

# DECISION

Request Number: 02

## Protest

Event: Flying Junior World Championship 2019 Race Number: 1

Hearing Date: 2019-07-24

### PARTIES AND WITNESSES

**Initiator:** FJ - O - Italy ITA 3813 - 2 - Stefano Bonatti

**Respondent(s):** FJ - O - Germany GER 288 - 11 - Daniel kossack

**Witnesses:** Guido Sol (for GER 288)

### 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. about 4 knots of wind, flat water in race 1
2. ITA and GER sailing on starboard not overlapped for most of leg 2, a reach.
3. The courses of GER and ITA were separated by about two boat lengths with the course of GER to windward of the course of ITA when GER entered the zone.
4. ITA was clear astern when GER entered the zone.
4. GER gybed to port inside the zone of mark 2, a gybe mark, and continued to change course luffing while rounding the mark at less than a beam from the mark
5. ITA continued to sail to the gybe mark on a collision course with GER, then ITA gybed to port while rounding the mark.
6. There was an immediate contact with no damage between the bow of ITA and the left aft quarter of GER
7. ITA slowed down by losing control almost capsizing.
8. There is no evidence that any boat touched the gybe mark.
9. No boat took any applicable penalty.

**Diagram:** Protest Committee diagram attached

### CONCLUSIONS AND RULES THAT APPLY

1. There is a reasonable doubt that ITA obtained overlap in time before GER entered the zone, so it shall be presumed that she did not, as per rule 18.2(e)
2. ITA clear astern at the time GER reached the zone, failed to give GER mark-room, as required by RRS 18.2(b)
3. ITA to windward failed to keep clear of GER to leeward, as required by RRS 11.
6. It was not reasonably possible for GER, right of way boat and a boat entitled to mark room, to avoid contact with ITA when it was clear that ITA was not keeping clear and was not giving mark-room.
7. Although it was reasonably possible ITA did not avoid contact with GER as required by RRS 14.

### DECISION

Protest Upheld ITA 3813 DSQ in race 1

**Date & Time:** 2019-07-24 21:37 CEST

### PROTEST COMMITTEE

**Chaired By:** Roberto Armellini (ITA)

**Committee Members:** Kazuhisa Saitoh (JPN), Miro Magasic (CRO), Benno Loske (GER), Claudio Uras (ITA)