

# DECISION

Request No.: 06

## Protest and Request for Redress

Event: Impera Winter Regatta 2023 Race Number: 5  
Hearing Schedule: 2023-12-09 17:50

### PARTIES AND WITNESSES

Request No.: 06: 420open - Gold - POL 57083 - Filip Majanski  
420open - Gold - ITA 55344 - Luca Germano

### 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

ITA 55344 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

### FACTS FOUND

- 1) Race 5, wind about 11 knots and choppy sea
- 2) POL57083 was sailing close hauled on starboard on the first beat to winward
- 3) ITA 55344 was sailing close hauled on port on a collision course with POL 57083
- 4) ITA held her course
- 5) POL 57083 was not keeping a lookout and became aware of the presence of ITA on port only when they were one meter away from a bow to bow collision..
- 7) When POL 57083 was one meter away from ITA 55344, she luffed and a contact occurred between the bow of ITA 55344 and the port gunwale of POL 57083 at less than a meter from her bow
- 8) The collision caused delamination of the gunwale with water intake.
- 9) POL finished the race
- 10) No boats took penalty turns

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 10 - 14

1. ITA 55344 on port failed to keep clear of POL 57083 on starboard, and broke RRS 10.
  2. ITA 55344 did not avoid contact when it was reasonably possible, and broke RRS 14
  3. POL 57083, the right-of-way boat, did not act to avoid contact when it became clear that ITA 55344 was not keeping clear. POL 57083 broke RRS 14 (see also WS Case #26)
- POL 57083's place in race 5 was made worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

### DECISION

ITA 55344 is DSQ for race 5  
POL 57083 is DSQ for race 5  
Redress not given

**Date & Time:** 2023-12-09 19:01 CET

### PROTEST COMMITTEE

**Committee Type:** Protest Committee

**Chaired By:** Claudio Uras (ITA)

**Committee Members:** Jean-Miltiade Bouyoukas (FRA), Marco Sarcoli (ITA)

**Written Decision Requested By:** POL 57083