

CONSTITUTION COMMITTEE



A MEETING OF THE CONSTITUTION COMMITTEE WAS HELD AT 0930-1800 HOURS ON MONDAY 10 IN THE JARDIN ROOM AND 0930-1330 HOURS ON WEDNESDAY 12 NOVEMBER IN THE LA MANCHA ROOM, HOTEL MELIA CASTILLA, MADRID, SPAIN.

MINUTES

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Present

David Lees - Chairman
Charley Cook
Balasz Hajdu
Peter Hall *for Monday 10 November*
Stanislav Kassarov
Teo Ping Low *for Monday 10 November*
Dieter Neupert
Fernando Pombo
Alberto Predieri
Carlo Rolandi
Vladimir Sakovich
Eric Tulla
Lorenz Walch

Apologies

Jack Caldwell
Peter Hall *for Wednesday 12 November*
Marco Piccinini
Tom Schubert
Geoffrey Thorpe

1. MINUTES OF THE PREVIOUS MEETING

(a) Minutes

The minutes of the Constitution Committee meeting of 5 and 7 November 2007, having been approved previously, were noted and signed by the Chairman.

(b) Matters Arising

There were no matters arising which were not covered elsewhere on the agenda.

2. ISSUES ARISING FROM NOVEMBER 2007

(a) Submission 065-07 – Class Rules of ISAF and National Classes

The Constitution Committee considered deferred submission 065-07 from the Chairman of the ISAF Classes Committee about the Class Rules of ISAF and National Classes. It was felt this was not a Constitution Committee issue.

(b) Submission 166-07 – International Race Manager

Submission Withdrawn by the Chairman of the Race Officials Committee.

(c) Submission 132-07 – No Longer Sailing

The Constitution Committee noted a recommendation from the Chairman of the Sail Rankings Sub-committee on a definition of “no longer sailing” in respect of the ISAF Sailing World Rankings.

“A competitor who has not raced in the preceding nine months in a graded event for the class in which he or she is ranked in the top 50 shall be removed from the ranking list. The competitor may apply to the Sail Rankings Sub-Committee for reinstatement. The Committee may permit reinstatement in exceptional circumstances and any decision made by it will be final and not subject to any appeal.”

3. SUBMISSIONS – COMMITTEE TERMS OF REFERENCE

To consider the following Submissions and make a recommendation to Council:

(a) 001-08 Coaches Commission - Terms of Reference - Regulation 47.6

The Constitution Committee considered submission 001-08 from the Executive Committee regarding the Coaches Commission terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(b) 002-08 Equipment Committee - Terms of Reference - Regulation 15.11.6

The Constitution Committee considered submission 002-08 from the Executive Committee regarding the Equipment Committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(c) 003-08 Events Committee - Terms of Reference - Regulation 15.5.6

The Constitution Committee considered submission 003-08 from the Executive Committee regarding the Events Committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(d) 004-08 Match Racing Sub-committee - Terms of Reference - Regulation 15.13.6

The Constitution Committee considered submission 004-08 from the Executive Committee regarding the Match Racing Sub-committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(e) 005-08 Class Rules Sub-committee- Terms of Reference - Regulation 15.2.6

The Constitution Committee considered submission 005-08 from the Executive Committee regarding the Class Rules Sub-committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below:

- (a) monitor and advise the staff led process for class rule changes submitted by that are made in co-operation with the of ISAF Classes in accordance with Regulation 26.10;**

Note: Throughout the Regulations use of “approve” implies the right to withhold approval.

(f) 006-08 Match Racing Committee - Terms of Reference - Regulation 15.12.6

The Constitution Committee considered submission 006-08 from the Executive Committee regarding the Match Racing Committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(g) 007-08 Medical Commission - Terms of Reference - Regulation 42.6

The Constitution Committee considered submission 007-08 from the Executive Committee regarding the Medical Commission terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(h) 008-08 Olympic Classes Sub-committee - Terms of Reference - Regulation 15.5.6

The Constitution Committee considered submission 008-08 from the Executive Committee regarding the Olympic Classes Sub-committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(i) 009-08 Regional Games Committee - Terms of Reference - Regulation 15.22.6

The Constitution Committee considered submission 009-08 from the Executive Committee regarding the Regional Games Committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below:

- (c) use the technical and instructional resources of the ISAF to ~~raise~~ **maintain and improve** the standard of competitive sailing **and the standards of technical supervision** at Regional Games to a level that these events could serve as qualifying events for the Olympics;

(j) 010-08 Sail Rankings Sub-committee - Terms of Reference - Regulation 15.23.6

The Constitution Committee considered submission 010-08 from the Executive Committee regarding the Sail Rankings Sub-committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(k) 011-08 Team Racing Sub-committee - Terms of Reference - Regulation 15.26.6

The Constitution Committee considered submission 011-08 from the Executive Committee regarding the Team Racing Sub-committee terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below:

- (a) be responsible for the planning and approval for the **conduct** ~~arrangements~~ of the ISAF Team Racing World Championship each year;

(l) 012-08 Training Commission - Terms of Reference - Regulation 48

The Constitution Committee considered submission 012-08 from the Executive Committee regarding the Coaches Commission terms of reference.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(m) 013-08 Windsurfing Committee - Terms of Reference - Regulation 15.27.6

The Constitution Committee considered submission 013-08 from the Executive Committee regarding the Windsurfing Committee terms of reference

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

Note: The ISAF Executive Committee needs to consider which Committee is responsible for kite surfing classes.

(n) 014-08 Youth and Development Committee - Terms of Reference - Regulation 15.30

The Constitution Committee considered submission 014-08 from the Executive Committee regarding the Youth and Development Committee terms of reference

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

Note: The Constitution Committee notes that the committee would like to rename to "Development and Youth" and has no objection.

(o) 015-08 Youth World Championship Sub-committee - Terms of Reference - Regulation 15.29.6

The Constitution Committee considered submission 015-08 from the Executive Committee regarding the Youth World Championship Sub-committee terms of reference

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

Note: The Constitution Committee notes that numbering of the proposed terms of reference are incorrect in the submission booklet, but correct on the CD Rom.

(p) 023-08 International Measurers Sub-committee - Regulation 15.7

The Constitution Committee considered submission 023-08 from the Race Officials Committee regarding the International Measurers Sub-Committee terms of reference

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below:

- (a) administer the International Measurers Programme including the review and maintenance ~~promotion~~ of high standards of equipment inspection and uniform application of ISAF standards by International Measurers at events;

(g) administer programmes for International Measurers to promote:
(i) uniform application of the applicable provisions of the Racing Rules of Sailing;

(ii) uniform application and consistent interpretation of other relevant the Racing Rules of Sailing and other ISAF documents by International Measurers;

(q) 069-08 The Equipment Control Sub-committee - Regulation 15.4

The Constitution Committee considered submission 069-08 from the Equipment Committee about constituting the Equipment Sub-Control Committee.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

Note: The Constitution Committee notes that the Race Officials Committee would accept submission 069-08 if “Race Officials Committee” is substituted with “International Measurers Sub-committee”. That wording is equally acceptable.

(r) 125-08 Constitution and Terms of Reference of the Oceanic and Offshore Committee

The Constitution Committee considered submission 125-08 from the Offshore Committee regarding the Constitution and Terms of Reference of the Oceanic and Offshore Committee

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

4. SUBMISSIONS – REPRESENTATION

To consider the following Submissions and make a recommendation to Council:

(a) 016-08 Representation on Council – Group I - Article 42

Submission Withdrawn by the UAE Marine Sports Federation

(b) 017-08 Olympic Classes Representation on the Council – Article 39.1(e)

The Constitution Committee considered submission 017-08 from the ISAF Classes Committee regarding the Olympic Classes Representation on the Council.

Recommendation

Opinion: Reject

The Constitution Committee recommends rejection of this submission as the governing principle is that the Full Members (MNAs) appoint the directors (members of Council), with three exceptions, and this proposal conflicts with that governing principle. There should be no additional exceptions.

The Constitution Committee also notes that this appointee would almost inevitably not be able to participate in any discussion concerning Olympic matters due to conflicts of interest.

However, if Council approves the submission, then the following amendment should be made to the wording:

- (e) a member appointed by the International Classes Committee; ~~and~~
(??) a member appointed by the Olympic Classes Sub-committee;

- (c) 018-08 Olympic Classes Representation on the Events Committee - Regulations 6.1.1, 6.1.5 and 15.15.6

The Constitution Committee considered submission 018-08 from the ISAF Classes Committee regarding the Olympic Classes Representation at the Events Committee.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

- (d) 019-08 Athletes Commission Representation on Council - Article 39.1(e)

The Constitution Committee considered submission 019-08 from the ISAF Classes Committee regarding the Athletes Commission Representation on the Council.

Recommendation

Opinion: Reject

The Constitution Committee recommends rejection of this submission as the governing principle is that the Full Members (MNAs) appoint the directors (members of Council), with three exceptions, and this proposal conflicts with that governing principle. There should be no additional exceptions.

However, if Council approves the Submission, then the Constitution Committee recommends that the wording be amended as follows:

- (e) a member appointed by the International Classes Committee; ~~and~~
(??) a member appointed by the Athletes Commission;

- (e) 020-08 Regional Sailing Associations - Regulation 2.34

Submission Withdrawn by the UAE Marine Sports Federation

5. SUBMISSIONS – ISAF SAILOR CLASSIFICATION CODE

To consider the following Submissions and make a recommendation to Council:

- (a) 025-08 ISAF Sailor Classification Code - Regulation 22.2.3 - Group 3

Submission Withdrawn by the RYA

- (b) 026-08 ISAF Sailor Classification Code - Regulation 22 - General

Submission Withdrawn by the RYA

- (c) 027-08 Classification Code - Competitor Classifications - Regulation 22.2

The Constitution Committee considered submission 027-08 from the Executive Committee regarding the ISAF Sailor Classification Code – Group 1.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

22.2.1 Group 1

- (a) Except as provided below, a Group 1 competitor is a competitor who has completed the *qualification period* and:
- (i) takes part in racing only as a pastime, and whose *work* does not require knowledge or skill capable of contributing to the performance of a boat or boats in a race or series; and
 - (ii) has not been *paid* in connection with participation in racing; and
 - (iii) **has neither solicited nor offered his services publicly for pay, by any means, in connection with racing.**

- (d) 028-08 ISAF Sailor Classification Code - Protest Grounds and Procedure - Regulation 22

The Constitution Committee considered submission 028-08 from the Executive Committee regarding the introduction of a new regulation on ISAF Sailor Classification Code Protest Grounds and Procedure.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

Protest Grounds and Procedures

22.5.6 When the classification of a competitor has been changed, suspended or cancelled during an event in accordance with Regulation 22.3.5(b) the new classification may be backdated by the Classification Authority to the commencement of the event.

When as a result a boat may have broken a crew limitation rule, the Classification Authority shall report its decision in writing to the race committee which shall protest the boat. Any penalty shall be at the discretion of the protest committee.

~~Where a boat has, as a result, broken the Crew Limitations in the Notice of Race, Sailing Instructions or Class Rules the Race Committee shall protest the boat and the boat may be penalised at the discretion of the Protest Committee.~~

6. SUBMISSIONS – GENERAL

To consider the following Submissions and make a recommendation to Council:

- (a) 021-08 Rules of Debate - Regulation 9.3.2

Submission Withdrawn by the UAE Marine Sports Federation

- (b) 029-08 Committee Appointment Process - Regulation 6.2.2

The Constitution Committee considered submission 029-08 from the Bulgarian Sailing Federation regarding the Committee Appointment Process.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendment to (d) below:

~~(d) not more than one of the chairmen of all committees should be drawn from each nation;~~

(d) Only one committee chairman should be appointed from any MNA;

- (c) 030-08 Internet Provision - New Regulation 11

The Constitution Committee considered submission 030-08 from the Bulgarian Sailing Federation regarding Internet Provision at ISAF Meetings.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

- (d) 037-08 Submissions by Review Board Chairman - Regulation 1.1

Withdrawn by Chairman of the Constitution Committee.

- (e) 038-08 Advertising Code - Regulation 20

The Constitution Committee considered submission 037-08 from the Executive Committee regarding the Advertising Code.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording as amended by the Advertising Code Working Party.

(f) 039-08 ISAF Anti-doping Code - Regulation 21

The Constitution Committee considered submission 039-08 from the Executive Committee regarding the ISAF Anti-doping Code.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording. The Constitution Committee understands that much of the wording in the Anti-Doping Code is required by WADA without modification.

However, the Constitution Committee notes there are certain areas which may be tailored by an International Federation and recommends that the Secretary General circulate a paper to Council, prior to the discussion on Submission 039-08 at the Council meeting, outlining these areas and options available to the Federation.

(g) 040-08 IFDS and World Championships - Regulation 18.6

The Constitution Committee considered submission 040-08 from the Executive Committee regarding IFDS World Championships.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(h) 051-08 Taking of Minutes - Removal of Duplication - Regulation 1.16

The Constitution Committee considered submission 051-08 from the Chairman of the Constitution Committee regarding the Taking of Minutes - Removal of Duplication.

Recommendation

Recommendation to Council: Approve

(i) 052-08 Applications for Membership - Regulation 2.18 to 2.20

The Constitution Committee considered submission 052-08 from the Chairman of the Constitution Committee regarding Applications for Membership.

Recommendation

Recommendation to Council: Approve

(j) 053-08 Associate Membership - Regulation 2.18.4

The Constitution Committee considered submission 053-08 from the Chairman of the Constitution Committee regarding Associate Membership.

Recommendation

Recommendation to Council: Approve

- (k) 054-08 Publication of Voting Records - Procedure - New Regulation 9.6.1

The Constitution Committee considered submission 054-08 from the Chairman of the Constitution Committee regarding the procedure for the Publication of Voting Records.

Recommendation

Recommendation to Council: Approve

7. SUBMISSIONS – ISAF ARTICLES

To consider the following Submissions affecting the ISAF Articles which have previously been approved in principle by Council and make a recommendation to Council:

- (a) 036-08 ISAF Full Member Groupings - Article 42 and Schedule A

The Constitution Committee considered submission 036-08 from the Chairman of the Constitution Committee regarding ISAF Full Member Groupings, Groups D and I.

Recommendation

Opinion: Approve

- (b) 056-08 Abolition of Individual Membership - Deletion of Articles

The Constitution Committee considered submission 056-08 from the Chairman of the Constitution Committee regarding the Abolition of Individual Membership.

Recommendation

Recommendation to Council: Approve

- (c) 057-08 Abolition of Autonomous Constituent Organizations - Deletion of Definition, Articles 4(e), 5(e), 33(c)

The Constitution Committee considered submission 057-08 from the Chairman of the Constitution Committee regarding Abolition of Constituent Organizations.

Recommendation

Recommendation to Council: Approve

- (d) 058-08 Suspension or Cancellation of Membership - Article 14

The Constitution Committee considered submission 058-08 from the Chairman of the Constitution Committee regarding Suspension or Cancellation of Membership.

Recommendation

Recommendation to Council: Approve

- (e) 059-08 Special Resolution Votes - Article 37

The Constitution Committee considered submission 059-08 from the Chairman of the Constitution Committee regarding Special Resolution Votes Amendment Article 37.

Recommendation

Recommendation to Council: Approve

(f) 060-08 Appointment of Council Members - Article 40

The Constitution Committee considered submission 060-08 from the Chairman of the Constitution Committee regarding the obligations of Council Members in respect of IOM Company Law.

Recommendation

Recommendation to Council: Approve with the following amendments to 40.2 and 40.3:

40.2 Members of the Council (including alternates) shall not be entitled to take their seats in Council or join in any vote or other business of Council (except at the meeting at the conclusion of each Ordinary Meeting for the General Assembly) until they have delivered to the Secretary General such documents as shall be required by him in order to enable ISAF to comply with the requirements of the Government of the Isle of Man as to the registration of directors.

40.3 Members of the Council appointed to serve at, or at the time of, an Ordinary General Assembly Meeting shall hold office until the next following Ordinary General Assembly Meeting or they cease office.

(g) 061-08 Confirmation of Review Board's Authority - Article 77

The Constitution Committee considered submission 061-08 from the Constitution Committee regarding the Review Board's Authority.

Recommendation

Recommendation to Council: Approve

8. SUBMISSIONS – TECHNICAL ISSUES

To consider the following Submissions and make a recommendation to Council:

(a) 067-08 ISAF Regulations - Definitions - Class, Rules

The Constitution Committee considered submission 067-08 from the Constitution Committee/Racing Rules Committee regarding the Definition of Class Rules.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(b) 068-08 Class Rule Changes of Recognized Class Associations - Regulation 1.1

The Constitution Committee considered submission 068-08 from the Equipment Committee regarding the Class Rule Changes for Recognized Class Associations.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(c) 070-08 Equipment Rules of Sailing Administration - Regulations 15 and 32

The Constitution Committee considered submission 070-08 from the Equipment Committee regarding the Equipment Rules of Sailing Administration.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendment below:

32.1.2 In exception to Regulation 32.1.1, any change of clear necessity or pressing importance may be made effective for any designated date by three-quarters of the full voting membership of both the Equipment Control Sub-committee and the Council. **The ISAF Secretariat Secretary General shall promptly report any action taken under this regulation to all Member National Authorities.**

(d) 071-08 Obtaining Designation as an International or Recognized Class - Regulation 26.2.1 (c)

The Constitution Committee considered submission 071-08 from US Sailing about Obtaining Designation as an International or Recognized Class.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendment to 26.2.1(f) below:

- (f) a set of class rules in the ISAF Standard Class Rules format, and adopting the Equipment Rules of Sailing, approved by the Equipment Committee. The Equipment Committee may approve an exemption to either requirement if in its opinion the class rules are satisfactory and well established; **International or Recognized Classes that race in conditions described in Categories 4 through to 0 (inclusive) of the ISAF Offshore Special Regulations shall adopt those regulations in lieu instead of the Equipment Rules of Sailing as minimum requirements.**

(e) 072-08 Formation of Class Rule Interpretation Panel - Amendment of Regulation 26.11.1(d)

The Constitution Committee considered submission 072-08 from the Equipment Committee regarding the Formation of a Class Rule Interpretation Panel.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendment below:

change "Technical representative" to "technical representative"

9. SUBMISSIONS – OLYMPIC SAILING COMPETITION AND OTHER EVENTS

The Constitution Committee considered items 9(a) to (e). It has not considered the wording as Council needs to consider the policy and the Constitution Committee will then draft the necessary regulations. However the Constitution Committee has the following comments on the individual submissions:

(a) 084-08 2016 Olympic Sailing Competition - Events - Regulation 16.1.5

The Constitution Committee considered submission 084-08 from the Fédération Française de Voile regarding the Olympic Sailing Competition – Events.

Recommendation

Opinion: No Recommendation

However, the Constitution Committee would like Council to note the following comments on these submissions:

- The event descriptions should reflect the current ISAF event terms, ie one person dinghy, rather than single-handed dinghy.
- 084-08 - The Constitution Committee would like to point out that there is no accepted definition of “main disciplines”.

(b) 085-08 Olympic Sailing Competition - Events

The Constitution Committee considered submission 085-08 from the International Formula 18 Class Association regarding the Olympic Sailing Competition – Events.

Recommendation

Opinion: No Recommendation

However, the Constitution Committee would like Council to note the following comments on these submissions:

- The event descriptions should reflect the current ISAF event terms, ie one person dinghy, rather than single-handed dinghy.

(c) 086-08 Olympic Sailing Competition - Events - Permanent Events

The Constitution Committee considered submission 086-08 from the International Formula 18 Class Association regarding the Olympic Sailing Competition – Events.

Recommendation

Opinion: No Recommendation

However, the Constitution Committee would like Council to note the following comments on these submissions:

- The event descriptions should reflect the current ISAF event terms, ie one person dinghy, rather than single-handed dinghy.

(d) 087-08 Olympic Sailing Competition - Events - Events for 2016, 2020 and 2024

The Constitution Committee considered submission 087-08 from US Sailing regarding the Olympic Sailing Competition – Events.

Recommendation

Opinion: No Recommendation

However, the Constitution Committee would like Council to note the following comment on these submissions:

- The event descriptions should reflect the current ISAF event terms, ie one person dinghy, rather than single-handed dinghy.

(e) 089-08 Events at Olympic Games - Representation of Sailing Disciplines

The Constitution Committee considered submission 089-08 from the Austrian Sailing Federation regarding the Events at Olympic Games.

Recommendation

Opinion: No Recommendation

However, the Constitution Committee would like Council to note the following comments on these submissions:

- The event descriptions should reflect the current ISAF event terms, ie one person dinghy, rather than single-handed dinghy.

(f) 090-08 Olympic Sailing Competition - Events - Changed Voting System

The Constitution Committee considered submission 090-08 from the Austrian Sailing Federation regarding the voting process for selecting the events at the Olympic Sailing Competition.

Recommendation

Opinion: No Recommendation

The Constitution Committee notes the proposal.

(g) 091-08 Olympic Sailing Competition - Classes and Equipment - Regulation 16.1

The Constitution Committee considered submission 091-08 from the Bulgarian Sailing Federation regarding the selection of only ISAF Classes and equipment for the Olympic Sailing Competition.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

16.1 Only International Classes shall **be selected to** sail **and shall sail** in the Olympic Sailing Competition.

(h) 093-08 Agenda for Ordinary General Meeting - Article 33

The Constitution Committee considered submission 093-08 from the Bulgarian Sailing Federation regarding the role of the General Assembly in selecting events and equipment.

Recommendation

Opinion: No Recommendation

The Constitution Committee notes that the proposer would like to defer Submission 093-08.

(i) 094-08 Olympic Sailing Competition - Classes and Equipment - Regulation 16.1.1 - 16.1.5

The Constitution Committee considered submission 094-08 from the Bulgarian Sailing Federation regarding the role of the General Assembly in selecting events and equipment.

Recommendation

Opinion: No Recommendation

The Constitution Committee notes that the proposer would like to defer Submission 094-08.

(j) 100-08 ISAF Youth Sailing World Championships - Regulation 17.4.10

The Constitution Committee considered submission 100-08 from the Bermuda Sailing Association about selecting the Byte CII as the only equipment option for the Girls' One Person Dinghy event.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(k) 101-08 ISAF Youth Sailing World Championships - Regulation 17.4.4

The Constitution Committee considered submission 101-08 from the Royal Belgian Yachting Federation regarding the introduction of an Open High Performance Dinghy event.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

The Constitution Committee notes that there is no definition of "high performance".

- (l) 102-08 Classes for the ISAF Sailing Youth World Championship - Regulation 17.4.10

The Constitution Committee considered submission 102-08 from the International Raceboard Class Association about selecting the Bic Hybrid as an additional equipment option for the Boy's and Girl's Windsurfer events.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

- (m) 103-08 ISAF Youth Sailing World Championships - Equipment - Regulation 17.4.4

The Constitution Committee considered submission 103-08 from the Danish Sailing Association regarding the introduction of a Mixed or Open Two Person Dinghy event.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

- 17.4.4 The following events shall be included in the programme of the Championship:

Boy's One Person Dinghy

Girl's One Person Dinghy

Boy's Two Person Dinghy

Girl's Two Person Dinghy

Mix Mixed or Open Two Person Dinghy

Boy's Windsurfer

Girl's Windsurfer

Open Multihull

The Equipment for the Two Person Dinghies should be proposed shall be agreed between by the organiser and ISAF – and confirmed by ISAF – in order to support with the intention of supporting the future development of youth sailing in the country and region where the Championship is held in the best possible way, so the championship leaves a legacy for sailing in the area region.

The Mixed or Open Two Person Dinghy shall be included in the event provided that the respective boat producer supplier of the boats accepts agrees to deliver boats for the championship at on the same conditions as boats are supplied for the other similar events.

Note: The above amendments have been agreed with the submitter.

In the context of this submission, the Constitution Committee notes that an "open" event permits any combination of genders, and a "mixed" event requires one of each gender

The Constitution Committee notes that "open multihull" has been removed from the regulation, but it has not been shown as struckout, so it is presumed this is not intended.

(n) 104-08 Addition of Event to Youth Worlds - Regulation 17.4.4

The Constitution Committee considered submission 104-08 from the International 49er Class Association regarding the introduction of a Mixed Two Person Skiff event.

Recommendation

Opinion: No Recommendation

Note: The Constitution Committee notes that there is no definition of "skiff".

(o) 105-08 ISAF Youth Sailing World Championship - Regulation 17.4.10

The Constitution Committee considered submission 105-08 from the Royal Belgian Yachting Federation regarding the introduction of an Open High Performance Dinghy event using the 29er.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(p) 107-08 Youth Multihull Equipment - Regulation 17.4.10

The Submission has been withdrawn by Yachting Australia.

(q) 108-08 ISAF Junior World Championship - Regulation 17.4

The Constitution Committee considered submission 108-08 from the International RS Feva Class Association regarding the introduction of a boys' and girls' Junior World Championship at the ISAF Youth Worlds using the Feva.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below, in order to be consistent with existing regulation 17.4.3:

- 17.4.3 To be eligible to participate in the Championship, all competitors shall be under the age of 19 years on 31 December of the year of the Championship. **For the Two Person Junior Dinghy events, all competitors shall be up to and including age 16 years during the Championship, under the age of 17 years on 31 December of the year of the Championship.**

(r) 116-08 ISAF World Match Race Rankings - Regulation 24.2

The Constitution Committee considered submission 116-08 from the Match Racing Committee regarding the ISAF World Match Race Rankings.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below:

- 24.2.2(a) **If two event dates clash and there is no possibility for one or both to select alternative dates, ISAF shall decide the best possible solution the matter in its sole discretion which may include downgrading one of them.**

Note: The Constitution Committee notes that consultation with legal counsel may be advisable in respect of certain commercial implications that may arise from time to time.

24.2.3(c) Grading of Events

Grade 3 - Open and Women

Satisfies the criteria for a Grade 4 event and: -

The boats shall be keel boats and have a minimum 5.9 m LOA
There shall be a minimum of four boats available throughout the event, except when a boat that was available at the start of the event is subject to major breakdown or damage.

The boats shall be capable of carrying spinnakers.

Acceptable Race Committee practices to accepted International Standard

Acceptable Race Committee and umpire boats of acceptable standard.

The event shall be one of the following:

Note: In respect of regulation 24.2.3(c), the Constitution Committee notes that there is no definition of "International Standard" or of "umpire boats of acceptable standard".

Regulation 24.2.3(d)

Note: In respect of regulation 24.2.3(d), the Constitution Committee notes that the "Standard Guidelines for Grade 1 and Grade 2 match racing events" are not easily accessible.

However, the Constitution Committee recommends Council reject the recommendation from the Race Officials Committee to amend 24.2.3(d) with the addition of **"as produced jointly by the Match Racing and the Race Officials Committee."**

24.2.4 Prize Money

~~It is desirable to optimize prize money for competitors.~~ Distribution of prize money ~~shall~~ **should be in accordance with ISAF Standard Guidelines for Grade 1 and Grade 2 Match Racing events.** ~~as follows:~~

- (s) 118-08 World Match Tour Invites - Consistency of System of Invitations Within World Match Racing Competition

The Constitution Committee considered submission 118-08 from the Fédération Française de Voile regarding World Match Tour Invites.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

The Constitution Committee notes that if approved regulations will need to be drafted.

- (t) 169-08 Equipment for Regional Games - Amendment to Regulation 18.17.4

The Constitution Committee considered submission 169-08 from the Bulgarian Sailing Federation regarding Equipment for Regional Games.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

10. SUBMISSIONS – OFFSHORE

To consider the following Submissions and make a recommendation to Council:

- (a) 033-08 Offshore Racing - Regulation 18.7

The Constitution Committee considered submission 033-08 from the Executive Committee about ORC World Championships.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

- (b) 034-08 ORC Limited - Regulation 29.1

The Constitution Committee considered submission 034-08 from the Executive Committee about ISAF recognition of ORC Limited.

Recommendation

Opinion: Defer

The Constitution Committee is satisfied with the wording as amended below and recommends deferral to the 2009 ISAF Mid-Year Meeting pending execution of the formal agreement between the parties:

29.1 ISAF recognizes the ORC LTD as the sole authority to manage and administer:

- (a) **the "ORC International" measurement, handicapping/rating system, and the associated regulations, with consent**

~~given by USSAILING.~~ **The ORC is developed from, and is the successor to the IMS rating system.**

(c) 124-08 Special Regulations Administration - Inclusion in the ISAF Regulations

The Constitution Committee considered submission 124-08 from the Offshore Committee about the Special Regulations Administration.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

11. SUBMISSIONS – RACE OFFICIALS

To consider the following Submissions and make a recommendation to Council:

(a) 024-08 Olympic Jury - Regulation 16.3.1

The Constitution Committee considered submission 024-08 from the Bulgarian Sailing Federation regarding the Olympic Jury.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

16.3.1 The President, Chairman of the Racing Rules Committee and Chairman of the Race Officials Committee shall agree on a Vice-Chairman and select the balance of the jury, subject to the following guidelines:

- (a) ~~a majority~~ **all members** of the Jury shall be International Judges;
- (b) there shall not be more than ~~two~~ **one** members from any one country; ~~and~~
- (c) at least one member shall be from the nation organizing the Olympic Sailing Competition and at least one member shall be from the nation organizing the subsequent Olympic Sailing Competition;
- (d) **a Jury member cannot take part in more than two subsequent consecutive Olympic Sailing Competitions;**
- (e) ~~at least~~ **no less than 30 % of the Jury members in the Olympic Sailing Competition shall be first time appointments, that is to say shall not have served in any previous Olympic Sailing Competition jury; and shall be appointed in the jury of an Olympic Sailing Competition for a first time;**
- (f) ~~a Jury member cannot~~ **shall not be appointed in to the jury of an Olympic Sailing Competition if he/she holds a position of President, Vice-president, Director (or equivalent position), Secretary General or any fully paid position with**

**an ISAF MNA or Class / Owners Association of equipment
selected for that Competition ~~an olympic class.~~**

(b) 022-08 International Umpire - Regulation 18.16.1 (c)

The Constitution Committee considered submission 022-08 from the Race Officials Committee regarding Deputy Chief Umpire fees.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

18.16.1 For graded match racing events, the following fees apply:

(c) The fees receivable shall be calculated as follows:

For ISAF Open Match Racing World Championships and Open Grade 1 events:

Chief Umpires	1 Chief Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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<u>Deputy Chief Umpires</u>	<u>1 Chief Umpire Daily Fee for each day of the event scheduled for racing and other days of required attendance plus 2 additional such fees</u>
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Other Umpires	1 Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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For Open Grade 2 – 5 Events and all Women's Match Racing Events

For events with:

Cash or cashable prizes, appearance payments, individual sponsorship payments by the event organizers or otherwise, any/or other benefits of a similar nature totalling more than €15,500 or the equivalent, the following fees apply:

Chief Umpires	1 Chief Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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<u>Deputy Chief Umpires</u>	<u>1 Chief Umpire Daily Fee for each day of the event scheduled for racing and other days of required attendance plus 2 additional such fees</u>
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Other Umpires	1 Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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Note: This links with Submission 055-08.

(c) 055-08 Match Racing Umpires' Fees - Regulation 18.16.1(c)

The Constitution Committee considered submission 055-08 from the Chairman of the Constitution Committee regarding the Match Racing Umpire Fees.

Recommendation

Recommendation to Council: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments below which are amended with the approval of the submitter:

18.16.1 For graded match racing events, the following fees apply:

(d) The fees receivable shall be calculated as follows:

For ISAF Open Match Racing World Championships and Open Grade 1 events:

Chief Umpires	1 Chief Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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Other Umpires	1 Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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For Open Grade 2 – 5 Events and all Women's Match Racing Events

For events with:

Cash or cashable prizes, appearance payments, individual sponsorship payments by the event organizers or otherwise, any/or other benefits of a similar nature totalling more than €15,500 or the equivalent, the following fees apply:

Chief Umpires	1 Chief Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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Other Umpires	1 Umpire Daily Fee for each day of the event <u>scheduled for racing and other days of required attendance</u> plus 2 additional such fees
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Note: This links with Submission 022-08.

(d) 131-08 IFDS International Classifiers

The Constitution Committee considered submission 131-08 from the Race Officials Committee regarding the introduction of an ISAF International Classifiers status.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and notes that it is recommended for deferral by the Race Officials Committee.

(e) 132-08 Re-appointment of International Race Officers - Regulation 33.6

The Constitution Committee considered submission 132-08 from the International Funboard Class Association regarding the requirements for re-appointment as International Race Official.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(f) 133-08 International Umpire - Regulation 33.12 (e)

The Constitution Committee considered submission 133-08 from the Race Officials Committee regarding the date of the performance assessment for International Umpire applications.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording, but notes that the regulation reference should be to 33.12(e), not (g).

(g) 134-08 International Umpire - Regulation 33.12 (g)

The Constitution Committee considered submission 134-08 from the Race Officials Committee regarding the applications for first appointment as an International Umpire.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(h) 135-08 International Umpire - Regulation 33.12(d)(v)

The Constitution Committee considered submission 135-08 from the Race Officials Committee regarding the requirements to take an International Umpire examination.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(i) 136-08 International Measurer - Regulation 33.13

The Constitution Committee considered submission 136-08 from the Race Officials Committee regarding the requirements for International Measurer appointment.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(j) 137-08 International Race Officer - Regulation 33.14.1(h)

The Constitution Committee considered submission 137-08 from the Race Officials Committee regarding the requirements for International Race Officer appointment.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording.

(k) 138-08 Recognized Race Officials - Regulation 33.24

Submission Withdrawn by the Chairman of the Race Officials Committee.

(l) 139-08 Race Officials Performance - Regulation 34

The Constitution Committee considered submission 139-08 from the Race Officials Committee regarding the Race Officials Performance Reporting System.

Recommendation

Opinion: Reject

The wording of the submission achieves the proposer's intention, but the Constitution Committee recommends rejection of the submission due to the amendment to 34.9 which appears to infringe due process and civil liberties.

(m) 140-08 Race Officials Performance - Regulation 34

The Constitution Committee considered submission 140-08 from the Race Officials Committee regarding the Race Officials Performance Reporting System.

Recommendation

Opinion: No Recommendation

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording subject to the amendments to 34.3(c) and 34.6 below:

- (c) Major Reports – reports which disclose a lack of competence or conduct serious enough to warrant a formal investigation and possible sanctions. These may include a series of minor reports commenting on the same or similar problems. **A report will be categorized as major if it describes a level of competence clearly below the level**

required for appointment as ~~that expected of an ISAF~~
International Race Official.

- 34.6 Where a report or complaint is categorized as minor, it shall be recorded by the Secretary General. At intervals of approximately six months ISAF Race Officials shall be sent copies or resumes of such reports relating to him, in a form where its source is disclosed. The purpose of doing so will primarily be to educate him. On request advice and assistance will be provided by ISAF to help overcome any problems that he may have. **The chairman of the relevant Sub-committee shall be copied on supplied with all copies and resumes of minor reports and all requests to undertake action that are sent to race officials in its discipline.**

12. ISAF MEMBERS

Decision

The Committee approved the Constitutions of the following national sailing authorities applying for ISAF Full Member Status in line with ISAF Regulation 2.18.3 for referral to the ISAF Executive Committee and ISAF Council: Armenia, North Korea and Sudan.

13. CONTINENTS

- (a) The Committee considered the report from Peter Hall (working party Chairman) on the MNA Groupings in South America.
- (b) The Committee considered the allocation of countries to continents in line with the International Olympic Committee protocol.

14. CONFLICT OF INTEREST / ISAF ARTICLES

The Committee considered the introduction of guidelines for the President on whether a Council Member who has a conflict of interest (Regulation 9.5.1) should be excluded from the Council debate, the vote or the meeting room.

15. ISAF REGULATIONS

The Committee considered the following in respect of the ISAF Regulations:

- (a) A report from the Chairman on notes within the ISAF Regulations.
- (b) A verbal report from the Chairman on the review of the ISAF Regulations.
- (c) Proposed Housekeeping changes to the ISAF Regulations.

16. ANNUAL REPORT

The Committee noted that the Chairman would present a report on the activities of the Constitution Committee from 1 January 2008 to date to the ISAF Council meeting of Thursday 13 November 2008.

17. ANY OTHER BUSINESS

THERE BEING NO FURTHER BUSINESS THE MEETING TERMINATED.