

# DECISION

Request No.: 08

## Protest

Event: Fireball Open European Championship 2023 Race Number: 6  
Hearing Schedule: 2023-09-22 14:50

### PARTIES AND WITNESSES

**Request No.: 08:** Fbl - U25 - ITA 14919 - La Vis - Gastone Emprin

Fbl - SUI 15165 - Gery Sauer

**Witnesses:** 14541

**Interpreters:** Observer: Francesca Quercini

### 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

SUI 15165 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).  
Gery Sauer, representing SUI 15165, came during the hearing at 15:04.

### FACTS FOUND

- 1) 15 knots; choppy sea.
- 2) ITA 14919 and SUI 15165 on a downwind leg in a distance of one metre, ITA14919 on starboard tack, SUI 15165 on port tack.
- 3) Contact occurred between SUI 15165's bow and the starboard side of ITA14919.
- 4) ITA 14919's hull was damaged as shown in the picture (big hole on the starboard side at the level of the cockpit).
- 5) SUI 15165 lost control, capsized and finished the race.
- 6) ITA 14919 retired due to the damage.
- 7) Neither boat took a penalty.
- 8) ITA 14919 not sail in races 7 and 8.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 10, 14

1. SUI 15165 on port failed to keep clear of ITA 14919 on starboard, and broke RRS 10.
2. SUI 15165 not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ITA14919, the right-of-way boat to avoid contact with SUI 15165 it was clear that SUI 15165 was not keeping clear. ITA14919 did not break RRS 14.

### DECISION

**Date & Time:** 2023-09-22 15:26 CEST

- 1) SUI 15165 is DSQ in race 6.
- 2) Redress is given to ITA 14919 to be scored in races 6, 7 and 8 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races sailed in the series, except races 6,7 and 8. No other boat's score shall change.

### PROTEST COMMITTEE

**Committee Type** International Jury

**Chaired By:** Franco Battistin (CRO)

**Committee Members:** Bojan Gale (SLO), Jean-Pierre Cordonnier (FRA), Jernej Krampsek (SLO), Ute Reisinger (AUT)

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