

# DECISION

Request No.: 07

## Protest and Request for Redress

Event: 2024 Formula Kite European Championships Race Number: 8  
Hearing Schedule: 2024-03-20 15:15

### PARTIES AND WITNESSES

Request No.: 07: Formula Kite - Female - ESP 151 - Gisela Pulido Borrell

Formula Kite - Female - BRA 129 - Maria Do Socorro Reis

### 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

ESP 151 provided video and photographic evidence.

### FACTS FOUND

1. The conditions at the time of the incident were 10-13 knots of wind and flat water.
2. Before the starting signal of race Q8, ESP 151 and BRA 129 were approaching the starting line on a close-hauled course on starboard tack with BRA 129 being overlapped to windward at a distance of 5 m between the hulls.
3. Three seconds before the starting signal, BRA 129 and ESP 151 simultaneously lowered their kites.
4. When doing so, contact occurred between the trailing edge of BRA 129's kite and the starboard bridles of ESP 151's kite, not resulting in any damage or tangle.
5. After the contact, ESP 151 slowed down and became clear astern of BRA 129.
6. ESP 151 regained speed and five seconds after the first contact, a second contact occurred between the trailing edge of BRA 129's kite and the starboard bridles of ESP 151's kite.
7. Three starboard bridles of ESP 151 broke; no damage occurred to BRA 129.
8. The competitor of BRA 129 fell into the water while ESP 151 continued sailing.
9. BRA 129 recovered, did not take any penalty and finished in 19th place.
10. ESP 151 retired from race Q8.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 11, 12, 14, F4.44.1, 62.1

1. At the time of the first contact, BRA 129 to windward failed to keep clear of ESP 151 to leeward, and broke RRS 11.
2. At the same time, BRA 129 did not avoid contact with ESP 151 when it was reasonably possible, and broke RRS 14.
3. At the same time, it was not reasonably possible for ESP 151, the right-of-way kiteboard, to avoid contact with BRA 129 when it was clear that BRA 129 was not keeping clear. ESP 151 did not break RRS 14.
4. Since there was reasonable doubt that ESP 151 and BRA 129 were overlapped when the second contact occurred, it is presumed that they were not, in accordance with RRS F Definition Clear Astern and Clear Ahead; Overlap.
5. At the time of the second contact, ESP 151 clear astern failed to keep clear of BRA 129 clear ahead, and broke RRS 12.
6. At the same time, ESP 151 did not avoid contact with BRA 129 when it was reasonably possible, and broke RRS 14.
7. At the same time, it was not reasonably possible for BRA 129, the right-of-way kiteboard, to avoid contact with ESP 151 when it was clear that ESP 151 was not keeping clear. BRA 129 did not break RRS 14 at the time of the second contact.
8. ESP 151 took an applicable penalty under RRS F4.44.1 by retiring.
9. ESP 151's score in race Q8 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

**DECISION****Date & Time:** 2024-03-20 16:47 CET

1. BRA 129 is DSQ in race Q8.
2. Since ESP 151 took an applicable penalty, she is not further penalized under RRS 64.2(a).
3. Redress is not given.

**PROTEST COMMITTEE****Committee Type:** International Jury**Chaired By:** Adrian Bauder (SUI)**Committee Members:** Marios Zisimatos (GRE), Francisco Vidal (ESP), César Sans (ESP), Finn Mrugalla (GER)**Printed:** 21 Mar 12:14