



Decision on Appeal on Protest Committee decision on Kärđla Race 2022 Request 4

As the nominated EST MNA Appeal Committee we have found that the Facts Found of the Kärđla Race 2022 Request 4 were inadequate to make decision on the appeal. The protest committee was requested to provide additional facts or other information, and they were given on 3.7.2022 and 8.9.2022.

After receiving the additional facts from Protest Committee, the Appeal Committee decision is as follows:

Facts Found

- EST 345 touched the RC pin-end boat at the start of race 7.
- Boat EST 435 knew that a penalty should be taken according to 44.1 and 44.2 to exonerate herself from breach of RRS 31.
- After contact with the mark, EST 345 tacked to port and continued sailing.
- EST 435 took one turn penalty more than 60 seconds after the incidence after sailing 1/3 of the leg.

Conclusions

EST 435 broke RRS 31 and did not take the appropriate penalty as soon as possible after the incident (RRS 44.2).

As the EST 435 had an intention to take the penalty and later took the one turn penalty, it is not clearly established by the facts found by Protest Committee that the principle of sportsmanship and the RRS 2 was broken.

Decision

Appeal committee decision changes the Protest committee decision, based on RRS 71.2.

The changed decision is that EST 435 broke RRS 31 and is scored DSQ in Race 7 of Kärđla Race 2022.

Juhani Soini (FIN IJ) – Chair of Appeal Committee

Karl Petter Haugen (NOR IJ)

Anne Kaalstad (NOR NJ)

Thomas Kresse (NOR IJ)

Madis Ausman (EST IRO)