

# DECISION

Protest and Request for Redress

**Request No.: 37**

**Heard Jointly With Number(s): 38**

**Event:** 2019 Formula Kite European Championships **Race Number:** F5  
**Hearing Date:** 2019-09-28

## PARTIES AND WITNESSES

**Request No.: 37:** Formula Kite - Male - FRA 49 - Victor Bachichet

Formula Kite - Male - GBR 14 - Lance Olnier

**Request No.: 38:** Formula Kite - Male - GBR 14 - Lance Olnier

Formula Kite - Male - POL 31 - Arkadiusz Kusalewicz

## 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

## FACTS FOUND

1. After passing mark 2, POL 31 was sailing on starboard, clear ahead of GBR 14, who was to leeward of FRA 49
2. POL 31 gybed to port on collision course with GBR 14
3. GBR 14 lifted her kite, contact occurred with the kite of FRA 49 and there was damage in the lines of FRA 49
4. FRA 49 did not finish the race
5. POL 31 and GBR 14 finished the race, there was no injury and no kiteboard took a penalty

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

1. POL 31 on port did not keep clear of GBR 14 on starboard breaking rules 10 and 14
2. GBR 14, right of way, changed the position of her kite without giving room to GBR 14 to keep clear, breaking rules 16.1 and 14 but she was compelled to do so as a consequence of POL 31 breaking a rule, therefore she is exonerated
3. It was not reasonably possible for FRA 49 to avoid the contact, therefore she did not break rule 14
4. The score of FRA 49 was made significantly worse in race F5 through no fault of their own by damage caused by the action of a kiteboard that was breaking a rule of part 2

## DECISION

**Date & Time:** 2019-09-28 21:27 CEST

POL 31 is DSQ in F5

FRA 49 is given redress and will be scored points equal to the average of her scores in the other races of the day rounded to the nearest tenth of a point (0.05 to be rounded upward). This shall not change the score of the other kiteboards.

## PROTEST COMMITTEE

**Chaired By:** Anastazja Lewandowska (POL)

**Committee Members:** Paco Quinonero (ESP), Marina Psychogiyiou (GRE) Mirco Babini (ITA) Giorgio Bttinelli (ITA)

**Printed:** 02 Oct 13:22