



From October 20th to October 24th 2021

From The Stewards of the Meeting **Decision N° 12**
To The Competitor Representative
N°19 – COOL RACING

The Stewards, having received a report from the Technical Delegates (report n°03), summoned and heard the Team Representative from COOL RACING and the manufacturer representative Mr François Letort, determine that a breach of the regulations has been committed by the manufacturer named below and impose the penalty referred to.

Competitor N. 19 COOL RACING
Time Post Free Practice 2 checks
Facts Car is not in compliance with the homologation form (exhaust silencer weight).
Offence Alleged breach of Article 1.3.3 of 2021 ELMS Sporting Regulations.
Penalty No further action

ELMS Stewards
Log N° 28

Reasons The exhaust silencer in the above facts are not complying with the homologation form because the weight is above the homologated weight.

The Stewards concluded that not complying the homologation is an infringement of the sporting and technical regulation. It is to the competitor to ensure that its car is always in conformity (art 1.3.3 ELMS Sporting Regulations) and the competitor is also answerable for its supplier's compliance with the provisions of the sporting and technical regulations.

According to Art 12.1.1.a of the ISC offences or infringements are punishable whether they were committed intentionally or through negligence.

In case of a breach of the obligation of compliance, a competitor's responsibility is causal. A sanction must be pronounced against it even in the absence of fault, and this sanction is, in principle, disqualification according to the jurisprudence in the past.

Nevertheless, the International Court of Appeal has already deemed in the past that in "exceptional circumstances", the objective responsibility of a competitor for a case of non-compliance of its car can lead to a less severe sanction than disqualification. According to the jurisprudence, clerical errors or mistakes in the homologation document can constitute "exceptional circumstances".

The Stewards concluded that, in view LIGIER AUTOMOTIVE took the responsibility in this case and LIGIER AUTOMOTIVE must be considered as participant of the Competition (see Stewards Dec n°11), these exceptional circumstances exist. Consequently, no penalty is necessary.

The Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Art.15 of the FIA International Sporting Code, within the applicable time limits.

Tomáš Kunc
Chairman

Pierre Pelosi
Int. Steward

Rui Marques
ASN Steward

Date 23 October 2021 **Time** 14h58

Received by the Competitor

(Signature)

Copy to:
The Competitor
The ELMS Race Director
The Clerk of the Course
The Secretary of the Meeting
The Press Delegate
The Timekeepers
The Official Notice Board

Time 15:52 **Date** 23/10/21

POSTED
at: 16 h 00 m