

# DECISION

Protest and Request for Redress

Request No.: 27

Heard Jointly With Number(s): 29

Event: 2022 Formula Kite European Championships Race Number: F3  
Hearing Schedule: 2022-10-01

## PARTIES AND WITNESSES

**Request No.: 27:** FK - Women - FRA 33 - Poema Newland

FK - Women - FRA 34 - Alexia Fancelli

**Request No.: 29:** FK - Women - FRA 34 - Alexia Fancelli

FK - Women - ITA 17 - Maggie Eillen Pescetto

**Witnesses:** The International Jury presented video and tracking evidence.

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Hail not required Protestee informed at the first reasonable opportunity.

**Red Flag Displayed:** Not required

**Decision:** Request Valid

## PROCEDURAL MATTERS

1. The hearing was heard with a panel of three members in accordance with RRS N1.4.
2. Hearing No. 27 was heard together with Hearing No. 29, in accordance with RRS 63.2 since both hearings arose from the same incident.

## FACTS FOUND

1. The wind was 14 knots with flat water.
2. FRA 33 was sailing on starboard tack on the upwind leg, slightly above the starboard lay line to mark 1.
3. FRA 34 was sailing on port tack, on a collision course with FRA 33.
4. ITA 17 was also sailing on port tack, 15m clear astern and approximately 15m to windward of FRA 34.
5. FRA 34 bore away to pass behind another kiteboard on starboard tack.
6. FRA 34 hailed for room to tack to ITA 17, but did not make an arm signal. She then started to raise her kite.
7. Approximately 2 seconds later, ITA 17 also raised her kite and tacked onto starboard.
8. Approximately 1 second later, FRA 34 was approximately 30m from FRA 33. FRA 34 continued to raise her kite and started to change course to windward.
9. FRA 33 sailed into FRA 34's lines.
10. FRA 34's lines were tangled around FRA 33 and ripped her wetsuit, causing a slight burn on her right leg.
11. No contact occurred between ITA 17 and the other kiteboards.
12. Approximately 2 minutes later, FRA 33 got free of the other kiteboard's lines.
13. FRA 34 lines were broken and FRA 33 and FRA 34 were both brought ashore by support boats.
14. FRA 33 and FRA 34 retired from the race.
15. In the next race, FRA 34 started on time and FRA 33 started race F4 45 seconds after the starting signal.
16. ITA 16 did not take any penalty.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 10, 14, 20.2(b) and (c), F2.20.5(a), F4.44.1(b), 62.1, 64.2(b) and N1.4(b)

1. FRA 34 on port, failed to keep clear of FRA 33 on starboard, and broke RRS 10.

2. FRA 34 failed to make the arm signal required by RRS F2.20.5(a) for room to tack.
3. FRA 34 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. By retiring, FRA 34 took the applicable penalty under RRS F4.44.1(b).
5. It was not reasonably possible for FRA 33, the right-of-way boat to avoid contact with FRA 34 when it was clear that FRA 34 was not keeping clear. FRA 33 did not break RRS 14.
6. FRA 33's score in race F3 and F4 was made significantly worse by the tangle. Therefore, the requirements for redress in RRS 62.1 are not met.
7. FRA 34's score in race F3 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

**DECISION****Date & Time:** 2022-10-01 17:40 EEST

The protest against FRA 34 is upheld. Since FRA 34 took an applicable penalty, no further penalty is imposed, under RRS 64.2(b), but the incident is counted to determine the number of tangles the kiteboard has caused during the event.

The protest against ITA 17 is dismissed.

Redress is not given to any of the three kiteboards.

**PROTEST COMMITTEE**

**Chaired By:** Pauline Den Burger (NED)

**Committee Members:** Rosemary Collins (AUS), Stavros Kouris (GRE)

Printed: 03 Oct 10:15