

# DECISION

Request No.: 22

## Protest

Event: Sailing Point Easter Regatta Race Number: before race 6  
Hearing Schedule: 2023-04-08 18:45

### PARTIES AND WITNESSES

**Request No.: 22:** Optimist - Junior - GER 13397 - F - Hannah Glawe

Optimist - Cadet - ITA 8861 - M - Christian Miglioli

**Witnesses:** GER 13632

**Interpreters:** Joshua Camilli (ITA Coach)

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**Decision:** Request Valid

### PROCEDURAL MATTERS

Arbitration not appropriate

### FACTS FOUND

1. GER 13397 was sailing on port tack on a run about a minute before the warning signal of a race all boats intended to sail in.
2. ITA 8861 was sailing on port tack overlapped to leeward of GER 13397 about level.
3. ITA 9462 was sailing on starboard (having just gybed) tack overlapped to windward of GER 13397 and again level.
4. ITA 9462 luffed sharply.
5. All boats collided almost immediately.
6. ITA 8861 as a result of the collision was spun and the bow hit the bow of GER1337 causing damage
7. The damage was 3x2 cm cracking on the bow.
8. ITA 8861 retired from the race nearest in time.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 16.1 14. Preamble to part 2. 43.1(b)

1. The damage was not serious.
2. Since all boats were not racing but were sailing in or near the racing area and intended to race, and there was no injury or serious damage, the preamble to RRS Part 2 applies.
3. When changing course, ITA 9462 the right-of-way boat failed to give GER 13397 and ITA 8861 room to keep clear and broke RRS 16.1.
4. ITA 9462 did not avoid contact when it was reasonably possible and broke RRS 14.
5. GER 1339 and ITA 8861 on port failed to keep clear of Y on starboard, and broke RRS 10.
6. Since GER 1339 and ITA 8861 broke RRS a rule of Section A while they were sailing within the room to which they were entitled, they are exonerated under RRS 43.1(b) for this breach.
7. It was not reasonably possible for GER 13397 or ITA 8861 the boats sailing within the room to which they were entitled to avoid contact with ITA 9462 when it was clear that ITA 9462 was not giving room. GER 13397 and ITA 8861 did not break RRS 14.
8. ITA 8861 was unable to give room to GER 13397 which was overlapped inside at the obstruction (when created) from the time the overlap began, and did not break RRS 19.2(b).

### DECISION

Protest Upheld. ITA 9462 was not a party and cannot be penalised in any event.

Date & Time: 2023-04-08 19:08 CEST

Since the provision of the preamble to RRS Part 2 applies, no penalty can be imposed in the absence of serious damage.

**PROTEST COMMITTEE**

**Committee Type** International Jury

**Chaired By:** Cristian Tabacu (ROU)

**Committee Members:** Michael Butterfield (GBR), Joep Straus (BEL)