

# DECISION

Protest

Request No.: 18

Heard Jointly With Number(s): 19

Event: European Championship A-Class Race Number: 9

Hearing Schedule: 2022-09-15 16:45

## PARTIES AND WITNESSES

Request No.: 18: A CAT - open - POL 101 - Andrzej SENKUS

A CAT - open - CZE 1 - Vladislav PTASNIK

Request No.: 19: A CAT - open - POL 101 - Andrzej SENKUS

A CAT - open - CZE 1 - Vladislav PTASNIK

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** No proper hail Protestor suffered serious damage (broken tiller adversely impact the boats sailing performance)

**Red Flag Displayed:** Not required

**Decision:** Request Valid Protestee informed as soon as reasonably possible when coming ashore

## PROCEDURAL MATTERS

Hearing was held under RRS N1.4(b)

## FACTS FOUND

- 1) At the end of the 1st downwind leg POL 101 sailed on starboard foiling and CZE 1 on port not foiling on converging courses.
- 2) CZE 1 slowly bore away and avoiding other boats to her leeward.
- 3) CZE 1 gybed to starboard and to windward of POL 101.
- 4) POL 101 bore away to gybe.
- 5) During gybing CZE 1 capsized and her mast hit POL 101.
- 6) During capsizing CZE 1 mast broke the tiller extension of POL 101.
- 7) After the incident POL 101 rounded port gate mark and sailed for approximately 50 m and began tiller repairs.
- 8) Repair resulted in a shorter tiller extension and POL 101 was no longer able to foil.
- 9) At the time of incident POL 101 was on 7th place.
- 10) Both boats finished the race. POL 101 finished as 17th. No boats took penalty turns.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** 10, 14, 62.1(b)

1. CZE 1 on port failed to keep clear of POL 101 on starboard, and broke RRS 10
2. CZE 1 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for POL 101, the right-of-way boat to avoid contact with CZE 1 when it was clear that CZE 1 was not keeping clear.
4. POL 101 score in race #9 was made significantly worse through no fault of her own by physical damage because of the action of CZE 1 that was breaking RRS 10 and was penalized.

## DECISION

**Date & Time:** 2022-09-15 17:35 CEST

CZE 1 shall be scored DSQ in race 9.

Redress is given to POL 101 as 7th place in race no. 9. No other results shall be changed.

## PROTEST COMMITTEE

