

DECISION

Protest

Request No.: 10

Heard Jointly With Number(s): 13, 14

Event: 2022 49er and 49erFX Junior European Championships Race Number: 4
Hearing Schedule: 2022-10-15 21:00

PARTIES AND WITNESSES

Request No.: 10: 49er - POL 164 - Tytus Butowski

49er - CRO 113 - Buba PULEK

Request No.: 14: 49er - 113 - Edo Fike

49er - Pol 164

Request No.: 13: 49er - 113 - Edo Fike

49er - Esp457

Witnesses: ESP 457

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. POL 164 was represented by Tytus BUTOWSKI.
2. CRO 113 was represented by Edo FIKE.
3. ESP 457 was represented by Martin WIZNER.
4. Hearing No. 10 was heard together with Hearings No. 13 and 14 in accordance with RRS 63.2 since both hearings arose from the same incident.

FACTS FOUND

1. The wind was 5-6 knots with almost flat water at the time of the incident.
2. POL 164 was the first boat on the starting line next to the race committee signal vessel. POL 164 was stationary on starboard above close-hauled.
3. ESP 457 was 1.5 metres to leeward of POL 164 on starboard, above close-hauled, maintaining position.
4. CRO 113 was sailing on port, luffed and passed head to wind to sail into the gap in between POL 164 and ESP 457.
5. ESP 457 bore away and made the gap wider between POL 164 and herself.
6. Before CRO 113 reached close-hauled course on starboard tack, still moving forward, there was a contact between the port side of CRO 113 and the starboard wing of ESP 457, and there was a contact between the starboard side of CRO 113 and the port-side tiller extension of POL 164.
7. No damage occurred.
8. No penalty was taken.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 13, 14

1. After passing head to wind and before being on a close-hauled course, CRO 113 failed to keep clear of ESP 457 and POL 164. CRO 113 broke RRS 13.
2. By not avoiding contact, CRO 113 broke RRS 14.

3. It was not reasonably possible for ESP 457 and POL 164 to avoid contact with CRO 113 when it was clear that CRO 113 was not keeping clear. ESP 457 and POL 164 did not break RRS 14.

DECISION

Date & Time: 2022-10-15 23:10 CEST

CRO 113 is DSQ in race 4.

PROTEST COMMITTEE

Chaired By: Yoann Peronneau (FRA)

Committee Members: Bence Borocz (HUN), Sally Burnett (GBR)

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