

# DECISION

Protest and Request for Redress

Request No.: 08

Heard Jointly With Number(s): 09, 10

Event: 49er, 49erFX and Nacra17 European Championships 2021 Race Number: 5  
Hearing Schedule: 2021-09-15 20:30

## PARTIES AND WITNESSES

**Request No.: 08:** 49erFX - NED 65 - Odile VAN AANHOLT - Odile Van Aanholt

Fx - Ita 146

**Request No.: 10:** 49erFX - silvia sicouri

49erFX - DEN 370 - Johanne SCHMIDT

**Request No.: 09:** 49erFX - ITA 146 - Silvia Sicouri

49erFX - NED 65 - Odile VAN AANHOLT

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**Decision:** Request Valid

## PROCEDURAL MATTERS

NED 65 requested additional time to prepare for the hearing. The Jury Chairman granted an additional 15 minutes.

The International Jury ruled there was good reason to allow NED 65 to be represented by Kaj Bocker (their coach) due to the injury of the crew. There was no objection from any party.

## FACTS FOUND

1. NED 65, ITA 146 and DEN 370 were sailing downwind on starboard with their gennakers up.
2. DEN 370 was overlapped to windward of NED 65 with ITA 46 overlapped in between.
3. NED 65 luffed and ITA 46 luffed in response to avoid NED 65.
4. DEN 370 did not change course.
5. ITA 46 could not luff any further due to the presence of DEN 370.
6. There was contact between the starboard side of NED 65 and the port side of ITA 46.
7. The helm of NED 65 became entangled in the working lines of ITA 146.
8. The helm of NED 65 was pulled out the boat with ITA 146's lines around her head. She was taken 2 metres into the air.
9. NED 65 capsized.
10. The helm of NED 65 got back on board the boat, the crew righted her unaided, and she was able to finish the race.
11. The helm of NED 65 was badly winded by the injury and struggled to sail the boat properly. The crew helmed the boat for the remainder of the race.
12. Before the incident, NED 65 was around 8th to 9th place. After the incident she was in last place.
13. No boat took a penalty.

**Diagram:** No Diagram Needed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** 11, 14, 43.1(a), 62.1(b)

1. DEN 370 failed to keep clear of ITA 46, breaking rule 11
2. ITA 46 failed to keep clear of NED 65, breaking rule 11

3. ITA 46 was compelled to break rule 11 by DEN 370's breach of rule 11 and is exonerated
4. It was not reasonably possible for NED 65 or ITA 46 to avoid contact and they did not break rule 14
5. NED 65's finishing place was made significantly worse by injury caused by the action of DEN 370, boat breaking a rule of Part 2 and who will be penalised.

**DECISION****Date & Time:** 2021-09-15 19:24 EEST

1. DEN 370 is disqualified in Race 5
2. NED 65 is granted redress. She will be scored in Race 5 average points in accordance with rule A9(a) replacing 'in all races' with 'in all races from 14 September to 18 September' but no worse than her finishing position.

**PROTEST COMMITTEE****Chaired By:** Yoann Peronneau (FRA)**Committee Members:** Yannis Kleidonas (GRE), Ilca Heinrich (GER), Vasilios Pigadas (GRE), Jon Napier (GBR)**Printed:** 2021-09-16 11:40