

DECISION

Request No.: 10

Protest and Request for Redress

Event: 2023 Formula Kite European Championships Race Number: 3
Hearing Schedule: 2023-09-23 16:25

PARTIES AND WITNESSES

Request No.: 10: FRA 18 - Heloise Pegourie

POL 32 - Nina Arcisz

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

The panel of the International Jury was composed in accordance with RRS N1.4(b).

FACTS FOUND

1. The wind was about 12 knots. The seastate was little bit choppy.
2. On the first downwind leg of F7, FRA 18 and POL 32 were sailing on starboard tack.
3. FRA 18 was slightly clear ahead and 20m to leeward of POL 32.
4. POL 32 gybed to port and was sailing a course to pass behind FRA 18, with her kite clear of FRA 18's kite.
5. One second later FRA 18 lifted her kite and there was immediate contact but no tangle between the tips of the kites of POL 32 and FRA 18.
6. The kite of FRA 18 collapsed, the competitor fell in the water and FRA 18 capsized.
7. FRA 18 retired from the race.
8. There are 2 tears in the kite of FRA 18.
9. POL 32 did a 360 turn just before the finish.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, 14, F2.16.1, 43.1(b), 44.1(b), 62.1, 64.2(a) and N1.4(b)

1. When changing the position of her kite, FRA 18 the right-of-way kiteboard failed to give POL 32 room to continue keeping clear, and broke RRS F2.16.1.
2. POL 32 on port tack failed to keep clear of FRA 18 on starboard tack, and broke RRS 10.
3. Since POL 32 broke RRS 10 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. FRA 18 did not avoid contact when it was reasonably possible, and broke RRS 14.
5. It was not reasonably possible for POL 32 the kiteboard sailing within the room to which she was entitled, to avoid contact with FRA 18 when it was clear that FRA 18 was not giving room. POL 32 did not break RRS 14.
6. Since RRS 44.1(b) did not apply, FRA 18 took an applicable penalty by retiring.
7. FRA18's score in race F7 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

DECISION

Date & Time: 2023-09-23 17:27 BST

The protest is upheld. Since FRA 18 took an applicable penalty, she is not further penalized under RRS 64.2(a).
Redress not given.

PROTEST COMMITTEE**Committee Type** International Jury**Chaired By:** Jacob Andersen (DEN)**Committee Members:** Marios Zisimatos (GRE), Pauline den Burger (NED)

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