

# DECISION

Request No.: 04

## Protest and Request for Redress

Event: 3rd Portugal Grand Prix Race Number: 6  
Hearing Date: 2020-12-10

### PARTIES AND WITNESSES

**Request No.: 04:** 49er - DEN 7 - Jonas Warrer

49er - FRA 7 - Erwan FISCHER

**Interpreters:** Peter Hansen, DEN 7

### 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

FRA was not present at the hearing. The Jury proceeded with the hearing under rule 63.3(b)

### FACTS FOUND

30 seconds before the start of race 6, DEN was reaching on starboard with both crew on the trapeze, about 30m from the start line. FRA, overlapped to windward, was also on starboard with both crew trapezing. FRA bore away towards DEN. DEN bore away but there was contact and the boats became entangled. FRA then capsized. On DEN, the outhaul line for the spinnaker pole was cut during the collision. There was also minor damage to the jib which did not prevent DEN from continuing in the race.

FRA retired from the race.

DEN, after getting free of FRA, sailed to the windward mark then retired when the crew became aware of the damage to the spinnaker pole outhaul and that she could not hoist her spinnaker.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

FRA, overlapped to windward, did not keep clear of DEN, overlapped to leeward, and broke rule 11. It was reasonably possible for FRA to avoid contact, FRA broke rule 14

When it was clear that FRA was not keeping clear DEN took avoiding action, but could not reasonably have avoided contact.

By retiring when she could continue in the race DEN contributed to making her score worse. The 'through no fault of her own' condition in rule 62.1 is not met.

### DECISION

Date & Time: 2020-12-10 17:52 UTC

FRA took an applicable penalty  
DEN, no redress given.

### PROTEST COMMITTEE

**Chaired By:** Eurico Teodoro (POR)

**Committee Members:** Antonio Mata (POR), jean-Luc Michon (FRA), Nuno Gomes (ANG), Gordon Davies (IRL)

**Written Decision Requested By:** DEN 7