

DECISION

Request No.: 25

Protest

Event: 2024 Formula Kite World Championships Race Number: F6
Hearing Schedule: 2024-05-18 15:15

PARTIES AND WITNESSES

Request No.: 25: Formula Kite - F - ESP 130 - Gisela Pulido Borrell

Formula Kite - F - ITA 135 - Maggie Pescetto

Witnesses: Video of the damage

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. The panel of the International Jury was composed in accordance with RRS N1.4(b).
2. During the hearing the protest committee clarified in accordance with RRS 64.1(c) that the hearing request was not only a protest but also a request for redress and proceeded with it accordingly.
3. Marcelo Cairo (coach of ESP 130) attended the hearing as an observer.

FACTS FOUND

1. The wind speed was up to 15 knots, with choppy water.
2. ESP 130 and ITA 135 were sailing downwind on leg 4 on a collision course approaching the leeward mark 4, ESP 130 on starboard tack and ITA 135 on port tack.
3. When the hulls of ESP 130 and ITA 135 were 20 meters apart, ITA 135 lifted her kite.
4. Immediately after and when ITA 135 was passing in front of ESP 130, ESP 130 bore away sharply and there was contact with damage between the foil mast of ESP 130 and the front wing of ITA 135, causing ESP 130 to fall into the water and ITA 135 to capsize.
5. The damage to ESP 130 was multiple cracks along the length of 30 cm of the leading edge of her foil mast.
6. At the moment of the incident, ESP 130 was in the 13th place.
7. ESP 130 recovered and finished the race in the 21st place.
8. ITA 135 did not finish the race.
9. ITA 135 retired from the race ashore.
10. ESP 130 sailed with her damaged foil mast during races F7 and F8 and finished in places 15th and 12th.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, 14, 62.1(b), 64.1(c), 64.2(a), F4.44.1(b) and N1.4(b)

1. ITA 135 on port tack failed to keep clear of ESP 130 on starboard tack, and broke RRS 10.
2. ITA 135 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ESP 130, the right-of-way kiteboard, to avoid contact with ITA 135 when it was clear that ITA 135 was not keeping clear. ESP 130 did not break RRS 14.
4. By retiring, ITA 135 took an appropriate penalty under RRS F4.44.1(b).
5. ESP 130's score in races F6, F7 and F8 were made significantly worse through no fault of her own by physical damage because of the action of ITA 135 that was breaking RRS 10 and 14 and took an appropriate penalty. Therefore, the requirements for redress in RRS 62.1(b) are met.

DECISION**Date & Time:** 2024-05-18 15:42 CEST

The protest is upheld. Since ITA 135 took an applicable penalty, she is not further penalized under RRS 64.2(a). Redress is given to ESP 130. ESP 130 is to be scored in races F6, F7 and F8 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races sailed in the final series, except races F6, F7 and F8.

PROTEST COMMITTEE**Committee Type:** Protest Committee**Chaired By:** Alain Champy (FRA)**Committee Members:** Anastazja Lewandowska (POL), Alain Champy (FRA)**Printed:** 19 May 11:07