

DECISION

Protest

Request No.: 01

Heard Jointly With Number(s): 02

Event: 2023 World Cup Series Sardinia Race Number: 2
Hearing Schedule: 2023-10-19 17:30

PARTIES AND WITNESSES

Request No.: 01: Male - ITA 44 - Michele Oppizzi

Male - GER 28 - Florian Gruber

Request No.: 02: Male - GER 28 - Florian Gruber

Male - ITA 44 - Michele Oppizzi

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

1. Hearing request No. 1 was heard together with hearing request No. 2 in accordance with RRS 63.2 since both hearings arose from the same incident.
2. Maria Vittoria Marchesini (ITA 29) attended the hearing as a witness for ITA 44.
3. The IWSA media team provided video evidence of the incident.

FACTS FOUND

1. The conditions at the time of the incident in race 2 were 12-14 knots of wind and choppy waves.
2. GER 28 and ITA 44 were reaching on starboard tack and approaching mark 1 which was to be left to starboard.
3. ITA 44 was sailing clear astern and to windward of GER 28 but was sailing faster than GER 28 and on a converging course.
4. When entering the zone of mark 1, GER 28 was overlapped with ITA 44 and 2m to leeward of ITA 44.
5. When ITA 44 and GER 28 were 2m from the mark, contact but no damage or injury occurred between ITA 44's wing and GER 28's board and competitor.
6. When passing mark 1, the wing of ITA 44 touched mark 1. The distance between ITA 44 and GER 28 at this time was less than 1m.
7. One meter after passing mark 1, ITA 44's competitor fell into the water and ITA 44 capsized.
8. GER 28 did not take a penalty and finished race 2 in 10th place.
9. ITA 44 retired from race 2.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, 31, 43.1(b), 63.2, WF2.18.2(a)(1)

1. GER 28 outside overlapped at the zone failed to give ITA 44 mark-room, and broke RRS WF2.18.2(a)(1).
2. GER 28 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. ITA 44 to windward failed to keep clear of GER 28 to leeward, and broke RRS 11.
4. ITA 44 touched mark 1 and broke RRS 31.
5. Since ITA 44 broke RRS 11 and 31 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for these breaches.
6. It was not reasonably possible for ITA 44, the wingfoil sailing within the mark-room to which she was entitled, to avoid

contact with GER 28 when it was clear that GER 28 was not giving mark-room. ITA did not break RRS 14.

DECISION

Date & Time: 2023-10-19 18:20 CEST

GER 28 is DSQ in race 2.

PROTEST COMMITTEE

Committee Type: Protest Committee

Chaired By: Alina Stratigiou (GRE)

Committee Members: Markus Schwendtner (GRE), Finn Mrugalla (GER)

Printed: 20 Oct 17:01