

DECISION

Protest and Request for Redress

Request No.: 41

Heard Jointly With Number(s): 45

Event: 2019 Formula Kite European Championships Race Number: F8

Hearing Date: 2019-09-29

PARTIES AND WITNESSES

Request No.: 41: Formula Kite - Male - POL 31 - Arkadiusz Kusalewicz

Formula Kite - Male - BUL 27 - Chavdar Aleksandrov

Request No.: 45: Formula Kite - Male - THA 51 - Whatcharpong Juntham

Formula Kite - Male - POL 31 - Arkadiusz Kusalewicz

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

FACTS FOUND

1. POL 31 and BUL 27 were sailing on starboard fetching mark 1
2. THA 51 was sailing clear astern of POL 31
3. BUL 27 was sailing lower and ahead than POL 31, there was contact between BUL 27 and another kiteboard ahead of her, and she lifted her kite clear ahead of POL 31.
4. There was contact between the kites, POL 31 fell in the water and lost control of her kite
5. THA 51 continued sailing on close hauled and 5 seconds later, there was contact and tangle occurred between the kites of THA 51 and POL 31
6. BUL 27 took a penalty on the run, after rounding mark 1
7. POL 31 and THA 51 did not finish the race
8. There was no damage or injury

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

BUL 27, clear astern, did not keep clear of a kiteboard clear ahead, breaking rule 12 and 14

BUL 27, right of way, changed the position of her kite without giving room to POL 31 to keep clear, breaking rule 16.1 and 14

BUL 27 did not take a One-Turn Penalty as soon as possible after the incident as required by rule 44.2, therefore she did not take the appropriate penalty for her breaches

Although it was possible, THA 51 did not avoid POL 31 that was capsized, breaking rule 23.1 and 14

It was not reasonably possible for POL 31 to avoid the contact, therefore she did not break rule 14

The score of POL 31 was made significantly worse in race F8 through no fault of her own by a tangle caused by the action of a kiteboard that was breaking a rule of part 2

DECISION

BUL 27 is DSQ in race F8

THA 51 is RCT in race F8

POL 31 is given redress in race F8 and will be scored points equal to the average of her scores in the other races of the day rounded to the nearest tenth of a point (0.05 to be rounded upward). This shall not change the score of the other kiteboards.

Date & Time: 2019-09-29 17:45 CEST

PROTEST COMMITTEE

Chaired By: Anastazja Lewandowska (POL)

Committee Members: Paco Quinonero (ESP), Marina Psychogiou (GRE) Mirco Babini (ITA) Giorgio Bttinelli (ITA)