

# DECISION

Request No.: 38

## Protest

Event: 2022 Formula Kite European Championships Race Number: Womens Semi Final B race 3  
Hearing Schedule: 2022-10-04

### PARTIES AND WITNESSES

**Request No.: 38:** FK - Women - ESP 29 - Gisela Pulido Borrell

FK - Women - FRA 33 - Poema Newland

**Witnesses:** The International Jury presented video and tracking evidence.

### 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. Shortly before the start of Womens Semi Final B race 3, ESP 29 was clear astern and to leeward of FRA 33.
2. FRA 33 crashed off her foils.
3. ESP 29 sailed past FRA 33 and was now clear ahead and to leeward of FRA 33.
4. Approximately 4 seconds after she crashed, FRA 33 recovered and lowered her kite.
5. There immediately was contact between FRA 33's kite and ESP 29's kite lines, near the bridle.
6. Neither kiteboard took a penalty and there was no damage, injury or tangle.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 12, 14, N1.4(b) and NoR/SI FMS 2.1

1. FRA 33 clear astern, did not keep clear of ESP 29 clear ahead, breaking RRS 12.
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.

### DECISION

**Date & Time:** 2022-10-02 16:45 EEST

FRA 33 is DSQ in Womens Semi Final B race 3 because when she was clear astern, she did not keep clear of ESP 29.

### PROTEST COMMITTEE

**Chaired By:** Stavros Kouris (GRE)

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