

# DECISION

Request No.: 37

## Protest and Request for Redress

Event: 2022 49er, 49erFX and Nacra 17 World Championships Race Number: 15  
Hearing Schedule: 2022-09-05 12:00

### PARTIES AND WITNESSES

Request No.: 37: 49er - Gold - FRA 16 - Erwan FISCHER

49er - POL 5 - Dominik Buksak

### 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

### FACTS FOUND

1. Wind was 8 - 10 knots.
2. Before the start, FRA 16 and POL 5 were sailing on starboard tack with POL 5 to leeward and advanced.
3. POL 5 tacked to port and then bore away to try and avoid FRA 16.
4. POL 5 collided with the port wing of FRA 16.
5. There was damage to the trapeze of FRA 16, but her helm and crew were able to trapeze during the race. It took them longer each time to get on the trapeze and on some occasions was not possible.
6. FRA 16's best place during the race was around 6th or 7th at the windward mark. She finished in 18th place.
7. POL 5 took a One Turn Penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

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

1. The damage caused to FRA 16 is not serious damage.
2. POL 5 broke rules 10 and 14 and took the appropriate penalty.
3. It was not reasonably possible for FRA 16, the right-of-way boat, to avoid contact with POL 5 once it was clear that FRA 16 was not keeping clear. FRA 16 did not break RRS 14.
4. FRA 16's score in race 15 was made significantly worse through no fault of her own by physical damage because of the action of POL 5 that was breaking RRS 10 and 14 and took an appropriate penalty. FRA 16 is to be scored 15.0 points in race 15, this being her average points in all races in the Gold Fleet other than race 15.

### DECISION

**Date & Time:** 2022-09-05 12:17 ADT

1. Protest upheld. No further penalty.
2. Redress given. FRA 16 is to be scored RDG 15.0 in race 15.

### PROTEST COMMITTEE

**Chaired By:** Alan Baser (GBR)

**Committee Members:** Jon Napier (GBR), Yoann Peronneau (FRA), Ilca Heinrich (GER), Michael Turner (CAN)