



**FIA World Endurance Championship
Round 6 - 8 Hours of Bahrain
2021 November 3rd 6th**

Decision No. 23

From: The Stewards

Date: 5 November 2021

To: AF Corse - car 51

Time (decision): 20:12 h

Competitor AF Corse - car 51

Session: 8 Hours Bahrain

PROTEST DECISION

On November 4h 2021 the Stewards of the Bapco 8h Bahrain received at 4pm from AF Corse a protest against the WEC_2021_D0041_LMGTE-BOP-BAHR8 and against the decision of the WEC Committee (WEC_2021_D0039_LMGTE-BOP-BAHR8 amended) dated October 28 2021. Without precisising which car could be concerned by this protest which is not in compliance with Article 13.4.1 of the International Sporting Code (ISC)

Moreover AF Corse Competitor entered in both competitions (6h of Bahrain & 8h of Bahrain) four different cars.

During the first hearing on the 4th of November at 9.50pm the Stewards mentioned this circumstance to the competitor.

At the second hearing (Summon No.2), held on the 5th of November at 11am, the competitor in a letter received by the stewards at 11:09 am precisised that the protest has been filled by AF Corse "only in it's capacity as competitor in the PRO-category of the FIA WEC (i.e. with respect to the car 51 & 52)". Due to this precision the competitor has to comply with 13.4.1

The Stewards decided (in decision No.3) advising the competitor to lodged 2 different protests, 1 concerning car 51, the other concerning car 52 as soon as possible and no later than 3pm of the same day (day being the 5th Nov 2021).

The competitor AF Corse submitted the 2 different protests at 2:21pm on the 5th Nov 2021.

By the present decision the panel of stewards will examine if the protest concerning Car 51 is admissible and founded.

Admissibility:

The Stewards reviewed the protest from the following perspective:

- Compliance with Article 13.2.1 of the International Sporting Code
- Compliance with Article 13.4.1 of the International Sporting Code
- Compliance with Article 13.4.2 of the International Sporting Code

- Compliance with Article 13.3.3 of the International Sporting Code

After the review of these provisions especially Article 13.2.1 concerning the protest against Handicap and aspects of "Admissibility" and having considered the circumstances covering the publication of the BoP decision "WEC_2021_D0041_LMGTE-BOP-BAHR8" the Stewards considered the logged protest submitted by AF Corse to be in conformity with the above-mentioned Articles of the ISC.

Reasons stated in the protest:

The competitor AF Corse claims that the publicized decisions (named in the competitor's protest as "Bahrain 1 BoP Decision" and "Bahrain 2 BoP Decision") circulated by WEC committee were "wrongfully set" (sic).

In support of this assertion the competitor supplied exhibits which are referred to as Annex 2a, Annex 2b and Annex 3 in the lodged protest.

- **Annex 2a:** Is a press release published by the FIA WEC Communications Department as of April 2017. The stewards considered that a Press Release cannot be treated as a binding regulation in the WEC
- **Annex 2b:** Is an exchange of email communications between FIA / ACO Technical Delegates and the considered manufactures discussing / clarifying the operational preceptive of Article 20 of the WEC Technical Regulations. The Stewards considered the competitor is not funded to claim this exchange of emails as a binding provision(s).
- **Annex 3:** (names "Table") who's author, date and efficiency stay uncertain.

Closure:

After reviewing the submitted Annex 2a and Annex 2b, The Stewards considered that Article 20 of the WEC Technical regulations is the only legally binding rule.

Article 20 of WEC Technical Regulation clearly states the WEC Committee is permitted to carry out any modifications which it may deem necessary at the absolute discretion of the WEC committee.

Nothing in this case permits the stewards to review the legality either of Article 20 of WEC Technical Regulations which is binding for the competitor as for the stewards, or the legality of the WEC committee decisions protested which have been taken in accordance with Article 20 of the WEC technical regulations.

In reference to Annex 2b the Stewards observed that during the factual exchange of email communication the WEC committee made several changes multiple times and carried out manual adjustments to the autoBoP. It is also observed that "the endurance committee still conserves at any moment the right to make any additional adjustment (Power, weight and Aero)". (reference to email from Nicolas Aubourg FIA technical delegate dated 28th November 2016)

Conclusion:

In consideration of Article 20 of WEC technical regulations being the relevant binding regulations which clearly states "the changes by the WEC Committee are not subject to protest or appeal".

Article 1.1 of the WEC Sporting regulations, General Provisions mentions

- "The decisions of the WEC Committee are taken in the last resort and thus cannot be appealed"

The Stewards decide to reject the protest of car 51.

And with reference to of Article 13.10.1 of ISC no part of the deposit will be returned.

In regard to Article 12.3.3.b and 12.3.4 the decision of the Stewards becomes immediately binding even in the event of an appeal. Which means the present decision will have an immediate effect even in case of appeal

from the competitor.

The Competitor is reminded of his right of Appeal under and in compliance with Article 16.1.6 of 24 Hours of Le Mans Supplementary Regulations, Article 15 of the International Sporting Code, and Article 9.1.1 of the FIA Judicial and Disciplinary Rules.



Jean-Francois
VEROUX
FIA Steward
(Chairman)



Yves
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Faisal
AL SHAFIE
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