

# DECISION

Protest and Request for Redress

Request No.: 12

Heard Jointly With Number(s): 15, 18

Event: 2024 Formula Kite European Championships Race Number: 9  
Hearing Schedule: 2024-03-21 17:50

## PARTIES AND WITNESSES

**Request No.: 12:** Kitefoil - Men - 100 - Louis Garino  
Formula Kite - Male - USA 41 - Adam Keaton

**Request No.: 18:** Formula Kite - Men - USA 41 - Adam Keaton  
Formula Kite - Men - FRA 100 - Louis Garino

**Request No.: 15:** Kitefoil - Men - 100 - Louis Garino  
Formula Kite - Male - ESP 40 - Marcelo Cairo

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** N/A

**Decision:** Request Valid

## PROCEDURAL MATTERS

1. Hearings No. 15 and 18 were heard together with Hearing No. 12 in accordance with RRS 63.2 since all hearings arose from the same incident.
2. FRA 100 and USA 41 provided photographic evidence.
3. FRA 100 provided tracking evidence.
4. ESP 40 provided video evidence.
5. Roman Liubimtsev, coach of USA 41, and Julien Gayraud, coach of FRA 100, attended the hearing as observers.
6. Lysa Caval (FRA 136), attended the hearing as a translator for FRA 100.

## FACTS FOUND

1. Wind 20-25 knots, small chop.
2. FRA 100, ESP 40 and USA 41 were sailing downwind towards mark 4 to be left to starboard.
3. FRA 100 was sailing on starboard tack, 60 meters clear ahead and slightly to leeward of USA 41 also on starboard tack.
4. ESP 40 was sailing on port tack, on a collision course with FRA 100.
5. When ESP 40 was 25-30m from FRA 100 and about 30m from mark 4, FRA 100 raised her kite and luffed, but 5 seconds later there was contact between ESP 40's kite and FRA 100's port lines.
6. ESP 40's competitor fell into the water.
7. FRA 100's competitor also fell into the water and her hull was separated from the competitor by about 10m to windward.
8. At that time, USA 41 was 40m clear astern of FRA 100 and on a collision course with FRA 100's kite.
9. USA 41 luffed and about 3 seconds later contact occurred between USA 41's appendages and FRA 100's hull and appendages.
10. There was damage on FRA 100: a 6cm crack on her mast's trailing edge, a 3cm crack on her mast's leading edge and a cut on her hull.
11. There was also damage on USA 41: a 5cm crack on her front-wing's leading edge, a 4cm scratch on her mast's port side and a 4cm crack on her mast's leading edge.
12. There was no injury, capsize or tangle.
13. At the time of the incident USA 41 was in 24th place.
14. USA 41 & ESP 40 did not take a penalty.

15. ESP 40 finished race Q9.
16. FRA 100 retired from race Q9.
17. FRA 100 did not sail in race Q10, because her equipment required repairs. FRA 100 sailed in races Q11 and Q12 with replaced equipment.
18. USA 41 finished race Q9 in 23rd place.
19. USA 41 sailed in races Q10 to Q12 with her damaged equipment.

**Diagram:** Diagram not endorsed

#### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 10, 14, F2.22.2, 43.1(a), 62.1(b)

1. ESP 40 on port tack failed to keep clear of FRA 100 on starboard tack and broke RRS 10.
2. ESP 40 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. While recovering, FRA 100 failed to keep clear of USA 41 who was not recovering, and broke RRS F2.22.2.
4. Since FRA 100 was compelled to break RRS F2.22.2 as a consequence of ESP 40 breaking RRS 10 and 14, she is exonerated under RRS 43.1(a) for this breach.
5. It was not reasonably possible for FRA 100, the right-of-way kiteboard, to avoid contact with ESP 40 when it was clear that ESP 40 was not keeping clear. FRA 100 did not break RRS 14.
6. It was not reasonably possible for FRA 100 to avoid contact with USA 41. FRA 100 did not break RRS 14.
7. It was not reasonably possible for USA 41, the right-of-way kiteboard, to avoid contact with FRA 100 when it was clear that FRA 100 was not keeping clear. USA 41 did not break RRS 14.
8. FRA 100's score in race Q9 and Q10 was made significantly worse through no fault of her own by physical damage because of the action of ESP 40 that was breaking RRS 10 and 14 and was penalized.
9. USA 41's score in race Q9 to Q12 was made significantly worse through no fault of her own by physical damage because of the action of ESP 40 that was breaking RRS 10 and 14 and was penalized.

#### DECISION

**Date & Time:** 2024-03-21 19:36 CET

1. ESP 40 is DSQ in race Q9.
2. Redress is given to FRA 100. FRA 100 is to be scored in races Q9 and Q10 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races Q1 to Q12, except races Q9 and Q10. No other kiteboard's score shall change.
3. Redress is given to USA 41. USA 41 is to be scored in races Q9 to Q12 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races Q1 to Q8, but not worse than her finishing position in race Q9. No other kiteboard's score shall change.

#### PROTEST COMMITTEE

**Committee Type:** International Jury

**Chaired By:** Finn Mrugalla (GER)

**Committee Members:** Adrian Bauder (SUI), Francisco Vidal (ESP), César Sans (ESP), Marios Zisimatos (GRE)

Printed: 22 Mar 19:23