

DECISION

Request No.: 07

Protest and Request for Redress

Event: 2022 Formula Kite European Championships Race Number: 2
Hearing Schedule: 2022-09-28 19:00

PARTIES AND WITNESSES

Request No.: 07: FK - Men - FRA 17 - Max Nocher

FK - Men - FRA 63 - Axel Mazella

Witnesses: Lorenzo n 77

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

1. Bertrand Dumortier (FRA coach) attended the hearing as an observer.

FACTS FOUND

1. The conditions at the time of the incident were 20 knots of wind and 0.5m waves.
2. Approaching mark 4, FRA 17 and FRA 63 were sailing on port tack, with FRA 17 approximately 20m to leeward and 4m astern of FRA 63.
3. At approximately 40m from the mark, FRA 17 gybed to starboard tack and was then on the layline to the mark.
4. At the same time, FRA 63 also gybed to starboard tack and was then below the layline to the mark.
5. FRA 17 entered the zone of mark 4 clear ahead of FRA 63.
6. FRA 63 was sailing faster and higher than FRA 17 and established an overlap to leeward of FRA 17.
7. The distance between FRA 63 and FRA 17 was decreasing and just before the mark, FRA 17 luffed to pass to windward of it.
8. FRA 63 continued to sail a course to pass to leeward of the mark.
9. When FRA 17 and FRA 63 were at the mark, there was contact between the tips of their kites for approximately 10 seconds.
10. The bridle at the tip of FRA 17 broke and her kite collapsed.
11. FRA 17 retired from the race.
12. Before retiring, FRA 17 was in 6th position.
13. FRA 63 did not take a penalty and finished the race in 7th position.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, F2.18.2(a)(2), 43.1(b) and 62.1(b)

1. FRA 63 clear astern and not in the zone at the time FRA 17 reached the zone, failed to give FRA 17 mark-room, and broke RRS F2.18.2(a)(2).
2. FRA 63 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. FRA 17 to windward failed to keep clear of FRA 63 to leeward, and broke RRS 11.
4. Since FRA 17 broke RRS 11 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
5. It was not reasonably possible for FRA 17, the kiteboard sailing within the mark-room to which she was entitled, to avoid contact with FRA 63 when it was clear that FRA 63 was not giving mark-room. FRA 17 did not break RRS 14.
6. FRA 17's place in race 2 was made significantly worse through no fault of her own by physical damage because of

the action of FRA 63 that was breaking RRS F2.18.2(a)(2) and was penalized. Therefore, the requirements for redress in RRS 62.1(b) are met.

DECISION

Date & Time: 2022-09-28 20:38 EEST

FRA 63 is DSQ in race 2.

Redress is given to FRA 17. FRA 17 is to be scored in race 2 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 phases Q1 and Q2, except race 2 and subject to Word Sailing Case 116.

PROTEST COMMITTEE

Chaired By: Pauline Den Burger (NED)

Committee Members: Yoann Peronneau (FRA), Stavros Kouris (GRE), Marios Zisimatos (GRE), Finn Mrugalla (GER)

Printed: 2022-09-30 17:27