

DECISION

Protest and Request for Redress

Request No.: 01

Heard Jointly With Number(s): 02

Event: 2023 KiteFoil World Series Traunsee Race Number: 7
Hearing Schedule: 2023-10-06 15:45

PARTIES AND WITNESSES

Request No.: 01: Kitefoil - Kitefoil - 10 - Julia Damasiewicz - Julia Damasiewicz

Kitefoil - Kitefoil - 97 - Alina Kornelli

Request No.: 02: KiteFoil - Female - AUT 97 - Alina Kornelli - Alina Kornelli

KiteFoil - Female - POL 10 - Julia Damasiewicz

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. Hearing No. 1 was heard together with hearing No. 2 in accordance with RRS 63.2 since both hearings arose from the same incident.

FACTS FOUND

1. The wind speed was 11 knots.
2. Approaching mark 5, POL 10 and AUT 97 were sailing on starboard tack.
3. POL 10 entered the zone clear ahead and 1m to windward of AUT 97.
4. When at the mark, POL 10 lifted her kite and gybed to port tack
5. Less than five seconds after POL 10 had lifted her kite, and when POL 10 was already on port tack, AUT 97 established a leeward overlap with POL 10.
6. Less than one second later, contact occurred between POL 10's and AUT 97's bodies and foils, with no tangle.
7. The contact caused damage to POL 10's wetsuit (2cm cut on the leg) and a bruise to AUT 97's right arm.
8. At the moment of the incident, POL 10 and AUT 97 were around the 11th position.
9. A few kiteboards overtook them while they were recovering.
10. POL 10 finished race 6 in the 15th position and AUT 97 in the 17th position.
11. Neither kiteboard took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, 14, 43.1(b), 62.1, 63.2 and F2.18.2(a)(2)

1. AUT 97 not overlapped with POL 10 and not in the zone at the time POL 10 reached the zone, failed to give POL 10 mark-room, and broke RRS F2.18.2(a)(2).
2. AUT 97 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. POL 10 on port tack failed to keep clear of AUT 97 on starboard tack, and broke RRS 10.
4. Since POL 10 broke RRS 10 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 POL 10, the kiteboard sailing within the mark-room to which she was entitled, to avoid contact with AUT 97 when it was clear that AUT 97 was not giving mark-room. POL 10 did not break RRS 14.
6. POL 10's score in race 6 was made significantly worse through recovering, not through physical damage. Therefore, the requirements for redress in RRS 62.1 are not met.

7. AUT 97's score in race 6 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

DECISION

Date & Time: 2023-10-06 16:30 CEST

1. AUT 97 is DSQ in race 6.
2. Redress is not given.

PROTEST COMMITTEE

Committee Type: Protest Committee

Chaired By: Finn Mrugalla (GER)

Committee Members: Heiko Falch (GER), Alina Stratigiou (GRE), Anastazja Lewandowska (POL), Yoann Peronneau (FRA)

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