

2021 HUNGARIAN GRAND PRIX

29 July - 1 August 2021

From	The Stewards	Document	66
To	The Team Manager, Aston Martin Cognizant F1 Team	Date	09 August 2021
		Time	18:55

Title Decision - Aston Martin - Right of review

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Decision: The Stewards hereby dismiss the Competitor's Petition for a Review under Art. 14 of the FIA International Sporting Code (ISC).

Procedure: The Stewards received a Petition for a Right of Review under Art. 14 of the ISC on 4 August 2021. This was within the 14 calendar days specified within Art. 14.4.1 of the ISC.

A hearing by video conference was held at 15:00hrs CEST with the following persons in attendance:

Aston Martin Cognizant F1 Team
Otmar Szafnauer Team Principal & CEO
Andrew Green Chief Technical Officer
Andy Stevenson Sporting Director

FIA
Michael Masi Formula One Race Director
Nikolas Tombazis Single Seater Technical Director
Tim Goss Deputy Head of Technical Matters
Cedrik Staudohar F1 Data Analyst

The Stewards then deliberated via video conference and rendered this decision.

Reasons: The Competitor provided the Stewards with a letter dated 4 August 2021 with Appendices setting out its arguments in support of the Petition. Appendix 2 consisted principally of what the Competitor alleged to be "*New Evidence*" for the purposes of Art.14.

Art. 14 states as follows:

*"14.1.1 If, in Competitions forming part of an FIA Championship, cup, trophy, challenge or series, or of an international series, a **significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned**, the stewards who have given a ruling or, failing this, those designated by the FIA, may decide to re-examine their decision following a petition for review"* [emphasis added]

The Stewards must accordingly first determine that what is being presented as new evidence:

- i) is "*a new element*";
- ii) is "*significant*" and "*relevant*";
- iii) is "*discovered*" (as opposed to created); and
- iv) was "*unavailable*" to the Competitor at the time of the decision.

Using this criteria, the Stewards determined the following:

a) Summary of Aston Martin's own Post Race Analysis

The alleged "*New Evidence*" was derived from analysis of more than 100 channels of fuel system related data. It concludes that there was a fuel system failure in Car 5. As a result of the loss of fuel cell pressure, the air pump in the fuel cell activated a maximum output. By pumping air through the fuel cell, a significant amount of fuel was inadvertently discharged from the fuel cell of Car 5. As a result of that, it was only possible to obtain a 0.3 litre sample of fuel, significantly less than the volume that was expected to have remained. Failure of the Fuel Cell Pressure relief valve to seal is the prime suspect but any leak path from the fuel cell would have caused the loss of fuel pressure and resulted in the loss of fuel.

b) Is there a "*new element*"?

Whether what was presented to the Stewards was a "*new*" element depends on whether the term "*new*" is applied to the telemetry data itself or to the possibility of analysing and interpreting the figures. The telemetry data itself was available immediately after the race. However, Aston Martin has admitted that a careful analysis, interpretation and evaluation of this data was only possible significantly later because of the sheer volume and complexity.

In any case, the analysis carried out by Aston Martin brought a new element to light, namely the conclusion that there was a fuel system failure which would have resulted in the ejection of fuel during the race.

c) Is the new element "*significant and relevant*"?

To determine the "*relevance*" of the presented evidence, the course of the previous procedure should be briefly recalled. According to Art. 6.6.2 F1 Technical Regulations, it is necessary that at any time, i.e. also at any point in time after the race, a 1 litre sample of fuel may be taken from the car. However, it is a fact and accepted by Aston Martin that only 0.3 litres could be pumped out of Car 5 after the race.

At the first hearing on August 1, 2021, Aston Martin stated that, according to their calculations using the Fuel Flow Metre (FFM) and taking into account the amount filled into Car 5 before the race, there should have still been 1.44 litres in the tank. However, as Aston Martin now explain, an analysis of various data carried out after August 1, 2021 showed that there was actually less than 1 litre remaining at the end of the race due to an initially unnoticed malfunction in the fuel system.

In the original decision, the Stewards only assumed the fact that there was not enough fuel in the tank. The question of what caused that situation was left out of consideration. Art. 6.6 in its entirety and Art. 6.6.2 of the F1 Technical Regulations unequivocally calls for a remaining amount of 1 litre and does not allow any exceptions under which circumstances or for what reasons it could be dispensed with.

Therefore, for the assessment of whether or not the 1-litre requirement was broken, it does not make a difference why there was less than 1 litre. There may be a couple of explanations why at the end of a race the remaining amount is insufficient. In any case, it remains the sole responsibility of the Competitor to ensure that the car is in conformity with the regulations all times (Art. 3.2 FIA International Sporting Code) and it shall be no defence to claim that no performance advantage was obtained (Art 1.3.3 FIA International Sporting Code).

In order to be able to affirm a “*relevant*” fact, Aston Martin would have had to present facts that actually more than 1 litre of fuel was remaining. The explanation why this requirement could not be met is not relevant to the decision as to whether a breach of the regulations has occurred.

d) The purpose of Art. 6.6.2 of the Formula 1 Technical Regulations

The Stewards do not accept Aston Martin’s reference to examples of decision making by the FIA where the approach has reflected compliance with the purpose, but not the wording of the Sporting and/or Technical Regulations. These are different cases where for instance car accident damage results in replacing parts or adding weight due to the loss of parts during the race. As long as such exemptions are not mentioned expressively in the written regulations, the Stewards have to follow the wording.

Based upon these points a right of review as detailed in Article 14 of the ISC must be denied for reasons of admissibility.

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