

# DECISION

Request No.: 12

## Protest and Request for Redress

Event: European Championship A-Class Race Number: 7  
Hearing Schedule: 2022-09-14 16:30

### PARTIES AND WITNESSES

Request No.: 12: A CAT - open - FRA 300 - Laurent STEPHANY

A CAT - open - NED 28 - Pieterjan DWARSHUIS

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed after the  
incident

**Red Flag Displayed:** Not required

**Decision:** Request Valid

### PROCEDURAL MATTERS

The hearing was held under RRS N1.4(b)

At the time of incident it was obvious to FRA 300 that serious damage resulted. Nevertheless FRA 300 informed NED 28 of the protest within the protest time limit, as required by RRS 61.1( a)(4)

FRA 300 did shout " protest" but a few seconds after getting his boat clear of the collision. Protest is valid

### FACTS FOUND

1. One minute after the start FRA 300 was sailing close hauled on starboard tack, NED was sailing close hauled on port tack on a collision course with FRA 300.
2. A collision occurred between the bow of the port hull of NED 28 and the port hull of FRA 300 at about 30 cm from the stern, causing a hole with a fracture between 10 to 15 cm.
3. FRA 300 retired due to the damage. NED retired as a result of the collision.
4. The collision occurred on a crowded start, when it was not obvious what actions boats would take.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

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

1. NED 28 on port failed to keep clear of FRA 300 on starboard and broke RRS 10.
2. NED 28 failed to avoid a collision and broke RRS 14.
3. It was not reasonably possible for FRA 300, the right of way boat, to avoid contacts with NED 28 when it was clear that NED 28 was not keeping clear. FRA 300 did not break RRS14.
4. The score of FRA 300 in race 7 was made significantly worse through no fault of her own through physical damage because of the action of NED 28 that broke RRS 10, a rule of the part 2 and took the appropriate penalty.

### DECISION

Date & Time: 2022-09-14 17:09 CEST

1. Protest Upheld. NED 28 took the applicable penalty and is not further penalized.
2. Redress is given to FRA 300 that is to be scored in race 7 points equal to the average, rounded to the nearest tenth of a point ( 0,05 to be rounded upward), of her points score in all races sailed before the last scheduled day of the event if racing is later scheduled on that day, except race 7.

### PROTEST COMMITTEE

**Chaired By:** Uros Zvan (SLO)

**Committee Members:** Michael Butterfield (GBR), Walter D'Auria (ITA)