

# DECISION

**Request Number: 34**

Protest

Event: Kieler Woche 2019 Race Number: 10

Hearing Date: 2019-06-24

## PARTIES AND WITNESSES

**Initiator:** 29er (Euro Cup) - SWE 2496 - Jonathan Hellman

**Respondent(s):** 29er (Euro Cup) - AUT 2308 - Maximilian Heidkamp

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** No

**DECISION:** Request Valid

## PROCEDURAL MATTERS

## FACTS FOUND

1. There was 11 kn of wind and heavy chop.
2. SWE 2496 and AUT 2308 were on starboard tack close-hauld right after the start.
3. AUT 2308 and SWE 2496 were overlapped with AUT 2308 leeward.
4. The lateral distance between them was between 2-4 m.
5. AUT 2308 did not alter her course.
6. AUT 2308 suddenly and rapidly heeled to windward.
7. The top of the mast of AUT 2308 hit the jib of SWE 2496.
8. There was a third unidentified boat close to windward of SWE 2496.
9. SWE 2496 did not alter course.
10. The jib of SWE 2496 was torn by the mast of AUT 2308 during the incident.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

1. It was not reasonably possible for SWE 2496 to avoid contact with AUT 2308 during her heel to windward.
2. AUT 2308 was unable to avoid contact with SWE 2496 while suddenly and rapidly heeling to windward.
3. SWE 2496 to windward kept clear of AUT 2308 to leeward, because nothing SWE 2496 did or failed to do required AUT 2308 to take avoiding action and AUT 2308 was able to change course in both directions without immediately making contact (see CASE 77 and definition keep clear)
4. There was no rule broken.

## DECISION

Protest dismissed.

**Date & Time:** 2019-06-24 19:15 CEST

## PROTEST COMMITTEE

**Chaired By:** Tracy Heritage (AUS)

**Committee Members:** Paul Zupan (USA), Ron Barak (ISR), Michal Jodlowski (POL), Jonas Brandt (GER)

**Printed:** 10 Aug 04:02