

# Hearing Decision



## EurILCA Senior European Championships & Open European Trophy 2022

Case Number	With Case	Race Number	Hearing Status
38		5	Closed

### Type of Hearing

Protest - an allegation that one or more boats broke a rule  
Request for redress

Valid	Date of Race	Received Time
yes	18/11	16:23:34

### PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
ILCA 6 WOMEN	Yellow	POL 197117	GOŁĘBIEWSKA Wiktoria
ILCA 6 WOMEN	Red	CZE 220626	HIMMELOVA Klara

### Witnesses

Name	Boat - Committee - Role
Nancy Highfield	HKG 211717

### Case Summary:

Port-starboard incident while not racing resulting in an injury.

### Procedural Matters:

Request for redress is reclassified as a protest and request for redress based on the testimony during the hearing according to RRS 64.1(c).

### Facts Found:

1. POL 197117 finished race 5 in the yellow fleet.
2. CZE 220626 was waiting for her starting procedure for race 5 in the red fleet within the last minute to her warning signal.
3. POL 197117 was on starboard tack nearly stationary approximately 10 boat lengths to leeward of the RC signal vessel.
4. CZE 220626 was sailing on port tack on a converging course with POL 197117.
5. At a distance of 3 boat lengths from CZE 220626, POL 197117 hailed, and at a distance of 1 boat lengths both boats luffed.
6. CZE 220626 bore away and a collision occurred between the bow of CZE 220626 and the port side of POL 197117 just behind her mast.
7. The helm of POL 197117 hit herself in the leg and was not able to stand on her leg.
8. POL 197117 was towed ashore by her coach.
9. No damage occurred.
10. CZE 220626 sailed and finished race 5.
11. Race 5 was the only race of the day and the last race of the qualifying series.
12. The helm of POL 197117 has an appointment with her doctor after the hearing.

Conclusion & Rules:

1. Since both boats were not racing but were sailing in or near the racing area and both boats intended to race, and the incident caused injury, the preamble to RRS Part 2 applies.
2. CZE 220626 on port failed to keep clear of POL 197117 on starboard, and broke RRS 10.
3. CZE 220626 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. It was not reasonably possible for POL 197117 the right-of-way boat to avoid contact with CZE 220626 when it was clear that CZE 220626 was not keeping clear. POL 197117 did not break RRS 14.
5. POL 197117’s score in the final series may be made significantly worse through no fault of her own by injury because of the action of CZE 220626 that was breaking RRS 10 and RRS 14, and was penalized.

Decision:

1. CZE 220626 is disqualified (DSQ) in race 5.
2. Redress is given to POL 197117 and her score remains unchanged.

Short Decision:

CZE 220626 is DSQ in race 5.  
Redress is given to POL 197117 - no score change.

Decision Date

18/11

Decision Time

18:18:36

Panel Chair

Heiko Thölmann

Panel Members

Bence Borocz, Bernadette Delbart, Jean-Bernard Luther, Uros Zvan