

# DECISION

Request No.: 16

## Protest

Event: European Championship A-Class Race Number: 8  
Hearing Schedule: 2022-09-15 16:00

### PARTIES AND WITNESSES

**Request No.: 16:** A CAT - open - NED 111 - David VAN AART

A CAT - open - ESP 74 - Abdón Ibañez MARTI

**Witnesses:** BEL 19 (Wim Deca), NED 44 (Wiro Zijlmans)

### 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 was held under RRS N1.4 (b)

### FACTS FOUND

- 1) ESP 74 and NED 111 sailed on starboard tack from windward (1) to offset (1a) mark to be left to port with NED 111 clear astern and half both width to leeward.
- 2) ESP 74 enter zone of offset mark clear ahead. Separation between boats was approximately half boat length.
- 3) ESP 74 heeled to leeward and continue sailing towards the mark.
- 5) NED 111 bore away. ESP 74 capsized on the distance less than one boat width to windward of the mark.
- 6) Sail of ESP 74 fell on the offset mark.
- 7) NED 111 hit the mark and mast of ESP 74.
- 8) NED 111 suffered damage on her bow. There is damage from the collision on the bow with extended delamination and a hole in the left hull, plus there is damage on the right hull caused by safety boat.
- 9) NED 111 drifted to leeward side of the mark, leaving it to starboard.
- 10) Both boats stayed entangled to each other and to the mark for several minutes.
- 11) NED 111 retired due to damage and didn't sail the next race.
- 12) ESP 74 also retired.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 12, 14, 18.2(b), 31

1. NED 111 keep clear boat did everything reasonably possible to avoid contact and didn't break RRS 14.
2. It was not reasonably possible for ESP 74, the right of way boat and boat sailing within the mark-room to which she was entitled to avoid contact with NED 111 when it was clear that NED 111 was not giving mark-room. ESP 74 did not break RRS 14.
3. NED 111 clear astern at the time ESP 74 reached the zone, failed to give ESP 74 mark-room, and broke RRS 18.2(b).
4. NED 111 and ESP 74 touched mark 1a and broke RRS 31.
5. NED 111's place in race 8 was made worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

### DECISION

NED 111 and ESP 74 took the applicable penalty and are not further penalized.  
Redress is not given to NED 111.

**Date & Time:** 2022-09-15 16:42 CEST

**PROTEST COMMITTEE**

**Chaired By:** Michael Butterfield (GBR)  
**Committee Members:** Pierluigi De Luise (CRO), Uros Zvan (SLO)