

DECISION

Request No.: 02

Protest and Request for Redress

Event: Impera Winter Regatta 2023 Race Number: 2
Hearing Schedule: 2023-12-08 15:30

PARTIES AND WITNESSES

Request No.: 02: 420 - 56708

420open - ITA 57369 - Giacomo Guardigli

Witnesses: 56942

Interpreters: Claudio Uras for ITA 57369

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required 420 class boats are less than 6 meters

Decision: Request Valid

PROCEDURAL MATTERS

Protest was initially lodged with an unidentified FRA boat as protestee. Protest was scheduled for 3:30 pm to allow time to POL to find the boat that caused the incident with damage.

At 3:03 pm protestor requested to change the protestee to ITA 57369.

POL 56708 - provided video evidence taken from the boat of her coach Mr. Kamiul
Mr. Kamiul (coach POL 56708) attended the hearing as an observer.

FACTS FOUND

1 Wind about 13 knots and choppy sea.

2 15 seconds before the starting signal of the second start of race 2, POL 56708 and ITA 57369 were both sailing on a reach, below and parallel to the starting line close to the pin end, with POL 56708 clear astern of ITA 57369 of about one boat length.

3 POL 56708 was behind of ITA 57369

4 ITA 57369 bore away, gybed to port and luffed up sailing astern of a few boats lined up on starboard on the starting line.

5 There was a collision between the bow of an unidentified boat sailing on port and the port side of POL 56708 at about 30 cm from the transom, causing a delamination about 10 cm long on the gunwale of POL 56708.

6. The tiller of POL 56708 was also snapped and torn away in the collision, and the kickback on the tiller also caused the rudder fitting to be torn off from the transom.

7 POL 56708 and the unidentified boat were entangled for about 5 seconds with the bow of the unidentified boat on top of the transom of POL 56708.

8. The boat of ITA 57369 was inspected by the protest committee at the presence of ITA 57369 and POL 56708, and no scratches or other damages are found in the area of the bow, other than a small scratch on the gelcoat of the gunwale that is already covered with a transparent tape that is showing signs of dirt and wear.

9. The boat of POL 56708 was also inspected by the protest committee at the presence of both ITA 57369 and POL 56708 to verify the damages described at points 5 and 6 above.

9 Video evidence provided by POL 56708 is taken from about 100 m to leeward of the starting line, showing ITA 57369 sailing astern of POL 56708. The perspective does not allow to evaluate distances or collisions between boats. The video shows no speed reduction from ITA 57369 or apparent course change while she's crossing with POL 56708.

10. POL 56708 retired from race 2 and did not sail in races 3 and 4.

11. No penalty taken by ITA 57369.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules:

No conclusive evidence was provided by POL to identify the boat responsible for the collision and serious damage.

No damage was found on ITA 57369 that is compatible with the damage experienced by POL 56708

No rules broken by ITA 57369.

The score of POL 56708 in race 2 was made significantly worse through no fault of her own by because of the action of an unidentified boat that was breaking RRS 10. However the boat was not penalized because it was not identified, and there is no evidence that a penalty was taken. Therefore, the requirements for redress in RRS 62.1(b) are not met.

DECISION

Date & Time: 2023-12-08 16:58 CET

Protest dismissed.

Redress not given.

PROTEST COMMITTEE

Committee Type Protest Committee

Chaired By: Jean-Miltiade Bouyoukas (FRA)

Committee Members: Claudio Uras (ITA), Marco Sarcoli (ITA)

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