

# DECISION

Request No.: 16

## Protest

Event: 2024 Formula Kite European Championships Race Number: Q10  
Hearing Schedule: 2024-03-21 19:25

### PARTIES AND WITNESSES

**Request No.: 16:** Formula Kite - Male - POR 84 - Tomas Pires De Lima

Formula Kite - Male - FRA 99 - Anil Garnier

**Witnesses:** Jacobo Espí 39

### 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. Jacobo Espi Vano (ESP 39) provided evidence as a witness for POR 84.
2. During the hearing the protest committee clarified in accordance with RRS 64.1(c) that the hearing request was not only a protest but also a request for redress and proceeded with it accordingly.
3. The panel of the International Jury was composed in accordance with RRS N1.4(b).

### FACTS FOUND

1. The conditions at the time of the incident at the end of the second upwind in race Q10 of the blue fleet were 20-25 knots of wind and flat water.
2. FRA 99 was sailing on starboard tack and rounded mark 1 15m clear ahead of POR 84 who was also sailing on starboard tack.
3. Five meters after rounding the mark, FRA 99 crashed, the competitor fell into the water and she put her kite to 12 o'clock.
4. Immediately after, POR 84 also lifted her kite and luffed sharply.
5. Three seconds after FRA 99 had crashed, contact occurred between the kites of POR 84 and FRA 99, causing them to fall into the water and get entangled.
6. The competitors of POR 84 and FRA 99 were swimming in the water and managed to untangle their kites but were not able to relaunch their kites.
7. After untangling, POR 84 was in 16th place.
8. The structure, batten pockets, canopy and bridle of POR 84's kite were damaged; no damage occurred to FRA 99.
9. POR 84 and FRA 99 retired from race Q10 and were rescued by their coaches.
10. POR 84 did not sail races Q11 and Q12 because she did not have another kite of same size band.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 14, F2.22.2, F4.44.1(b) 62.1(b), 64.2(a), F5.64.2(c), N1.4

1. While recovering, FRA 99 failed to keep clear of POR 84 who was not recovering, and broke RRS F2.22.2.
2. FRA 99 did not avoid contact with POR 84 when it was reasonably possible, and broke RRS 14.
3. Since FRA 99 caused serious damage and a tangle by her breach, by retiring she took an applicable penalty, as required by RRS F4.44.1(b).
4. It was not reasonably possible for POR 84, the right-of-way kiteboard, to avoid contact with FRA 99 when it was clear that FRA 99 was not keeping clear. POR 84 did not break RRS 14.
5. POR 84's score in races Q10, Q11 and Q12 was made significantly worse through no fault of her own by physical

damage because of the action of FRA 99 that was breaking RRS F2.22.2 and took an appropriate penalty. Therefore, the requirements for redress in RRS 62.1(b) are met.

## DECISION

Date & Time: 2024-03-21 20:18 CET

1. The protest is upheld. Since FRA 99 took an applicable penalty, she is not further penalized under RRS 64.2(a). However, the incident is counted to determine the number of tangles the kiteboard has caused during the event under RRS F5.64.2(c).
2. Redress is given to POR 84. POR 84 is to be scored in races Q10, Q11 and 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 Q9. No other kiteboard's score shall change.

## PROTEST COMMITTEE

**Committee Type** International Jury

**Chaired By:** Marios Zisimatos (GRE)

**Committee Members:** Finn Mrugalla (GER), Francisco Vidal (ESP)

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