

DECISION

Request No.: 20

Protest

Event: 2023 Formula Kite Youth (U21) World Championships Race Number: F4
Hearing Schedule: 2023-07-22 18:25

PARTIES AND WITNESSES

Request No.: 20: FK - Male - FRA 34 - Eloan Roche

FK - Male - POL 38 - Oskar Zawadowicz

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

1. Marzena Baranéka-Zawadowicz (mother of POL 38) attended the hearing as an observer.
2. James Huynh (CAN 29) attended the hearing as translator for FRA 34.

FACTS FOUND

1. The conditions at the time of the incident were 10 knots of wind and flat water.
2. POL 38 and FRA 34 were approaching mark 3 on port-tack with POL 38 being 5 metres clear ahead and 10 metres to leeward of FRA 34.
3. POL 38 luffed and approximately six seconds later contact occurred between the kite of FRA 34 and the bridles of POL 38.
4. The kites of POL 38 and FRA 23 were tangled and both competitors fell into the water.
5. After 7 minutes the kites were untangled.
6. No damage or injury occurred to either kiteboard.
7. Both kiteboards retired from the race.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 12, 14, F2.16.1, 62.1(b), App F Definition Clear Astern and Clear Ahead; Overlap; F4.44.1(b), F5.64.2(c)

1. When changing course, POL 38, the right-of-way kiteboard, gave FRA 34 room to continue keeping clear, as required by RRS F2.16.1.
2. Since there was reasonable doubt that FRA 34 and POL 38 were overlapped at the time of the contact, it is presumed that they were not, in accordance with RRS F Definition Clear Astern and Clear Ahead; Overlap.
3. FRA 34 clear astern failed to keep clear of POL 38 clear ahead, and broke RRS 12.
4. FRA 34 did not avoid contact when it was reasonably possible, and broke RRS 14.
5. Since FRA 34 caused a tangle by her breach, her penalty was to retire as required by RRS F4.44.1(b).
6. It was not reasonably possible for POL 38, the right-of-way kiteboard, to avoid contact with FRA 34 when it was clear that FRA 34 was not keeping clear. POL 38 did not break RRS 14.
7. FRA 34's score in race F4 was made significantly worse through capsized and tangle. Therefore, the requirements for redress in RRS 62.1(b) are not met.

DECISION

Date & Time: 2023-07-22 18:57 CEST

The protest is upheld. Since FRA 34 took an applicable penalty, she is not further penalized under RRS 64.2(a). However,

the incident is counted to determine the number of tangles the kiteboard has caused during the event under RRS F5.64.2(c).

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Stephen Procter (GBR)

Committee Members: Finn Mrugalla (GER), Timo Haß (GER), Max Marselis (NED), Per-Olof Ekstrand (SWE)