

# DECISION

Request No.: 09

## Protest

Event: 2023 RS500 World Championship Race Number: 8  
Hearing Schedule: 2023-07-27 20:00

### PARTIES AND WITNESSES

**Request No.: 09:** RS 500 - ITA 1604 - Iacopo Roncuzzi

RS 500 - NED 971 - Hylke Kooistra

**Witnesses:** GBR 1746 (Hugh Watson), GBR 1681 (James Curtis)

### 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

The protest returned from an arbitration meeting which failed.  
Neither boat accepted a Post-Race Penalty under RRS T1(a).

The chairman of the IJ appointed a panel of three members from 3 different MNA's (CZE GER ITA) with 2 International Judges, under RRS N1.4(b).

Later during the hearing, the decision was done by a panel composed in accordance with RRS N1.1, N1.2, and N1.3 (with Anastasios Fotis (GRE) and Pavel Muron (CZE) joining the panel).

### FACTS FOUND

1. In race no. 8 of the World Championship of the RS 500, the wind speed was 15 knots, no waves.
2. ITA 1604 and NED 971 were approaching the finishing mark on a broad reach on port tack.
3. When ITA 1604 entered the zone, she was clear ahead of NED 971 by approximately a quarter boat length and 1 boat length to leeward.
4. ITA 1604 course was pointing to windward of the finishing mark.
5. At a distance of 1 boat length to the mark, ITA 1604 bore away sailing directly to the mark.
6. When ITA 1604 reached the finishing mark, she slowed down and gybed to starboard tack.
7. While gybing, the crew of ITA 1604 fall into the water and was not in contact with the boat.
8. Afterwards, ITA 1604 heeled to leeward and the mainsail touched the finishing mark.
9. In that moment ITA 1604 finished.
10. NED 971 gybed to starboard tack and two seconds later her gennacker boom touched the stern of ITA 1604, which was still in contact with the mark.
11. There was no damage or injury.
12. No boat took a penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 12, 14, 18.2(b), 31, 48.2

1. NED 971 clear astern failed to keep clear of ITA 1604 clear ahead, and broke RRS 12.
2. NED 971, clear astern at the time ITA 1604 reached the zone, failed to give ITA 1604 mark-room, and broke RRS 18.2(b).
3. It was reasonably possible for NED 971 to avoid contact with ITA 1604. NED 971 broke RRS 14.
4. It was not reasonably possible for ITA 1604 the right-of-way boat and the boat sailing within mark-room to avoid contact with NED 971 when it was clear that NED 971 was not giving mark-room and was not keeping clear. ITA

1604 did not break RRS 14.

5. ITA 1604 touched the finishing mark and broke RRS 31. It was not a consequence of the incident with NED 971 required to give mark room to ITA 1604 that ITA 1604, the boat sailing within the entitled mark-room, broke RRS 31 and therefore, she is not exonerated under RRS 43.1(b) for this breach.
6. ITA 1604 resumed sailing to the finishing mark even though her crew, accidentally leaving the boat, was not in contact with the boat and therefore ITA 1604 broke RRS 48.2.

**DECISION**

**Date & Time:** 2023-07-27 22:16 CEST

1. ITA 1604 and NED 971 are scored DSQ in race no. 8

**PROTEST COMMITTEE**

**Committee Type** Protest Committee

**Chaired By:** Radim Vasik (CZE)

**Committee Members:** Anastasios Fotis (GRE), Pavel Muroň (CZE), Giorgio Bolla (ITA), Holger Herburger (GER)

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