

DECISION

Request No.: 37

Protest and Request for Redress

Event: 2022 Formula Kite European Championships Race Number: Womens Semi Final B race 2
Hearing Schedule: 2022-10-04

PARTIES AND WITNESSES

Request No.: 37: FK - Women - ESP 29 - Gisela Pulido Borrell

FK - Women - FRA 33 - Poema Newland

Witnesses: Video evidence was presented by the International Jury.

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

1. The hearing was heard with a panel of three members in accordance with RRS N1.4(b).
2. The hearing proceeded in accordance with NoR/SI FMS 2.1.

FACTS FOUND

1. ESP 29 was on starboard, FRA 33 on port on a converging course approaching mark 4.
2. FRA 33 gybed onto starboard clear ahead and slightly to windward of ESP 29.
3. FRA 33 crashed from her foils and was recovering.
4. ESP 29 immediately commenced changing course to leeward.
5. Approximately two seconds later, FRA 33's kite lines made contact with ESP 29's kite lines and became tangled.
6. ESP 29's rider suffered a bruise on her right leg.
7. There was no damage.
8. Approximately two minutes later, the kite lines became untangled.
9. FRA 33 took a one-turn penalty.
10. Both kiteboards finished Womens Semi Final B race 2.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 14, F2.22.2, F4.44.1(b), 62.1, N1.4(b) and NoR/SI FMS 2.1

1. FRA 33 was recovering and did not keep clear of ESP 29, breaking RRS F2.22.2.
2. FRA 33 did not avoid contact when it was reasonably possible, breaking RRS 14. It was not reasonably possible for ESP 29 to avoid contact with FRA 33 so she did not break RRS 14.
3. Since FRA 33 caused tangle by her breach, her penalty was to retire as required by RRS F4.44.1(b).
4. ESP 29's score was made significantly worse in Womens Semi Final B race 2 through tangle, therefore the requirements to receive redress under RRS 62.1 are not met.

DECISION

Date & Time: 2022-10-02 16:12 EEST

FRA 33 is DCT in Womens Semi Final B race 2 because when she was recovering, she did not keep clear of ESP 29, caused a tangle and she did not take the appropriate penalty for her breach. The incident is counted to determine the number of tangles FRA 33 has caused during the event.

Redress is not granted to ESP 29 because her score was made worse through tangle.

PROTEST COMMITTEE

Chaired By: Marios Zisimatos (GRE)

Committee Members: Yoann Peronneau (FRA), Rosemary Collins (AUS)

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