

DECISION

Request No.: 06

Protest

Event: european fireball championship 2021 Race Number: 6
Hearing Schedule: 2021-09-14 17:00

PARTIES AND WITNESSES

Request No.: 06: Fireball - SUI 15063 - Mianne Erne

Fireball - CZE 15095 - Ladislav Vomacko

Witnesses: Fra 14433

Interpreters: Matej Snadr for CZE 15095

VALIDITY

Objection to Jury: No

Within Time Limit: Beyond with Good Reason System problem with online filing

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. Heard together with case Nr. 7 under RRS 63.2.
2. Cause to a failure in the system, the protest forms were lodged directly via race office's computer.
3. At a first attempt, cases 4 and 5 were filed, but due to a failure in the system the protest forms were not uploaded; the same protest forms have been re-loaded as cases 6 and 7.
4. IJ Franco Battistin and Bruno Tamburini were off-site but attended at the hearing on-line and were capable to hear parties, witness, translator and the other members of the IJ present at the hearing, and both were able to question the parties.

FACTS FOUND

1. The incident occurred in rounding the leeward mark after the run (leg 5) in race 6.
2. Smooth water, 9-10 knots of wind speed.
3. SUI and CZE, on port tack, entered the zone overlapped, CZE outside and slightly ahead of SUI.
4. FRA 14433 and FRA 14995, on starboard tack, entered the zone overlapped, FRA 14995 inside and slightly ahead of FRA 14433.
5. At the time CZE was the first boat to reach the zone, she was overlapped also with FRA 14433 and FRA 14995.
6. At the mark CZE was rounding less than 1/2 hull length from the mark while FRA 14433 and FRA 14995 were gybing.
7. At that time SUI was between CZE and FRA 14433.
8. A first contact with no damage occurred between the right loof of SUI and the port aft quarter of CZE.
9. A second contact with no damage occurred between the port side of SUI and the starboard aft quarter of FRA 14433.
10. A third contact occurred between the port loof of FRA 14433 and the starboard side of FRA 14995.
11. FRA 14333 had a small hole on her port loof.
12. No boat took a penalty turn.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 14, 18.2(b), 43.1(a), 43.1(b), 43.1(c)

1. CZE outside overlapped at the zone, failed to give SUI mark room, and broke RRS 18.2(b)

1. CZE, outside overlapped at the zone, failed to give SUI mark-room, and broke RRS 18.2(b).
2. CZE did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Since CZE was right-of way boat and the contact did not cause damage or injury, she is exonerated under RRS 43.1(c) for breaking RRS 14.
4. SUI, outside overlapped at the zone, failed to give FRA 14433 mark-room, and broke RRS 18.2(b).
5. Since SUI was compelled to break RRS 18.2(b) as a consequence of CZE breaking RRS 18.2(b), she is exonerated under RRS 43.1(a) for this breach.
6. It was not reasonably possible for SUI, the boat sailing within the mark-room to which she was entitled to avoid contact with FRA 14433 when it was clear that CZE was not giving mark-room. SUI did not break RRS 14.
7. FRA 14433 to windward failed to keep clear of SUI to leeward, and broke RRS 11.
8. Since FRA 14433 broke RRS 11 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
9. It was not reasonably possible for FRA 14433, the boat sailing within the mark-room to which she was entitled, to avoid contact with SUI when it was clear that SUI was not giving mark-room. FRA 14433 did not break RRS 14.
10. FRA 14995 to windward failed to keep clear of FRA 14433 to leeward, and broke RRS 11.
11. Since FRA 14995 broke RRS 11 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
12. It was not reasonably possible for FRA 14995, the boat sailing within the mark-room to which she was entitled, to avoid contact with FRA 14433 when it was clear that FRA 14433 was not giving mark-room. FRA 14433 did not break RRS 14.

DECISION**Date & Time:** 2021-09-14 18:32 CEST

CZE is being DSQ in race 06.

PROTEST COMMITTEE**Chaired By:** Reinhard Schanda (AUT)**Committee Members:** Giorgio Bolla (ITA), Franco Battistin (CRO), Bruno Tamburini (ITA), Reinhard Schanda (AUT)**Printed:** 2021-09-17 10:09