

# DECISION

## Protest

Request No.: 02

Event: 2021 Tempest World Championship Race Number: 5  
Hearing Date: 2021-07-07

### PARTIES AND WITNESSES

Request No.: 02: Tempest - AUT1110 - FRANZ NIEDERLEITNER  
Tempest - SUI1138 - MICHAEL RIBBACK

### VALIDITY

**Objection to Jury:** No  
**Within Time Limit:** Within Time Limit  
**Incident Identified:** Yes  
**Proper Hail:** Protest hailed  
**Red Flag Displayed:** Yes  
**Decision:** Request Valid

### PROCEDURAL MATTERS

### FACTS FOUND

AUT 1110 and SUI 1138 downwind on port, in wind speed 15-18 to mark 2.  
SUI 1138 as the windward.  
Boats were overlapped.  
SUI 1138 sailed inside the mark and AUT 1110 outside.  
AUT 1110 sailed her proper course to the next mark.  
SUI 1138 sailed to the next mark below close hauled.  
SUI 1138 luffed sharply  
A collision occurred between the right end of SUI 1138 stern and the left side -just in front of the mast- of AUT 1110 causing her (AUT) a hole in the mid-section right above the waterline.  
AUT 1110 did not finish the race.  
SUI 1138 finish the race  
No boat take penalty

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 11- 14  
1. SUI1138 to windward failed to keep clear of AUT1120 to leeward, and broke RRS 11.  
2. SUI1138 did not avoid contact when it was reasonably possible, and broke RRS 14.

### DECISION

**Date & Time:** 2021-07-07 18:15 CEST

The Protest is Upheld  
SUI 1138 is DSQ in race 5

### PROTEST COMMITTEE

**Chaired By:** Yannis Kleidonas (GRE)  
**Committee Members:** Tito Morosetti (ITA), Giuseppe D'amico (ITA), Henry Sleutel (NED), Claudio Reynaud (SUI)

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