doubt that we have received a signal. The problem is that the button for the Sentinel is located on the floor of the co-driver's side. During the Selective Section, the co-driver's feet jump back and forth and can easily, accidentally press the button. When we came over the dune, we saw the motorcyclist and I avoided him so as not to hurt him. At the bottom of the dune, we turned around to make sure that the rider was not injured. We didn't feel hitting the bike when we landed. Then we continued the Selective Section. We are very embarrassed that something like this happens. We apologise very much for this incident. We are also willing to compensate the cost to rebuild the bike."

On 6th of January, ERTF checked the car # 207 to find a mal function of the SENTINEL system. According Mr. Alex Bernard, the findings were that the antenna was installed inside the car, which is the usual installation location to protect the antenna. The reception of a signal depends on the type of windscreen of the vehicle. In this case, Mr. Alex Bernard rates the signal strength as sufficient but not as optimum. He could not clearly confirm whether the received signal was actually sufficient to activate the alarm buzzer in the car.

ERTF is providing the Navigation system as well the car-to-car communication system and records all times of messages send between the competitors of the event.

MARLINK is the provider of the safety tracking system and records the exact route with the corresponding time driven by the respective participants. The Stewards received a diagram which shows the route taken by the motorbike and by the car with the related time on each of impulse.

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Rally Dakar 2022

30. December 2021 - 14. January 2022



The data from the tracking system, matched with the data of ERTF show the following chronological sequence of the accident (all mentioned times are UTC times, local time is +3 h):

08.01.44 The bike stops, behind a dune
08.01.57 the alarm received by car # 207
08.01.59 the car hits the bike
08.02.00 the second alarm signal received by the car
08.02.05 the car starts to drive a circle
08.02.07 the alarm in the car was deactivated
08.02.10 the alarm continues
08.02.13 car # 207 leaving the scene
08.02.15 the alarm in the car was deactivated

It may be irrelevant whether the drivers heard or saw the alarm signal but avoiding an obstacle that is not in the field of vision within 2 seconds seems almost impossible. Despite the short time span, the driver was able to avoid the rider, so that he survived the incident physically unharmed. The tracking system recording also confirms the driver's statement that he drove a circle after the incident to determine if the rider was injured.

After reviewing and assessing all the facts at hand, the Steward conclude that no offence was committed by the driver and therefore Decision No.14 should be revoked.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.

Uwe M. SCHMIDT
FIA Chairman of the Stewards

Jordi PARRO
FIA Steward

Ahmad JAN
ASN Steward

This decision was notified via SPORTITY to the competitor representative as below:

Name in block letters	Jean-Marc Fortin	Date	07.01.2022
Position in the team	Team Representative	Time	16.50 hrs

Published on the Digital Notice Board on 07.01.2022 at 16.55 hrs

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EL DERECHO DE REVISIÓN

Comisarios Deportivos

Decision: (1) Decision No. 14 of 5th of January is cancelled
(2) The Clerk of the Course is requested to delete the 5 hours time penalty of car # 207 in the result of Leg 2 and to create a new classification.
(3) No further action

Reason: The statement made by the driver regarding the matter in the hearing on 4th of January: Mr. de Villiers, explained: *"We have not heard any alarm signal from Sentinel. We do not doubt that we have received a signal. The problem is that the button for the Sentinel is located on the floor of the co-driver's side. During the Selective Section, the co-driver's feet jump back and forth and can easily, accidentally press the button. When we came over the dune, we saw the motorcyclist and I avoided him so as not to hurt him. At the bottom of the dune, we turned around to make sure that the rider was not injured. We didn't feel hitting the bike when we landed. Then we continued the Selective Section. We are very embarrassed that something like this happens. We apologise very much for this incident. We are also willing to compensate the cost to rebuild the bike."*

On 6th of January, ERTF checked the car # 207 to find a mal function of the SENTINEL system. According Mr. Alex Bernard, the findings were that the antenna was installed inside the car, which is the usual installation location to protect the antenna. The reception of a signal depends on the type of windscreen of the vehicle. In this case, Mr. Alex Bernard rates the signal strength as sufficient but not as optimum. He could not clearly confirm whether the received signal was actually sufficient to activate the alarm buzzer in the car.

ERTF is providing the Navigation system as well the car-to-car communication system and records all times of messages send between the competitors of the event.

MARLINK is the provider of the safety tracking system and records the exact route with the corresponding time driven by the respective participants. The Stewards received a diagram which shows the route taken by the motorbike and by the car with the related time on each of impulse.

Decisión: (1) Se anula la decisión N.º 14 del 5 de enero.
(2) Se solicita al Director de Carrera eliminar la penalización de 5 horas al coche #207 en el resultado de la Etapa 2 y crear una nueva clasificación.
(3) No adoptar acciones adicionales.

El 6 de enero, la ERTF revisó el coche #207 para encontrar un mal funcionamiento del sistema SENTINEL. Según el Sr. Alex Bernard, los resultados fueron que la antena estaba instalada en el interior del coche, que es el lugar de instalación habitual para proteger la antena. La recepción de la señal depende del tipo de parabrisas del vehículo. En este caso, el Sr. Alex Bernard califica la intensidad de la señal como suficiente pero no como óptima. No pudo confirmar claramente si la señal recibida era realmente suficiente para activar el timbre de la alarma en el coche.

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Comisarios Deportivos

08.01.44 La motocicleta se detiene, tras una duna.
08.01.57 La alarma es recibida por el coche #207.
08.01.59 El coche golpea la motocicleta.

Puede ser irrelevante que la tripulación haya oído o visto la señal de alarma porque evitar un obstáculo que no está en el campo de visión en 2 segundos parece casi imposible. A pesar del corto espacio de tiempo, el piloto pudo esquivar al motorista, por lo que salió físicamente ileso del incidente. La grabación del sistema de seguimiento también confirma la declaración del piloto de que dio una vuelta después del incidente para determinar si el motorista estaba herido.

Después de revisar y evaluar todos los hechos, los comisarios concluyen que el conductor no cometió ninguna infracción y, por lo tanto, la Decisión N.º 14 debe ser revocada.

The data from the tracking system, matched with the data of ERTF show the following chronological sequence of the accident (all mentioned times are UTC times, local time is +3 h):

08.01.44 The bike stops, behind a dune
08.01.57 the alarm received by car # 207
08.01.59 the car hits the bike

08.02.00 the second alarm signal received by the car
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 08.02.10 the alarm continues
 08.02.13 car # 207 leaving the scene
 08.02.15 the alarm in the car was deactivated

It may be irrelevant whether the drivers heard or saw the alarm signal but avoiding an obstacle that is not in the field of vision within 2 seconds seems almost impossible. Despite the short time span, the driver was able to avoid the rider, so that he survived the incident physically unharmed. The tracking system recording also confirms the driver's statement that he drove a circle after the incident to determine if the rider was injured.

After reviewing and assessing all the facts at hand, the Steward conclude that no offence was committed by the driver and therefore Decision No.14 should be revoked.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.

MUCHAS GRACIAS POR SU ATENCIÓN