

DECISION

Request No.: 04

Protest

Event: 49er, 49erFX and Nacra17 European Championships 2021 Race Number: 2
Hearing Schedule: 2021-09-14 19:00

PARTIES AND WITNESSES

Request No.: 04: 49er - Blue - FRA 44 - Kévin FISCHER - Noé Delpech
49er - Blue - GER 718 - Valentin MÜLLER

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

1. Till-Jonas Gerngross (GER 718's coach) attended the hearing as an observer.

FACTS FOUND

1. First mark of race 2, wind: 5-6 knots.
2. FRA 44 rounded the mark and did a gybe set onto port. She raised her gennaker.
3. GER 718, faster, also did a gybe set onto port, raised her gennaker, and became overlapped to windward of FRA 44 from clear astern.
4. FRA 44 no longer needed space to leave the mark on the required side.
5. FRA 44 luffed slowly.
6. GER 718 luffed in response but had to constrain her luff due to the presence of the mark.
7. Both boats' gennakers were no longer drawing.
8. There was contact between the port wing of FRA 44 and the starboard wing of GER 718.
9. There was damage to GER 718: her starboard tiller extension broke in the middle.
10. Neither boat took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 16.1, 14, 18.1

1. When changing course FRA 44, the right-of-way boat, failed to give GER 718 room to keep clear, and broke RRS 16.1.
2. FRA 44 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for GER 718, the boat sailing within the room to which she was entitled to avoid contact with FRA 44 when it was clear that FRA 44 was not giving room. GER 718 did not break RRS 14.
4. Mark-room was given to FRA 44 and hence RRS 18 no longer applied in accordance with RRS 18.1.

DECISION

FRA 44 is DSQ in race 2.

Date & Time: 2021-09-14 19:36 EEST

PROTEST COMMITTEE

Chaired By: Jon Napier (GBR)

