

DECISION

Request No.: 03

Protest

Event: 2023 Formula Kite European Championships Race Number: 3
Hearing Schedule: 2023-09-21 18:20

PARTIES AND WITNESSES

Request No.: 03: FK MEN - Yellow - USA 69 - Markus Edegran
FK MEN - Yellow - AUT 12 - Valentin Bontus

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

FACTS FOUND

1. The conditions at the time of the incident were 10-12 knots of wind and choppy waves.
2. Five seconds after the starting signal of race 3, AUT 12 and USA 69 were sailing on starboard tack with USA 69 15m clear ahead and 5m to leeward of AUT 12.
3. AUT 12 bore away and was sailing lower and faster than USA 69.
4. AUT 12 established a leeward overlap 5m to leeward of USA 69's board.
5. Less than two seconds after the overlap was established, contact but no tangle occurred between AUT 12's lines and the trailing edge of USA 69's kite.
6. No damage or injury occurred to either kiteboard.
7. Neither kiteboard took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, 15 and 43.1(b)

1. When acquiring right of way through her own actions, AUT 12 failed to initially give USA 69 room to keep clear, and broke RRS 15.
2. AUT 12 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. USA 69 to windward failed to keep clear of AUT 12 to leeward, and broke RRS 11.
4. Since USA 69 broke RRS 11 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
5. It was not reasonably possible for USA 69, the kiteboard sailing within the room to which she was entitled, to avoid contact with AUT 12 when it was clear that AUT 12 was not giving room. USA 69 did not break RRS 14.

DECISION

AUT 12 is DSQ in race 3.

Date & Time: 2023-09-21 19:17 BST

PROTEST COMMITTEE

Committee Type: International Jury

Chaired By: Rosemary Collins (AUS)

Committee Members: Rosemary Collins (AUS), Marios Zisimatos (GRE), Enrica Mameli (ITA), Finn Mrugalla (GER)