

DECISION

Request No.: 21

Protest and Request for Redress

Event: 2022 Formula Kite European Championships Race Number: 7
Hearing Schedule: 2022-09-30

PARTIES AND WITNESSES

Request No.: 21: FK - Women - 12 - Izabela Satrjan
FK - Women - 45 - Heloise Pegourie

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

Tomick Janik (POL coach) attended the second half of the hearing as an observer.

FACTS FOUND

1. The wind was 7-8 knots with flat water.
2. POL 12 and FRA 45 were both on starboard tack.
3. When POL 12 entered the zone of Mark 1, POL 12 was approximately 10m clear ahead and 15m to leeward of FRA 45.
4. FRA 45 was sailing faster than POL 12 and became overlapped to windward of her.
5. When POL 12 was at the mark, contact occurred between FRA 45's mast, POL 12's board and leg.
6. POL 12's board suffered a 2cm crack on the starboard side, approximately 50cm from the nose and POL 12 rider's right leg was bruised.
7. POL 12's lines were tangled with the mark and contact occurred between both kiteboards' lines.
8. FRA 45's left foot was grazed in the incident.
9. POL 12 was unable to easily swim following the contact.
10. FRA 45 released both kites and POL 12's lines became tangled with FRA 45's bar.
11. FRA 45 gave her board to POL 12 to help her to remain afloat while waiting for a support boat.
12. Approximately 4 minutes later, a support boat arrived and assisted both kiteboards.
13. The kiteboards were in approximately 10th place before the incident.
14. POL 12 and FRA 45 did not finish race 7.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, F2.18.2(a)(2), F4.44.1(b), 62.1(b) and 64.2(a)

1. FRA 45 to windward, failed to keep clear of POL 12 to leeward, and broke RRS 11.
2. FRA 45 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. FRA 45 clear astern and not in the zone at the time POL 12 reached the zone failed to give POL 12 mark-room, and broke RRS F2.18.2(a)(2).
4. By retiring, FRA 45 took the appropriate penalty for her breach under RRS F4.44.1(b).
5. It was not reasonably possible for POL 12, the right-of-way kiteboard and the kiteboard sailing within the mark-room to which she was entitled to avoid contact with FRA 45 when it was clear that FRA 45 was not keeping clear and giving mark-room. POL 12 did not break RRS 14.
6. POL 12's score in race 7 was made significantly worse through no fault of her own by injury because of the action of FRA 45 that was breaking RRS 11 and F2.18.2(a)(2) and took an appropriate penalty. Therefore the requirements for redress under RRS 62.1(b) are met.

DECISION**Date & Time:** 2022-09-30 20:30 EEST

Protest upheld. FRA 45 took the applicable penalty and is not further penalized but the incident is counted to determine the number of tangles the kiteboard has caused during the event.

Redress is given to POL 12. POL 12 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 in all races sailed on 30 September and 1 October 2022 except race 7, and subject to World Sailing Case 116.

PROTEST COMMITTEE**Chaired By:** Finn Mrugalla (GER)**Committee Members:** Yoann Peronneau (FRA), Rosemary Collins (AUS), Marios Zisimatos (GRE), Pauline Den Burger (NED)**Printed:** 03 Oct 10:15