

DECISION

Request No.: 03

Protest and Request for Redress

Event: BPER Banca Crotona Carnival Race - 1° Optisud 2024 Race Number: 2
Hearing Schedule: 2024-02-10 17:35

PARTIES AND WITNESSES

Request No.: 03: Optimist - Juniors - ITA 9140 - Gonnella Elena Maria
Optimist - Juniors - 198 - DIAGGELAKIS CHRISTOS

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. Giuseppe Gentile – Jury member acted during the hearing as interpreter for ITA 9140.
2. Coach of ITA 9140 Alessandro Barberini attended the hearing as an observer.
3. Coach of GRE 198 Nikolakis Konstantinos attended the hearing as an observer and translator.
4. GRE 198 arrived to the hearing at 17:43, without reason, while hearing started at 17:35. There was no good reason to restart the hearing. GRE 198 was allowed to attend to the rest of the hearing.

FACTS FOUND

Weather condition: 14kts, choppy seas.

1. ITA 9140 and GRE 198 on the run, both starboard sailing towards mark 3p.
2. Boats entered the zone with ITA 9140 clear astern, approximately half boat length behind and half boat length to the leeward of GRE 198.
3. There was a boat clear ahead of GRE 198.
4. GRE 198 gybed to port to give mark room, luffed sharply away from the mark and lost control of the boat.
5. ITA 9140 bore away promptly, gybed, luffed and capsized.
6. A contact occurred between GRE 198 left side of the bow and middle of ITA 9140 starboard side.
7. No injury, no damage.
8. GRE 198 took a two-turns penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS: 10, 14, 43.1(a), 62.1(b), 64.2(a)

1. GRE 198 entitled to mark room, failed to keep clear and broke RRS 10 while she was not sailing within that room.
2. GRE 198 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Since RRS 44.1(b) did not apply, GRE 198 took an applicable penalty by taking a Two-Turns Penalty.
4. Since ITA 9140 was compelled to break RRS 14 as a consequence of GRE 198 breaking RRS 10, she is exonerated under RRS 43.1(a) for this breach.
5. There was no injury or physical damage because of the action of the GRE 198. Therefore, the requirements for redress in RRS 62.1(b) are not met.

DECISION

Date & Time: 2024-02-10 18:11 CET

Protest is upheld. Since GRE 198 took an applicable penalty, she is not further penalized under RRS 64.2(a).

Redress is not given to ITA 9140.

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Uros Zvan (SLO)

Committee Members: Giuseppe Gentile (ITA), Jesper Wilken (DEN), Enrico Milano (ITA), Ewa Szyfter (POL)