

DECISION

Request No.: 01

Protest and Request for Redress

Event: 2023 Formula Kite European Championships Race Number: 3
Hearing Schedule: 2023-09-21 18:05

PARTIES AND WITNESSES

Request No.: 01: FRA 18 - Heloise Pegourie

NED 20 - Annelous Lammerts

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

1. NED 20 presented video evidence.

FACTS FOUND

1. Wind 12-15 knots, small choppy waves.
2. At the start of race 3, FRA 18 and NED 20 were sailing upwind on starboard tack with FRA 18 20m clear ahead and 15m to leeward of NED 20.
3. 2 seconds after the start, FRA 18 fell off her foil. The competitor fell into the water and the kite rose to the 12 o'clock position.
4. NED 20 immediately attempted to raise her kite.
5. 4 to 5 seconds after FRA 18 fell off her foil, contact occurred between NED 20's left tip of her kite and FRA 18's right tip and leading edge of her kite.
6. Then FRA 18's kite collapsed and fell into the water.
7. There was no tangle, injury or damage.
8. Neither kiteboard took a penalty turn.
9. FRA 18 did not recover and retired from the race.
10. NED 20 finished the race.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 14, F.22.2, 44.1, 62.1 and 64.2(a)

1. While recovering, FRA 18 failed to keep clear of NED 20 who was not recovering, and broke RRS F2.22.2.
2. FRA 18 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for NED 20, the right-of-way boat, to avoid contact with FRA 18 when it was clear that FRA 18 was not keeping clear. NED 20 did not break RRS 14.
4. Since RRS 44.1(b) did not apply, FRA 18 took an applicable penalty by retiring.
5. FRA18's score in race 3 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

DECISION

Date & Time: 2023-09-21 18:39 BST

The protest is upheld. Since FRA 18 took an applicable penalty, she is not further penalized under RRS 64.2(a)
Redress is not given.

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Rosemary Collins (AUS)

Committee Members: Marios Zisimatos (GRE), Enrica Mameli (ITA), Pauline Den Burger (NED), Finn Mrugalla (GER)