

DECISION

Protest

Request No.: 07

Heard Jointly With Number(s): 10

Event: 41 Copa del Rey MAPFRE Race Number: 6
Hearing Schedule: 2023-08-02 20:10

PARTIES AND WITNESSES

Request No.: 07: ORC 3 - Holanda NED9944 - OLYMPE - HUGO GOMMERS

ORC 3 - España ESP7337 - VERGARA - RAFAEL SANZ FERNANDEZ

Request No.: 10: ORC 3 - España ESP7337 - VERGARA - RAFAEL SANZ FERNANDEZ

ORC 3 - Holanda NED9944 - OLYMPE - HUGO GOMMERS

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. Olympe was represented by Hugo Gommers (skipper).
2. Vergara was represented by Domingo Galan (bowman).
3. Laia Vadell and Inés Cabrer, members of the race committee, attended the hearing as observers.
4. Hearing No. 7 was heard together with hearing No. 10 in accordance with RRS 63.2 since both hearings arose from the same incident.

FACTS FOUND

1. Olympe and Vergara were sailing a slow upwind on starboard tack towards the starting line before the start.
2. Olympe was sailing faster and established an overlap 7.5m to leeward of Vergara.
3. Olympe slowly luffed and closed the gap with Vergara to 1.5m.
4. Both boats remained hull-to-hull for over 10 seconds.
5. Olympe luffed again and Vergara did not respond.
6. 15 seconds before the start, a hull-to-hull contact occurred for several seconds between Olympe and Vergara, causing two scratches of 10-15cm to the gelcoat and damaging the fiber glass on the starboard side of Olympe.
7. The contact did not cause any hole nor any injury.
8. Nobody took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11 and 14

1. Vergara to windward failed to keep clear of Olympe to leeward and broke by RRS 11.
2. Vergara also failed to avoid the contact with Olympe and broke RRS 14.
3. Olympe the right-of-way boat did not act to avoid contact with Vergara when it was reasonably possible and it became clear that Vergara was not keeping clear. Olympe broke RRS 14.

DECISION

Date & Time: 2023-08-02 21:05 CEST

1. Olympe and Vergara are DSQ in Race 6.

PROTEST COMMITTEE

Committee Type Protest Committee

Chaired By: Giorgio Davanzo (ITA)

Committee Members: Manuel Ken Gamito (POR), David Gosalbez (ESP)

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