

# DECISION

Protest and Request for Redress

Request No.: 04

Heard Jointly With Number(s): 05, 06

Event: WASZP European Championship Race Number: 12  
Hearing Schedule: 2021-08-15 11:30

## PARTIES AND WITNESSES

**Request No.: 04:** Waszp - Master - Italy 2122 - GIOVANNI BONZIO  
Master - Spain 2831 - Guillermo González

**Request No.: 06:** Waszp - Master - Spain 2831 - Guillermo González  
Waszp - Master - Italy 2122 - GIOVANNI BONZIO

**Request No.: 05:** waszp - Master - Italy 2122 - GIOVANNI BONZIO  
Master - Spain 2831 - Guillermo González

**Witnesses:** William Davies (Jury)- Video evidence

## 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

## FACTS FOUND



WhatsApp Video 2021-08-15 at 10.11.34.mp4 11.6 MB

1. Wind was 15 knots, moderate seas state, foiling conditions.
2. ITA had rounded gate 3s and was low riding on an upwind course. ITA's boat speed was around 5 knots. ITA was clear ahead of ESP.
3. ESP was rounding gate 3s and was foiling. ESP boat speed was around 15 knots.
4. 15 meters after ESP rounded the mark ESP became overlapped to leeward of ITA. There was less than half a boat length between the boats when they became overlapped.

5. ESP shortly after the overlap was established ESP sharply bore away. ESP's aft starboard wing made contact with the port side of ITA bow.
6. There was serious damage to ITA's hull.
7. ITA could not continue the race and returned to the beach. ITA was scored in accordance with SI 14.3 and did not compete in races 13 and 14.
8. No boat took a penalty during the race.

**Diagram:** Diagram not endorsed

#### **CONCLUSIONS AND RULES THAT APPLY**

**Rules:** RRS 11 RRS 14 RRS 15 RRS 62.1(b) RRS 43.1(a)

1. ITA to windward failed to keep clear of ESP to leeward, and broke RRS 11.
2. ESP did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Since ITA was compelled to break RRS11 as a consequence of ESP breaking RRS 15, she is exonerated under RRS 43.1(a) for this breach.
4. It was not reasonably possible for ITA, the boat sailing within the room to which she was entitled to avoid contact with ESP. When it was clear that ESP was not giving room. ITA did not break RRS 14.
5. When acquiring right of way through her own actions, ESP failed to initially give ITA room to keep clear, and broke RRS 15 .
6. ITA's place in races 12-14 was made significantly worse through no fault of her own by physical damage because of the action of ESP that was breaking RRS 15 and RRS 14 and was penalized.

#### **DECISION**

**Date & Time:** 2021-08-15 11:55 UTC

1. ESP is DSQ in race 12.
2. ITA is exonerated for her breach of RRS 11.
3. Redress is given to ITA. ITA is to be scored in race 12, 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 series, except races 12-14. No other boat's score shall change.

#### **PROTEST COMMITTEE**

**Chaired By:** Will Davies (GBR)

**Committee Members:** Václav Brabec (CZE)

**Printed:** 15 Aug 12:37