

**Protest**

Event: BPER Banca Crotona Carnival Race - 1° Optisud 2024 Race Number: 7  
Hearing Schedule: 2024-02-13

**PARTIES AND WITNESSES**

**Request No.: 14:** Optimist - Silver - Mlt 191 - Zak Muscat

Optimist - Silver - ita 8643

**Witnesses:** Luca Giaquinta

**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**

Giuseppe Gentile, member of International Jury acted as a translator.

Maria Rodriguez Barreda and Mariana Lombardo (coaches) attended the hearing as observers.

Luca Giaquinta, RO from the pin-end vessel, gave his testimony.

**FACTS FOUND**

1. Just before the start, MLT 191 on starboard below close-hauled near the pin end of the starting line.
2. ITA 8643 on port close-hauled on converging course with MLT 191.
3. MLT 191 luffed when ITA 8643 bow was at a distance of about 0,5 m from her port side.
4. ITA 8643 luffed, tacked and established leeward overlap.
5. Contact occurred between the must-end of the sprit of ITA 8643 and MLT 191 sail.
6. Contact tore the MLT 191 sail just above the lowest batten. The rip on the sail was approximately 30 cm.
7. MLT 191 retired from race no. 8 and didn't sail in race no. 9.
8. ITA 8643 retired from race no. 8 and raced in race no. 9.

**Diagram:** Diagram not endorsed

**CONCLUSIONS AND RULES THAT APPLY**

**Rules:** RRS 11, 14, 15, 43.1(a) and 62.1(b)

1. When ITA 8643 acquired right of way through her own actions, failed to initially give MLT 191 room to keep clear, and broke RRS 15.
2. MLT 191 to windward failed to keep clear of ITA 8643 to leeward, and broke RRS 11.
3. ITA 8643 did not avoid contact when it was reasonably possible and broke RRS 14.
4. It was not reasonably possible for MLT 191, the boat sailing within the room to which she was entitled to avoid contact with ITA 8643 when it was clear that ITA 8643 was not giving room. MLT 191 did not break RRS 14.
5. Since MLT 191 was compelled to break RRS11 as a consequence of ITA 8643 breaking RRS 15, she is exonerated under RRS 43.1(a) for this breach.
6. MLT 191's score in races 8 and 9 was made significantly worse through no fault of her own by physical damage because of the action of ITA 8643.
7. ITA 8643 broke a rule of Part 2 and took an appropriate penalty by retiring from the race. Therefore, the requirements for redress in RRS 62.1(b) are met.

**DECISION****Date & Time:** 2024-02-13 16:30 CET

Protest is upheld. ITA 8643 took appropriate penalty and is no further penalized.

Redress is given to MLT 191. MLT 191 is to be scored in races 8 and 9 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races 6 and 7 (rest of the races in final series). No other boat's score shall change.

**PROTEST COMMITTEE**

**Committee Type** Protest Committee

**Chaired By:** Jesper Wilken (DEN)

**Committee Members:** Giuseppe Gentile (ITA), Uros Zvan (SLO), Giacinto Tesoriere (ITA), Ewa Szyfter (POL)

**Printed:** 13 Feb 18:55