

## Case 4

# Protest Race Committe vs Cheminées Poujoulat

### Proceedings

24 12 2012 at 12h13, the Race Direction send the jury a report about an incident involving *Cheminées Poujoulat* while in the Auckland Islands

24 12 at 15h07, the Race Committee sends the jury and the Race Direction an intention to protest *Cheminées Poujoulat* for an alleged breach of NOR 3.2.

24 12 at 15h53, the race direction inform *Cheminées Poujoulat* of the intention to protest from the Race Committee.

26 12 at 12h57, the Jury request Bernard Stamm to give comments on the protest, attaching the report from the Race Direction on which the protest is based

26 12 at 21h37, the Race Committee send the jury the complete protest

27 12 at 07h31, the Jury forward *Cheminées Poujoulat* the complete protest from the Race Committee

28 12 at 10h50, Regis Rassouli, from *Cheminées Poujoulat* team, sends the jury an information saying that Bernard Stamm was back in the race and would send his report about the incident as soon as possible.

29 12 at 10h40 Bernard Stamm sends the Jury his report.

### Facts found

On 22 12, Bernard Stamm decides to change course toward the Auckland Islands in order to repair the hydro generators.

Until 23 12 at 04h00, Bernard Stamm sails by his own means to Sandy Bay, prepared to anchor.

At 04h53, Bernard Stamm anchors in the bay after having unsealed the engine and the heavy anchor.

At 20h00, Bernard Stamm notices the presence of a Russian scientific ship *Professeur Khoromov* moored close to his position. Then, within half an hour, Bernard Stamm notices his boat is drifting. Seeing the boat is drifting toward the ship, Bernard Stamm calls her by VHF. During the chat with the crew, they propose to moor his boat to the ship. Considering this is an emergency situation, Bernard Stamm decides to use the ship as a mooring and informs the crew of his decision by VHF.

Then Bernard Stamm prepares the boat to move, sets the sails and turns on all devices .

Coming back in the cockpit, Bernard Stamm notices that a person from the ship is on board his boat and has begun to recover the anchor.

Bernard Stamm starts the engine and turns on the auto helm, then goes to the bow to recover the anchor.

Bernard Stamm decides not to ask this person to leave the boat “*when I saw him on board I did not find any reason that could justify to send him back from the board*”.

Bernard Stamm comes back to the engine controls and at the helm and the person at the bow throws the line on the Russian boat to make it fast.

Immediately afterwards, the person leaves *Cheminées Poujoulat* and returns to his RIB.

Once the boat has been correctly moored behind the *Professeur Khoromov*, Bernard Stamm goes to say hello to the two people in the RIB, and then they offer help. At this time, Bernard Stamm explains clearly the situation, that he is racing, that he is not entitled to any help.

Bernard Stamm considers that this was a case of absolute necessity for which it was needed to act in order to secure the boat and to prevent creating a problem for the ship moored nearby.

### Conclusion

Mooring to another boat is a breach of the first sentence of NOR 3.2.

By not asking the person on his boat to leave when he discovered him, Bernard Stamm broke the second sentence of NOR 3.2.

The mooring of *Cheminées Poujoulat* to the *Professeur Khoromov* was made with the help of the person on board and the crew of the *Professeur Khoromov*. This is a breach to the second sentence of NOR 3.2.

Even though not requested, the assistance received from the crew member by *Cheminées Poujoulat* to secure the *Cheminées Poujoulat* and to prevent creating problem for the *Professeur Khoromov* constitutes a breach to NOR 3.2, and the material contact with another boat by mooring to her constitutes a breach to NOR 3.2 and to the principle of NOR 3.

### Decision

*Cheminées Poujoulat* is DSQ from the Vendée Globe under NOR 3.2, fourth sentence and SI 11.2

Date 01 01 2013 at 18h00

### The International Jury

Bernard Bonneau (FRA); Ana Sanchez (ESP); Trevor Lewis (GBR); Jack Lloyd (NZL); Georges Priol (FRA)