



From The Stewards

Document N° 2.4

To The Driver and Co-Driver n. 36 Diogo Gago / Miguel Ramalho

Date 21 July 2018

DECISION N.3 OF THE STEWARDS

Time 17:00

No / Driver n. 36

Competitor Diogo Gago
Driver Diogo Gago licence FPAK 21717
Co-driver Miguel Ramalho licence FPAK 22189

Facts Following the receipt of the Steward decision nr 1, the competitor Nr 36 sent a request for reconsideration of the decision arguing on various elements. The Stewards decided to make additional investigations concerning this case.

Date July 21st 2018

Breach Article 9.16 of the FIA International Sporting Code, unauthorised substitution of one Competition for another

Decision

- The Steward decision Nr 1 is cancelled
- According to Art. 11.9 of ISC, the Stewards decide to penalise the Driver and the Co-Driver of car n. 36 by the withdraw of 10 points from the 2018 ERC3 Driver and Co-Driver Championships and to penalize the driver Diago Gago by the withdraw of 10 points from the 2018 ERC Junior U27 Championship.
- To withdraw all ERC, ERC 3 and ERC Junior U27 championship points for the driver Diogo Gago and the co-driver Miguel Ramalho. This sentence is suspended for the period of the 2018 FIA European Regional Rally Championship season and will come immediate binding if the competitor will repeat the same infringement again

According to Art. 9.16.2 the Stewards forward the case to Italian ASN ACI Sport, to Spanish ASN RFEDA as well as to Portuguese ASN, FPAK

Reasons

- The article 3.8.1 of 2018 FIA ISC clearly states that «an Entry compels the Competitor to take part in the Competition in which they have accepted to run, except in case of duly established Force Majeure». In the present case, Competitor Nr 36 sent on time a valid entry form for the Rally Roma Capitale and never withdrew it or presented any type of excuse for non participating to this rally. Consequently, he made an infringement to article 3.8.1 of ISC.
- According to Article 9.16 of ISC, the substitution of one competition by another is not authorised. In the present case, the driver and co-driver of car Nr 36 sent an entry form to Rally Roma Capitale and were also registered in a Spanish rally running in the same time as Rally Roma Capitale. This situation is consequently not authorised.



- When the competitor sent electronically on time his application for Rally Roma Capitale, he did not join the payment of entry fees and asked for a payment delay that was given to him by the organiser. Nevertheless, he never paid the entry fee to Rally Roma Capitale thinking that this non-payment would automatically withdraw him from the entry list referring to articles 3.12.1 and 3.16.1 of ISC. On the point of view of stewards, this understanding of these both articles by the competitor is much too restrictive as it is usual that payments of such fees land very late on organisers tables and/or organisers give special payment conditions.
- On top of this incorrect understanding of these 2 articles, there was also an incomplete process on organiser side regarding item 3.8.2 of ISC stating that «It also binds the Organiser to fulfil, for the Competitor, all the conditions upon which the entry was made». In other words, the Steward think that the organiser missed to send a formal confirmation and/or the list of entries to the competitor.
Nevertheless the organizer sent to all entered competitors, including n. 36 an email reminding them about elements that have to be presented at administrative checks. This email should have been understood by competitor n. 36 as an informal confirmation of entry.
- These are the reasons why the Stewards decided to cancel the decision Nr 1 that is replaced by the present decision.

Date and time of Decision: July 19th 2018 at 18:30

The competitor is reminded of his right to appeal as stipulated in 2018 FIA International Sporting Code and 2018 FIA Judicial and Disciplinary Rules.

Jean-Pierre Tardent
FIA Steward (Chairman)

Jaroslaw Noworol
FIA Steward

Claudio Etori
ASN Steward

Received by the Competitor :

Signature:

Date:-Time: