

# DECISION

Request No.: 08

## Request for Redress

Event: KiteFoil World Series Gizzeria & A's Youth Foil Europeans Race Number: 5  
Hearing Schedule: 2022-07-21

### PARTIES AND WITNESSES

**Request No.: 08:** KF MEN - NED 52 - Sven Van De Kamp

KF MEN - POL 12 - Jan Marciniak

**Witnesses:** 70

### 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

### FACTS FOUND

- 1-POL 12 was sailing on starboard towards the right gate of the leeward mark.
- 2-POL 12 gybed and fell to the water. The Kite immediately moved to the center.
- 3-At that time, NED 52 was sailing on port tack and at a distance of 15-20 metres astern of POL 12.
- 4-NED 52 luffed sharply and moved his kite upwards. There was contact between the kites with a tangle.
- 5-There was damage in several lines in both kites.
- 6-NED 52 could relaunch the kite after more than a 1 minute after the contact. At that moment, 15 boats were behind of him in the race.
- 7-45 Kiteboards finished the race.
- 8-NED 52 could not continue racing.
- 9-POL 12 retired from the race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 12, F2.16.1, 14, 43.1.a, 62.1.b

1-POL 12, right of way, changed the position of her kite without giving room to NED 52 to keep clear, breaking RRS F2.16.1 and 14.

2-NED 52, clear astern did not keep clear of POL 12 clear ahead, breaking RRS 12.

3-Since NED 52 was compelled to break RRS 12 as a consequence of POL 12 breaking RRS F2.16.1, she is exonerated under RRS 43.1(a) for this breach.

4-It was not reasonably possible for NED to avoid the contact, therefore she did not break RRS 14.

5-The score of NED was made significantly worse in race 5 through no fault of her own by damage caused by the action of a kiteboard that was breaking a rule of part 2 and took an appropriate penalty or was penalised. Therefore the requirements of RRS 62.1(b) are met.

### DECISION

**Date & Time:** 2022-07-21 21:13 CEST

1-POL 12 retired. No further penalty imposed but the incident is counted to determine the number of tangles the kiteboard has caused during the event.

2-NED 52 is given redress in race 5 and will be scored 30 points. This shall not change the score of the other kiteboards.

### PROTEST COMMITTEE

**Chaired By:** Aleksander Prusinski (POL)

**Committee Members:** Ewa Jodlowska (POL), Santiago Villamil (ARG)