

FIA WORLD ENDURANCE CHAMPIONSHIP
Round 1 – TOTAL 6 Hours of Spa-Francorchamps
2018 May 2nd to 5th

FIA Stewards
Log N° 48

From The Stewards of the Meeting
To The Manufacturer Representative
MICHELIN – Mr. Jerome Mondain

Decision N° 20

POSTED
at: 14 h 30

The Stewards, having received a report from the Technical Delegate (Report Nr. 1) having examined all documents, summoned and heard the event participant concerned, Mr. Jerome Mondain on behalf of MICHELIN, tyre manufacturer, have considered the following matter, and determine the following:

Event participant MICHELIN Company, known as MICHELIN Motorsport, Société en commandite (RCS Clermont Ferrand 855 200 507, Place des Charmes – Dechaux Clermont Ferrand 63040, France)

Time WEC 2018-2019 – TOTAL 6 Hours of Spa

Facts Lack of supply the number of tyres in duly specifications mentioned in the WEC 2018-2019 Sporting Regulations

Offence Breach of Art. 7.7.2 of WEC Sporting Regulations

Penalty 250.000 € Fine for Spa event payable as follows:
50.000 € with immediate and definitive effect
200.000 € suspended if the missing quantity of tyres is delivered at the latest 24 hours before the 2018 24h of Le Mans (see below the implementing rules of the condition)

Procedure The event participant has been summoned (Doc Nr.17, summon 1) and granted a hearing in presence of the FIA Technical Delegate Mr. Manuel Leal and ACO Mr. Thierry Bouvet.
The hearing was suspended (Doc.21, Dec.9) and resumed on Friday, 4th at 09:30h in presence of the same participants.

Reason

1-Rule :Art 7.7.2 WEC regulations

The technical delegates explain that in order to ensure the stability all the season long of tyre specifications declared, a certain number of tyres supplied by the tyres manufacturers concerned has to be collected 24 hours before the first event (of each season (in this case it is SPA event)). These collected tyres are intended to be randomly reintroduced during this season at the technical delegates discretion.
Before SPA event Michelin company didn't supply the number of tyres in accordance with the above-mentioned article.
(see Doc n°4: letter of MICHELIN dated 2nd of May 2018);

2-Tyres manufacturers as Participants:

Under article 1.3 WEC sporting regulation the tyre manufacturers are considered as event participants in accordance with article 1.3 of the International Sporting Code and must comply with the spotting rules.

Therefore it is responsibility of tyre manufacturers to provide the numbers of tyres following the conditions described by the regulations .

3-Michelin:

a) During the hearing Michelin explains having always disagreed with the adoption by the FIA of the rule of ART 7.7.2.
He regrets he was never heard by the sporting authorities. But it appears the tyre manufacturers have been invited to the sporting working group held the 24th of october 2017. Although he was invited Michelin did not attend this Sporting working group, unlike Dunlop represented by Mr Bazelin who informed Mr Mondain about the orientation of the working group. The Endurance Commission held in Geneva the 9th November 2017 in presence of Mr Bazelin as Tyres manufacturer representative adopted the proposal of the SWG about the Tyres collection and reintroduction. The 2018-2019 WEC Sporting Regulations were published on the 4th december 2017 and sanctioned by the World Council on the 6th of December 2017.
Although he is not judge of the legality of the sporting rule the Stewards nonetheless observes the rule of art 7.7.2c) has been adopted by the usual FIA rule.

b) the Michelin representative thereafter explains this rule exposes the manufacturers to constraints of production.
As he recognizes to have been informed of the change of the rule from october 2017 and that the daily production of tyres is at least 120 types per day (60 tyres per day and per machine with at least 2 machines), the 720 missing tyres could be produced in one week or two.

W B M.

The stewards consider the circumstances related to production constraints can not be considered as case of force majeure as defined by the Sporting Code, in addition that the Michelin commercial strategy of increasing its market share on the WEC grid (2017:13 cars; 2018 32 out of 35) is inconsistent with the alleged production constraints.

Considering the above the stewards consider there is a breach of art 7.7.7.2 c) of WEC sporting regulations by Michelin, as supplier and Event participant of the WEC, responsible for delivering the products (that is to say tyres) in accordance with the applicable sporting regulations which they shall adhere (art 1.3)

Penalty motivation:

This breach of regulation compromises the sporting equity and fairness of the all WEC super season, as the stability of the different tyre specifications delivered by MICHELIN will not be guaranteed in the future.

Consequently the stewards order for SPA event a fine of 250.000 € payable by MICHELIN -50000€ firm -and 200.000€ suspended until the delivery by MICHELIN at the latest 24 hours before the 2018 Le MANS 24H Event, of the missing tyres in order to fully comply with the provisions of art 7.7.7.2c) of WEC sporting regulation. If the missing tyres are delivered by MICHELIN fulfilling these conditions the balance of 200000€ fine will not be payable.

The Participant is reminded of his right of Appeal under and in compliance with Art. 4.11.2 b of the Sporting Regulations, Article 14 of the International Sporting Code, and Art. 12 of the Judicial and Disciplinary Rules of the FIA.

We remind you that it has to be paid to the FIA 48 hours as from the present notification. (cf. Article 12.7 of FIA International Sporting Code) on the following bank account with specified motive on your transfer:

FIA
8, Place de la Concorde
75008 Paris (France)


Crédit du Nord
50, rue d'Anjou
F-75008 PARIS

Owner of the account : FIA
Code IBAN: FR 76 3007 6020 2025 3680
0020 034
Code: Swift : NORDFRPP

Date: 05 May 2018

Time: 13:53


Jean-François VEROUX
Chairman


Michael SCHWÄGERL
FIA Steward


Yves BACQUELAINE
ASN Steward

Received by the Competitor:

Name: TOND AIN

Signature 

Time 14:18

Date 05/05/2018

Copy to: The Competitor
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