

# DECISION

Request No.: 03

## Protest and Request for Redress

Event: 49er, 49erFX and Nacra17 European Championships 2021 Race Number: 1  
Hearing Schedule: 2021-09-14 18:30

### PARTIES AND WITNESSES

Request No.: 03: 49er - Blue - AUS 112 - Otto Henry

49er - GER 718 - Valentin MÜLLER - 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 1, wind: 8 knots.
2. AUS 112 rounded the mark on starboard tack and bore away on a downwind course.
3. GER 718 approached the mark on port tack, 2 boat-lengths below the port lay line, on a close-hauled converging course.
4. AUS 112 hoisted her spinnaker when the boats were 15 metres away.
5. Both boats held their course.
6. Contact occurred between the bow of GER 718 and the stern, the starboard wing, and the skipper of AUS 112.
7. There was damage to AUS 112: snapped tiller extension, cracking of the starboard wing and removal of grip tape.
8. The skipper of AUS 112 fell inside the boat and was pushed to the other side of the boat.
9. GER 718 took a one-turn penalty.
10. Before the incident, AUS 112 rounded the first mark at around the 7th position.
11. After the incident, AUS 112 could not trapeze on starboard tack because of the snapped tiller extension.
12. AUS 112 had a spare tiller extension onboard but decided not to change it because to do so would have caused them to lose more time and places.
13. AUS 112 rounded the next mark at around the 20th place and finished 18th in race 1.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 10, 14, 44, 62.1(b)

1. GER 718 on port failed to keep clear of AUS 112 on starboard, and broke RRS 10.
2. GER 718 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for AUS 112, the right-of-way boat to avoid contact with GER 718 when it was clear that GER 718 was not keeping clear. AUS 112 did not break RRS 14.
4. The damage GER 718 caused is not serious, and so GER 718 took the applicable penalty under RRS 44.
5. AUS 112's score in race 1 was made significantly worse through no fault of her own by physical damage because of the action of GER 718 that was breaking RRS 10 and took an appropriate penalty. In the circumstances, the decision not to change the tiller extension was not a fault of the crew.
6. Therefore, the requirements for redress in RRS 62.1(b) are met.

**DECISION****Date & Time:** 2021-09-14 18:57 EEST

Protest upheld. GER 718 took the applicable penalty and is not further penalized.

Redress is given to AUS 112. AUS 112 is to be scored in race 1, average points in accordance with rule A9(a), replacing 'in all races' with 'in all races from September 14 through September 15', but no worse than her finishing position.

**PROTEST COMMITTEE****Chaired By:** Jon Napier (GBR)**Committee Members:** Yoann Peronneau (FRA), Ilca Heinrich (GER), Vasilios Pigadas (GRE), Nikoletta Deligianni (GRE)**Printed:** 15 Sep 20:37