

DECISION

Request No.: 02

Protest

Event: Eurocup 4000 Race Number: 7
Hearing Schedule: 2022-07-30

PARTIES AND WITNESSES

Request No.: 02: 4000 - BER 4506 - LENNY DE SILVA
4000 - FRA 4468 - CEDRIC GENDRON

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

Protestor asked a paper form in order to file the protest because of not having personal computer support to file the protest through RRoS. This is permitted under SI 12.1.

The Chairman of the PC acts as translator from english to french for the protestee, so the hearing is conducted in english.

FACTS FOUND

1. Race 7, wind 9 knots, light wave, incident occurred after the second rounding of mark 1A.
2. The leg between marks 1 and 1A is 25 hull lengths long.
3. BER 4506 and FRA 4468 are sailing on the run both on starboard tack without gennaker hoisted.
4. BER 4506 takes a penalty turn inside the zone of mark 1A for having touched mark 1, she hoists gennaker while completing the penalty turn.
5. FRA 4468 clear astern becomes overlapped one hull length windward to BER 4506 while BER 4506 was completing her penalty turn.
6. FRA 4468 hoists gennaker after the overlap begun
7. The boats proceed on parallel courses for 15 hull lengths.
8. There is a contact without damage and injuries between gennaker of BER 4506 and boom of FRA 4468
9. FRA 4468 took a penalty turn 40 hull lengths after the incident with BER 4506 occurred.

Diagram: Endorsed by Protest Committee

CONCLUSIONS AND RULES THAT APPLY

Rules: 11, 14, 31, 44.2

1. BER 4506 broke RRS 31 by touching mark 1.
2. By delaying her penalty turns by 25 hull lengths after having touched at mark 1, BER 4506 failed to comply with the requirements of RRS 44.2.
3. FRA 4468 to windward failed to keep clear of BER 4506 to leeward, and broke RRS 11.
4. FRA 4468 did not avoid contact when it was reasonably possible, and broke RRS 14.
5. By delaying her penalty turns by 40 hull lengths after the incident with BER 4506, FRA 4468 failed to comply with the requirements of RRS 44.2.
6. It was not reasonably possible for BER 4506, the right-of-way boat to avoid contact with FRA 4468 when it was clear that FRA 4468 was not keeping clear. BER 4506 did not break RRS 14.

DECISION

Date & Time: 2022-07-30 16:14 CEST

The Protest is Upheld. BER 4506 and FRA 4468 are both DSQ in race 7.

PROTEST COMMITTEE

Chaired By: Piero Occhetto (ITA)

Committee Members: Alessandro Berrone (ITA) Marco Pantaleoni