

# DECISION

Protest

Request No.: 05

Heard Jointly With Number(s): 04

Event: F16 Summerbreeze Race Number: 9  
Hearing Schedule: 2021-07-22 09:00

## PARTIES AND WITNESSES

**Request No.: 05:** Formula 16 - ESP 1 - Alfredo Bernad

Formula 16 - NED 127 - Marcel Monteny

**Request No.: 04:** Formula 16 - NED 127 - Sea biscuit - Marcel Monteny

**Witnesses:** None

**Interpreters:** Not required

## 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

1. Case 04 did not meeting the requirements of 61.1 (a), (b) or (c) and is invalid.
2. The hearing was heard over MS Teams.
3. Stephane Etienne attended the hearing as facilitator of the call. He took no part in the hearing.

## FACTS FOUND

1. Windspeed approximately 12-15kts.
2. ESP was sailing close-hauled, on port tack, from Mark 1 to Mark 2.
3. NED was sailing downwind, with gennaker, on port tack, from Mark 3 to Mark 1.
4. NED came from ESP's port side.
5. NED and ESP did not see eachother.
6. The bow of the starboard hull of ESP hit the starboard hull of NED, approximately midships.
7. There was serious damage to NED and ESP.
8. There was no injury.
9. NED and ESP retired from the race.

**Diagram:** Endorsed by Protest Committee - Case 05 Diagram, showing relative positions of boats prior to the collision. Drawn by NED.

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** 11, 14, Case 26, Case

1. NED, as the keep-clear windward boat broke Rule 11
2. NED, as the keep-clear boat, failed to keep a lookout and to observe her primary duties to keep clear and avoid contact. She also broke Rule 14. See also Case 26.
3. Case 26: "All boats, whether or not holding right of way, must keep a lookout". ESP, by not keeping a lookout, did not avoid a collision and broke Rule 14

## DECISION

**Date & Time:** 2021-07-22 10:00 CEST

By retiring, NED and ESP took an applicable penalty (Rule 44). NED and ESP shall not be further penalised (Rule 64.2(a))

**PROTEST COMMITTEE**

**Chaired By:** Emmet Dalton (IRL)

**Committee Members:** Thomas Koenig (GER) Cecile Depayras

**Printed:** 2021-10-28 00:13