

DECISION

Request No.: 01

Protest

Event: 41 Copa del Rey MAPFRE Race Number: 2
Hearing Schedule: 2023-08-01 18:30

PARTIES AND WITNESSES

Request No.: 01: ORC 1 - España ESP7396 - BLUE CARBON - GUIU TONI

ORC 1 - Italia GBR6255N - LISA R - GIOVANNI DI VINCENZO

Witnesses: Daguet

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Yes

Decision: Request Valid

PROCEDURAL MATTERS

1. Juan Carlos Oliva, tactician, attended the hearing representing ESP 7396.
2. Francesco Bertone, tactician, attended the hearing representing GBR 6255N.
3. Laia Vadell and Inés Cabrer, members of the race committee, attended the hearing as observers.
4. Guglielmo Giordano, crew member of GBR 6255N, attended the hearing as witness for GBR 6255N.
5. Original hearing panel: David Gosalbez (chair), Giorgio Davanzo, Miguel Allen, Pinar Coskuner Genc, Andres Perez.
6. Original decision given at 18:50 on 31 July 2023.
7. The hearing was reopened on 01 August 2023 as decided in hearing No. 5.
8. The majority of the members of the jury for the reopened hearing are members of the original panel as provided in RRS 66.3(a).
9. ESP 7396 did not come to the reopened hearing, the hearing proceeded in accordance with RRS 63.3(b).

FACTS FOUND

Original Facts Found:

1. There were 13 knots of wind with small chops.
2. ESP 7396 (TP52) and GBR 6255N (Ker 46) were sailing upwind on opposite tacks, with ESP 7396 on starboard.
3. The boats were on a collision course.
4. At nine boat lengths from mark 1, GBR 6255N luffed.
5. After GBR 6255N passed head to wind and before she bore away to a close hauled course, ESP 7396 luffed.
6. At this moment, the distance between ESP 7396 bow and GBR 6255N starboard stern side was less than four meters and none of them had entered yet the three boat lengths zone.
7. There was no contact, and nobody took any penalty turn.

Facts Found after the Reopening:

1. There were 13 knots of wind with small chops.
2. ESP 7396 (TP52) and GBR 6255N (Ker 56) were sailing upwind on opposite tacks, with ESP 7396 on starboard tack.
3. The boats were on a collision course.
4. At nine boat lengths from mark 1, GBR 6255N luffed, passed head to wind and bore away to a close-hauled course on starboard tack.
5. At the end of the tack, GBR 6255N was clear ahead of ESP 7396 by four meters.
6. ESP 7396 never altered course.
7. There was no contact, and nobody took any penalty turn.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, 12, 13 and 63.3(b)

Original Conclusions:

1. After passing head to wind and before being on a close-hauled course, GBR 6255N failed to keep clear of ESP 7396. GBR 6255N broke RRS 13.

Conclusions after the Reopening:

1. GBR 6255N on port kept clear of ESP 7396, as required by rule 10.
2. GBR 6255N kept clear of ESP 7396 while tacking, as required by rule 13.
3. ESP 7396 clear astern of GBR 6255N kept clear of GBR 6255, as required by rule 12.

DECISION

Date & Time: 2023-08-01 18:43 CEST

Decision after the reopening:

The Protest is Dismissed. GBR 6255N is reinstated in the original position.

Original Decision:

GBR 6255N is DSQ in race 2.

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: David Gosalbez (ESP)

Committee Members: Manuel Ken Gamito (POR), David Gosalbez (ESP), Giorgio Davanzo (ITA), Pinar Coskuner Genc (TUR)

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