

DECISION

Protest

Request No.: 06

Event: 2021 49er & 49erFX Junior European Championship Race Number: 9
Hearing Schedule: 2021-09-05 09:30

PARTIES AND WITNESSES

Request No.: 06: 49er FX - FX Bravo - SUI 154 - Sophie Mosegaard
49er FX - FX Bravo - GER 810 - Lukas Kleinow

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

1. Local wind: less than 3 knots, flat water.
2. More than 14 boats approaching the gate.
3. GER 810 entered the zone of the starboard gate mark clear ahead of SUI 154 and NED 209, all on port tack.
4. GER 810 was sailing 2 boat-lengths above the port layline.
5. NED 209 was sailing on the port layline, overlapped to leeward of SUI 154.
6. In the zone, GER 810 slowed down 2.5 boat-lengths from the mark and several boats rounded the mark inside her.
7. SUI 154 and NED 209, faster, gybed onto starboard inside GER 810 and slowed down at the mark in bad wind, with NED 209 overlapped to windward and slightly ahead of SUI 154.
8. GER 810 gybed onto starboard clear astern of SUI 154 and NED 209.
9. At the mark, GER 810, faster than SUI 154, established an inside overlap to windward of SUI 154. SUI 154 was 1.5 boat-length to the mark.
10. GER 810, astern and faster than NED 209, bore away and became close overlapped to leeward of NED 209.
11. The port wing of GER 810 got stuck under the starboard wing of SUI 154.
12. No damage.
13. Neither boat took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules:

1. SUI 154, clear astern when GER 810 reached the zone, gave GER 810 mark-room, as required by RRS 18.2(b).
2. NED 209, clear astern when GER 810 reached the zone, did not give GER 810 mark-room, and broke RRS 18.2(b).
3. NED 209 is not a party to the hearing, therefore she will not be penalized according to RRS 64.2.
4. When GER 810 bore away to avoid contact with NED 209, GER 810 to windward did not keep clear of SUI 154 to leeward, and broke RRS 11.
5. GER 810 was compelled to break RRS 11 as a consequence of NED 209 breaking RRS 18.2(b), therefore she is exonerated under RRS 43.1(a) for this breach.
6. It was not reasonably possible for GER 810 to avoid contact, therefore she did not break RRS 14.
7. It was not reasonably possible for SUI 154, the right-of-way boat, to avoid contact with GER 810 when it was clear that GER 810 was not keeping clear, therefore SUI 154 did not break RRS 14.

DECISION**Date & Time:** 2021-09-05 10:00 CEST

Protest dismissed

PROTEST COMMITTEE**Chaired By:** Marina Psychogyiou (GRE)**Committee Members:** Yoann Peronneau (FRA), Pavel Muroň (CZE), Dusan Vanicky (SVK), Luke Scott (RSA)**Printed:** 2021-09-05 10:46