

DECISION

Request No.: 13

Protest

Event: 41 Copa del Rey MAPFRE Race Number: 8
Hearing Schedule: 2023-08-04 10:15

PARTIES AND WITNESSES

Request No.: 13: ORC 3 - Alemania GER6640 - LENA LY - CARSTEN SCHIEWE

ORC 3 - España ESP7625 - TANIT IV - MARIA JOSÉ VILA VALERO

Witnesses: Ralph W. Hofmann (Tactician on Lena), Diego Campos (Main Trimmer on Tanit)

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. Sven Witschel attended the hearing representing Lena LY.
2. Ignacio Campos attended the hearing representing Tanit.
3. Original decision given at 19:15 on 03 August 2023.
4. Original panel composition: Giorgio Davanzo, Andres Perez and Miguel Allen.
5. During the night, the Jury had a conversation with a member of the Race Committee who observed the incident; based on her evidence, the Jury decided that it might have made a significant error in deciding the case and reopened the hearing as provided in RRS 66.1.

Reopened hearing:

1. Matthias Kramer represented Lena in the reopened hearing.
2. Laia Vadell (RC member) attended as witness.

FACTS FOUND

Original Facts Found:

1. The wind was around 15 knots with 1 meter waves.
2. About 2 to 3 minutes after the start, Lena (Swan 40) was sailing upwind on starboard tack and Tanit (Grand Soleil 37) was sailing upwind on port tack on a collision course.
3. Tanit luffed and initiated a tack that would put them to leeward of Lena.
4. Before Tanit passed head to wind, Lena bore away sharply.
5. The closest distance between the boats was, at least, 5 meters.
6. There was no collision and no boat took a penalty.

Facts Found after the Reopening:

1. Lena displayed the red flag 3 minutes after the incident.
2. The red flag was inside the cockpit and any crew member could have displayed the flag immediately after the incident.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 61.1 (a)

Original Conclusions:

1. Tanit kept clear of Lena as required by RRS 10 and 13.

Conclusions after the Reopening:

1. Lena failed to display the red flag at her first reasonable opportunity as required by RRS 61.1(a).

DECISION

Date & Time: 2023-08-04 11:00 CEST

Decision after the reopening:

Protest invalid.

Original Decision:

The Protest is Dismissed.

PROTEST COMMITTEE

Committee Type: Protest Committee

Chaired By: Giorgio Davanzo (ITA)

Committee Members: Pinar Coskuner Genc (TUR), Manuel Ken Gamito (POR), Andres Perez (ESP), Miguel Allen (POR)

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