

# DECISION

Request No.: 06

## Protest

Event: MELGES 24 European Championship 2021 Race Number: 5  
Hearing Schedule: 2021-09-08 18:45

### PARTIES AND WITNESSES

**Request No.: 06:** Melges24 - Corinthian - 726 - Atena - Jerkovič Jure

Melges24 - Corinthian - 677 - White Room - Michael Tarabochia

**Witnesses:** AUT 837 Helmut Gottwald, Heiko Thölmann (Jury), Vilmos Naray (Jury), AUT 716 Max Steltel

### 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

### FACTS FOUND

Facts found in the original hearing:

1. GER 677, AUT 716 and SLO 726 on the first beat of Race Nr. 5 approaching Mark Nr. 1 with GER 677 and AUT 716 on port, overlapped, and SLO 726 on starboard since entering the zone.
2. GER 677 and AUT 716 passed head to wind adjacent to the mark bow to bow and bore away to close-hauled.
3. Overlapped was established instantaneously between GER 677, AUT 716 with SLO 726.
4. AUT 716 lost speed and touched the mark with their port side midships,
5. While AUT 716 and GER 677 rounded the mark, SLO was sailing below close-hauled on a converging course pointing on the bow of GER 677.
6. The minimum distance between GER 677 and AUT 716 was 50cm.
7. SLO luffed at a distance of less than a boat length to GER 677 not sailing above close-hauled.
8. Contact occurred between GER 677 starboard side amidships and SLO 726 port side creating minor gelcoat marks on SLO 726 and no damage on GER 677.
9. SLO 726 was overlapped to windward at that moment with another boat at a lateral distance of 2-3m
10. AUT 716 took a penalty turn.

Facts found in the reopen hearing:

1. GER 677, AUT 716 on port and SLO 726 on starboard since entering the zone, on the first beat of Race Nr. 5 approaching Mark Nr. 1.
2. SLO 726 sailing below close-hauled on a direct course to the mark.
3. GER 677, being outside overlapped to AUT 716 passed head to wind adjacent to the mark bow to bow
4. AUT 716 lost speed and touched the mark with their port side midships,
5. Before GER 677 reached a close-hauled course SLO 726 luffed at a distance of less than a half-boat length to GER 677.
6. GER 677 reached close-hauled course and continues to bear away
7. SLO 726, being windward overlapped to GER 677, bore away on the converging course with GER.
8. Contact occurred between GER 677 starboard side amidships and SLO 726 port side creating minor gelcoat marks on SLO 726 and no damage on GER 677.
9. SLO 726 was overlapped to windward at that moment with another boat at a lateral distance of 2-3m.

10. AUT 716 took a penalty turn.

**Diagram:** Diagram not endorsed

#### **CONCLUSIONS AND RULES THAT APPLY**

**Rules:** 11, 13, 14

Conclusions in the original hearing:

1. GER 677 outside overlapped, gave AUT 716 mark-room, and did not broke RRS 18.2(a).
2. SLO 726 to windward failed to keep clear of GER 677 to leeward, and broke RRS 11.
3. It was not reasonably possible for GER 677, the right-of-way boat and the boat sailing within the room to which she was entitled to avoid contact with SLO 726 when it was clear that SLO 726 was not keeping clear. GER 677 did not break RRS 14.
4. SLO 726 did not avoid contact when it was reasonably possible, and broke RRS 14.

Conclusion in the reopened hearing:

1. After passing head to wind and before being on a close-hauled course, GER 677 failed to keep clear of SLO 726 and broke RRS 13.
2. SLO 726 to windward failed to keep clear of GER 677 to leeward, and broke RRS 11.
3. It was not reasonably possible for GER 677, the right-of-way boat to avoid contact with SLO 726 when it was clear that SLO 726 was not keeping clear. GER 677 did not break RRS 14.
4. SLO 726 did not avoid contact when it was reasonably possible, and broke RRS 14.

#### **DECISION**

SLO 726 and GER 677 are DSQ in Race Nr 5.

**Date & Time:** 2021-09-10 10:55 CEST

#### **PROTEST COMMITTEE**

**Chaired By:** Stanko Uzmah (SLO)

**Committee Members:** Vilmos Naray (HUN), Uros Zvan (SLO), Heiko Thoelmann (GER), Stanko Uzmah (SLO)

**Printed:** 10 Sep 22:58