

DECISION

Protest

Request Number: 05

Heard Jointly With Number(s): 06, 07

Event: ORC Sportboat European Championship **Race Number:** 5
Hearing Date: 2019-08-29

PARTIES AND WITNESSES

Request Number: 05: ORC Div A - A - 564 - Excalibur - Stefano Bragadin

ORC DIV A - A - 538 - Ariel - Pietro Scarpa

Request Number: 06: ORC - Division B - Italy ITA 538 - Ariel - Damiano Desirò

ORC - Division A - Slovenia USA 564 - Excalibur - Alan Mahne Kalin

Request Number: 07: Protest Committee

ORC - Division A - Germany NED 078 - Khulula - Holger Ambroselli

Witnesses: David Bartol, PRO

Interpreters: Fabio Bassan

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Yes

DECISION: Request Valid

PROCEDURAL MATTERS

Protests 05 and 06 are about the same incident, Jury decided to hear them together. During the hearing on the basis of the testimony of Ariel the Jury decided to protest against NED 078, the windward boat of Ariel. Hearing was stopped to resume with the participation of NED 078. After resuming the hearing, it comes out that NED 078 was wrongly identified as the windward boat of Ariel and she was not involved in the incident. She was released by the jury and hearing went on with the original parties.

FACTS FOUND

In light winds, at 50 seconds before the starting signal to race 5 ITA 564 Excalibur on starboard passed astern of ITA 538 Ariel, also on starboard and established a leeward overlap from clear astern to Ariel. Both boats sailed from the starboard side of the race committee vessel towards the starting line. When they passed astern of the race committee vessel, the gap between Excalibur and Ariel was half to one boat length. Both boats established a leeward overlap from astern to an unidentified third boat which was one boat length away from the race committee vessel. At the same moment there was a distance of half a boat length between Ariel and the unidentified third boat. Both boats luffed up to about 55 degrees to the true wind, while Excalibur hailed "up, up" three times. Excalibur sailed slightly higher and the gap reduced and contact occurred between the port aft part of the hull of Ariel with the mid part of the starboard side of Excalibur. The contact caused slight damage (some scratches) on the hull of Excalibur. At the moment of contact Excalibur was overlapped with the boat Destriero on her leeward side. Excalibur hailed protest and displayed a red flag. No penalty was taken.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Ariel to windward failed to keep clear of Excalibur to leeward, as required by RRS 11. Ariel broke RRS 11 and 14 by not avoiding contact. Excalibur also broke RRS 14, however, it was not reasonably possible for her to avoid contact with Ariel, having a boat on her leeward side when it became clear for her that Ariel was not keeping clear. NED 078 did not break any rule.

DECISION

ITA 538 Ariel DSQ Race 5.

Date & Time: 2019-08-29 21:34 CEST

PROTEST COMMITTEE

Chaired By: Franco Battistin (CRO)

Committee Members: Vilmos Naray (HUN), Stanko Uzmah (SLO), Fabio Bassan (ITA), Uros Zvan (SLO)

