

# DECISION

**Request Number: 04**

## Protest

**Event:** Snipe European Championship 2018    **Race Number:**

**Hearing Date:** 2018-08-23

### PARTIES AND WITNESSES

**Initiator:** Snipe - NOR 29088 - Karl Otto Book

**Respondent(s):** Snipe - ESP 31016 - Angela Pumarieca

**Witnesses:** Jussi Sävelä (FIN 30477, witness called by protestor), Jose Ramon (ESP 31445, witness called by protestee)

**Interpreters:** Emma Peltonen

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed      Protestee heard the hail

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

### PROCEDURAL MATTERS

### FACTS FOUND

1. 30 seconds before the start of race 4 NOR 29088 sailed parallel to the starting line on starboard tack.
2. FIN 30447 sailed parallel in a distance of 1.5 meters to NOR 29088 overlapped to windward and FIN with her bow 1/2 boatlength ahead.
3. ESP 31016 sailed on a close-hauled course on port tack on a converging course to NOR 29088.
4. In a distance of 1 boatlength ESP 31016 luffed and then passed head to wind.
5. Before ESP 31016 reached a close-hauled courset contact occurred between ESP 31016 and NOR 29088.
6. Before contact occurred with ESP31016, NOR 29088 luffed and there was contact with FIN 30447.
7. No damage occurred.

**Diagram:** Endorsed by Protest Committee

### CONCLUSIONS AND RULES THAT APPLY

1. After passing head to wind and before being on a close-hauled course, ESP 31016 failed to keep clear of NOR 29088, as required by RRS 13.
2. Although it was reasonably possible, ESP 31016 did not avoid contact with NOR 29088, as required by RRS 14.
3. It was not reasonably possible for NOR 29088, the right-of-way boat, to avoid contact with ESP 31016 when it was clear that ESP 31016 was not keeping clear.
4. NOR 29088, the right-of-way boat, changed her course and failed to give FIN 30447 room to keep clear, as required by RRS 16.1
5. It was not reasonably possible for FIN 30447, a boat entitled to room, to avoid contact with NOR 29088 when it was clear that NOR 29088 was not giving room.
6. NOR 29088 was compelled to break a rule by the actions of ESP 31016 and is exonerated under RRS 64.1.

### DECISION

ESP 31016 is DSQ in race 4

**Date & Time:** 2018-08-23 18:25 EEST

### PROTEST COMMITTEE

**Chaired By:** Robert Owens (GBR)

**Committee Members:** Keijo Tulomäki (FIN), Matti Sten (FIN), Bo Samuelsson (SWE), Hannes Diefenbach (GER)

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