

# DECISION

Request No.: 03

## Protest

Event: 39 Copa del Rey MAPFRE Race Number: 1  
Hearing Schedule: 2021-08-02 18:30

### PARTIES AND WITNESSES

Request No.: 03: ORC 2 - ESP 6336 - BLAWCEL - JOSEP GIMENEZ  
ORC 2 - ITA 17707 - JASON - ALEKSEI BRUNOV

### 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

1. ESP ON PORT AND ITA ON STB APPROACHING THE PORT LEEWARD GATE ON CONVERGIN COURSE.
2. ESP ENTERED THE ZONE FIRST AND ITA AFTER HER.
3. WHEN ESP ENTERED THE ZONE BOATS WERE OVERLAPED WITH ESP THE INSIDE BOAT.
4. ESP GYBED TO STARBOARD AND ROUND THE MARK FIRST
5. ITA FOLLOWED
6. BOTH BOATS SAIL TO UPWIND ON STARBOARD TACK WITH ESP CLEAR AHEAD
7. CONTACT OCCURRED BETWEEN THE BOW OF ITA AND THE STERN OF ESP
8. DAMAGE TO THE BACK LIGHTS OF ESP AND TO THE TRANSOM (SMALL SCRATCH AT THE GEL COAT) 20-30CM BELOW THE BACKSTAY FIXING OF ESP
9. ITA TOOK ONE PENALTY TURN
10. ITA FINISHED THE RACE
11. ESP RETIRED
12. ESP DID NOT SAILED THE 2ND RACE OF THE DAY

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 12, 14, 44.1b, SI 11.1  
ITA clear astern failed to keep clear of ESP clear ahead, and broke RRS 12.  
ITA did not avoid contact when it was reasonably possible, and broke RRS 14.  
It was not reasonably possible for ESP the right-of-way boat to avoid contact with ITA when it was clear that ITA was not keeping clear. ESP did not break RRS 14.  
ITA TOOK THE APPROPRATE PENALTY AS SI 11.1  
ITA WAS NOT OBLIGED TO RETIRE AS ESP DID NOT SUFFER SERIOUS DAMAGE AS PER 44.1b  
THE RETIRMENT OF ESP WAS NOT DIRECTLY CAUSED BY THE DAMAGES FROM ITA

### DECISION

**Date & Time:** 2021-08-02 19:15 CEST

PROTEST UPHELD  
NO FURTHER PENALTY TO ITA

### PROTEST COMMITTEE

**Chaired By:** Romain Gautier (FRA)  
**Committee Members:** Yannis Kleidonas (GRE), Diego Forcada (ESP)

