

DECISION

Protest

Request No.: 35

Heard Jointly With Number(s): 42

Event: 2021 World Sailing Youth World Championships Race Number: 8
Hearing Schedule: 2021-12-16 18:10

PARTIES AND WITNESSES

Request No.: 35: 420 - FRA - FRA - Zou Schemmel

420 - GER - GER - Florian Kross

Request No.: 42: 420 (Male&Mixed) - FRA 420 MaleMixed - Zou Schemmel

420 (Male&Mixed) - GER 420 MaleMixed - Florian Krauss

Witnesses: 1st) Video from GER taken by ISR coach on the dow, 2nd) Video from Jury on water, 3rd) Jannis Summchen (crew of GER)

Interpreters: NIL

VALIDITY

Objection to Jury: No

Within Time Limit: Beyond with Good Reason

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

Original Hearing

1. The Protest Time Limit was 1712h and the request was lodged at 1731h.
2. FRA was selected for anti-doping testing immediately after coming ashore.
3. The helm finished his doping test at 1703h and the crew finished his doping test at 1740h. The helm produced the doping control form which indicated the time the testing was completed. Both helm and crew had to attend the doping test together.
4. The hearing proceeded in accordance with RRS N1.4 with a panel of 3 members and started at 1818h.
5. The representatives of GER and FRA were the helms respectively.

Consideration of the Reopening

1. The decision of Case 35 was announced to both parties at 1930h.
2. FRA requested for a reopening of Case 35, submitted at 1959h as Case 42.
3. The reconsideration to reopen started at 2040h and ended at 2045h, with a full panel of five members. The additional two members were Ken (IJ - POR) and Ilca (IJ - GER).

FACTS FOUND

Original Hearing

1. The wind speed was 8-9 knots and the sea-state had small waves.
2. 45s before the starting signal, FRA was sitting stationary on starboard tack and was the closest boat, downwind of the port stern of the RC signal vessel.
3. GER on starboard tack and sailing clear astern of FRA, established an overlap to leeward of FRA at 40s to start.
4. 20s to start, FRA backed her sail and started moving astern.
5. 10s to start, FRA bore away to a reaching angle, sheeted in her sail and luffed towards close-hauled.
6. FRA established an overlap to leeward of GER at 5s to start.
7. Immediately after establishing the overlap, FRA hailed protest and contact occurred between the port quarter of GER and the starboard quarter of FRA.
8. GER immediately luffed above a close-hauled course away from FRA.

9. There was no damage or injury and neither boat took a penalty.

Consideration of the Reopening

1. FRA brought a video evidence taken by his coach which was available at the time of the original hearing.
2. The coach of FRA had told the representative that he did not have to show the video as evidence at the original hearing because the Jury was a witness.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11 15, 43.1(b), 14, 66

Original Hearing

1. When acquiring right of way through her own actions, FRA failed to initially give GER room to keep clear, and broke RRS 15.
2. GER to windward failed to keep clear of FRA to leeward, and broke RRS 11.
3. Since GER 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.
4. FRA did not avoid contact when it was reasonably possible, and broke RRS 14.
5. It was not reasonably possible for GER the boat sailing within the room to which she was entitled to avoid contact with FRA when it was clear that FRA was not giving room. GER did not break RRS 14.

Consideration of the Reopening

1. The evidence that FRA plans to present is not new. Therefore, the requirements in RRS 66.1 for reopening the hearing are not met.

DECISION

FRA is DSQ in Race 8. Hearing No.35 will not be reopened.

Date & Time: 2021-12-16 20:45 +04

PROTEST COMMITTEE

Chaired By: Santiago Villamil (ARG)

Committee Members: Manuel Ken Gamito (POR), Ilca Heinrich (GER), Ali Ambusaidi (OMA), Jerrold Ng (SGP) - Scribe

Printed: 17 Dec 02:03