

CONSTITUTION COMMITTEE

A meeting of the Constitution Committee was held at 0930-1800 hours on Monday 6 and 0930-1330 hours on Wednesday 8 November in the Baltica Room, at the Marina Congress Centre, Helsinki, Finland



Please refer to the ISAF Council minutes of 9-11 November 2006 for the final Council decision on all recommendations and opinions contained within these minutes.

Minutes

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Present

David Lees - Chairman
Jack Caldwell
Charley Cook
Balazs Hajdu
Peter Hall – *left 1230 hours on 8 November*
Stanislav Kassarov
Teo Ping Low (Part only)
Dieter Neupert
Fernando Pombo
Alberto Predieri
Carlo Rolandi

Vladimir Sakovich – *for 8 November only*
Tom Schubert
Eric Tulla
Lorenz Walch

Apologies

Marco Piccinini
Vladimir Sakovich – *for 6 November only*
Geoffrey Thorpe

1. MINUTES OF THE PREVIOUS MEETING

(a) Minutes

The minutes of the Constitution Committee meetings of 7 and 9 November 2005, having been approved previously, were noted and signed by the Chairman.

(b) Matters Arising

There were no matters arising not otherwise covered in the Agenda.

2. ISAF STRATEGIC PLAN

Vice-President Teo Ping Low gave a verbal update on the ISAF Strategic Plan, advising that the Executive Committee held an extraordinary meeting in June 2006 to review the fifty-two proposals from the Project Groups, and evaluate the proposals in relation to available ISAF resources and their impact in relation to its strategic aims.

Within the current available resources, the Executive Committee had given priority to the areas of Marketing, Sponsorship and Media, and Development.

In order to further develop the proposals, the Executive Committee has referred them back to the ISAF Secretariat and/or Committees as appropriate for action. Committees have been asked to review the proposals which are practical and viable to be delivered prior to

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the General Assembly in 2008, and to provide a report to the Executive Committee for its meeting in May 2007.

The Constitution Committee noted that at this stage no projects from the Strategic Plan have been referred to the Committee.

3. SUBMISSIONS

The Constitution Committee considered the following Submissions:

(a) 001-06 ISAF Advertising Code - Category A

The Constitution Committee considered submission 001-06 from the International Dragon Association about ISAF Advertising Code – Category A.

Recommendation

The Constitution Committee recommended that Council approve Submission 001-06. with the following amendment:

20.3 The following types of advertising are permitted or required as stated and apply at all times:

(d) (i) Boats

The forward part of the hull on each side of all participating boats in an event shall only display advertising chosen and required to be displayed by that event organizer as follows:

- *for boats under 6.5 metres, 25% of the hull length, and*
 - *for boats over 6.5 metres, 20% of the hull length*
- excluding bow numbers.*

In addition the event organizer may require that advertising is displayed:

- **on both sides of the boom (but not so as to obscure the builder's mark referred to in 20.3(c)(i)), and/or**
- **on a flag of not more than 300cm² on the backstay.**

*If such advertising is required, it shall be so stated in the Notice of Race. If advertising is for alcohol or tobacco, ~~the word "may" instead of "shall" applies;~~ **competitors may refuse to display the advertising.***

The Constitution Committee understood that the submission intended to provide what the Committee recommended. However there was some doubt as the submission seems to suggest either alternative methods of advertising or the use of two means of doing so.

While the Constitution Committee recommended the change of wording recorded above, it did not consider that the principal proposed in the submission was a matter it should consider.

(b) 002-06 ISAF Advertising Code - Paralympic Classes

The Constitution Committee considered submission 002-06 from US Sailing about ISAF Advertising Code – Paralympic Classes.

The Constitution Committee noted that the submission had been withdrawn.

CONSTITUTION COMMITTEE (CONT).

(c) 003-06 Appointment of Committee Members - Nomination Process

The Constitution Committee considered submission 003-06 from the Real Federacion Española de Vela and Federación Argentina de Yachting about the Appointment of Committee Members – Nomination Process.

Recommendation

The Constitution Committee recommended that Council approve Submission 003-06. with the following amendment:

- 6.1.6 A Member National Authority (MNA) may nominate an individual who is neither a national nor a resident of the nominating country, ~~An authorization from the MNA where the individual is national or resident shall be necessary.~~ **but before doing so shall obtain the consent of the individual's MNA.**

The Constitution Committee was informed by the Chairman that the Real Federacion Espanola de Vela had agreed to the amendment, but that he was unable to obtain a similar confirmation from the Federacion Argentina de Yachting.

(d) 004-06 Election of President/Nomination as Vice-President

The Constitution Committee considered submission 004-06 from the Yacht Club Uruguayo about the Election of the President/Nomination as Vice-President.

Recommendation

The Constitution Committee recommended that Council approve Submission 004-06. with the following amendment:

- 71(b) *Where an eligible person is nominated as a candidate for President and he is not elected to that office, his nomination shall be treated as nomination for Vice-President unless he is ineligible for that office or ~~if~~ he informs the Secretary General at any time up to the commencement of the election for Vice-Presidents that he does not wish to stand for election as Vice-President.*

(e) 005-06 Submissions

The Constitution Committee considered submission 005-06 from the Koninklijk Nederlands Watersport Verbond about Submissions.

Recommendation

The Constitution Committee recommended that Submission 005-06 is rejected. However, if Council approves the submission, then the Committee recommended that it should be referred back to the Constitution Committee to draft the necessary regulation.

(f) 006-06 Administration - Notices and Submissions

The Constitution Committee considered submission 006-06 from the Fédération Française de Voile about Administration – Notices and Submissions.

The Committee considered that there should be as few bureaucratic restrictions in the submission process as possible. However it had sympathy with the views of the Federation Francaise de Voile and therefore made the following recommendation.

Recommendation

The Constitution Committee recommended that Submission 006-06 is rejected. as it is too restrictive.. However all papers should be circulated as early as possible.

(g) 007-06 Administration - Notices and Submissions

The Constitution Committee considered submission 007-06 from the Chairman of the Racing Rules Committee about Administration – Notices and Submissions.

CONSTITUTION COMMITTEE (CONT).

Recommendation

The Constitution Committee recommended that Submission 006-06 is rejected as it is too restrictive.

(h) 008-06 ISAF Membership - Full Members

The Constitution Committee considered submission 008-06 from the UAE Marine Sports Federation about ISAF Membership.

Recommendation

The Constitution Committee recommended that Council approve Submission 008-06. with the following amendment:

- 2.18.1(a) *reasonable representation of all sailing bodies which are members. Without limiting the foregoing members shall include yacht and sailing clubs, multi sport clubs which provide sailing, class associations, specialized sailing **and** sailing associations.*

(i) 009-06 ISAF Membership - Continental Associations

The Constitution Committee considered submission 009-06 from the UAE Marine Sports Federation about ISAF Membership – Continental Associations.

Recommendation

The Constitution Committee recommended that Council approve Submission 009-06. with the following amendment:

- (d) *That its constitution has been passed by a majority of members at a meeting duly called for that purpose. The constitution shall provide, amongst other things, for:*
- (i) *reasonable representation of all MNAs that are members.*
 - (ii) *at least one annual general meeting each year. ~~Every four years an election shall be held for all office bearers.~~*
 - (iii) ***the election of Office holders.***
 - (iii) *~~that office bearers shall not hold office for more than two consecutive terms~~*
- (e) *That the constitution has been approved by the Constitution Committee of ISAF and referred to the Executive Committee for their approval and finally to the Council for final approval.*

(j) 010-06 Olympic Classes Sub-Committee - Terms of Reference

The Constitution Committee considered submission 010-06 from the Executive Committee about Olympic Classes Submission-Committee – Terms of Reference.

Recommendation

The Constitution Committee recommended that Council approve Submission 010-06. with the following amendment:

- 15.15.2 *The Olympic Classes Sub-Committee shall consist of members appointed **from time to time** by the Classes selected as equipment for the next Olympic Regatta. Each class ~~may~~ **shall** appoint one member. The Chairman and Vice Chairman shall be selected from the members by the Sub-Committee.*

- 15.15.3(c) *debate issues, ~~excluding other than~~ class rules, ~~raised by from~~ the Olympic Classes and make recommendations thereon to the International Classes Committee;*

CONSTITUTION COMMITTEE (CONT).

(k) 011-06 Coaches Commission - Terms of Reference

The Constitution Committee considered submission 011-06 from the Executive Committee about Coaches Commission – Terms of Reference.

Recommendation

The Constitution Committee recommended that Council approve Submission 011-06. with the following amendment to change “Coaches Code of Conduct”, to “coaches code of conduct”.

(l) 013-06 ISAF Policy on the Reproduction and use of the RRS

The Constitution Committee considered submission 013-06 from the Italian Sailing Federation about the reproduction and use of the RRS.

Recommendation

The Constitution Committee recommended that Submission 013-06 is rejected as the Committee believes it is impractical and legally unenforceable.

(m) 014-06 ORC Limited

The Constitution Committee considered submission 05 14-06 from the Executive Committee about ISAF Advertising Code – Class Association Advertising.

Recommendation

The Constitution Committee recommended that Submission 014-06 be approved.

(n) 015-06 ISAF Advertising Code - Class Association Advertising

Recommendation

The Constitution Committee recommended that Council approve Submission 015-06. with the following amendment:

- (b) *If Category C is chosen, the Class Rules may reserve an area for advertising chosen and required to be displayed by one or more class sponsors, not exceeding 300 cm2 in total for all of the sponsors. However this advertising shall not be displayed by boats competing in the Olympic Regatta or in ISAF Events.*

While the committee recommended the change of wording recorded above, it did not consider that the principal proposed in the submission was a matter it should consider.

(o) 016-06 Women's Representation on Council

The Constitution Committee turned to submission 016-06 from the Executive Committee about Women's Representation in Council.

Recommendation

The Constitution Committee did not discuss Submission 016-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(p) 030-06 Women's Representation in Council

The Constitution Committee turned to submission 030-06 from the Chairman of the Constitution Committee about Women's Representation in Council.

Recommendation

The Constitution Committee did not discuss Submission 030-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(q) 031-06 Selection of Council Members - Gender

CONSTITUTION COMMITTEE (CONT).

The Constitution Committee turned to submission 031-06 from the Chairman of the Constitution Committee about Selection of Council Members – Gender.

Recommendation

The Constitution Committee did not discuss Submission 031-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(r) **032-06 Women's Representation in Council**

The Constitution Committee turned to submission 032-06 from the Chairman of the Constitution Committee about Women's Representation in Council.

Recommendation

The Constitution Committee did not discuss Submission 032-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(s) **033-06 ISAF Council - Ballot for a list of groups entitled to appoint two Council Members**

The Constitution Committee turned to submission 033-06 from the Chairman of the Constitution Committee about ISAF Council – Ballot for a list of groups entitled to appoint two Council Members.

Recommendation

The Constitution Committee did not discuss Submission 033-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(t) **034-06 Women's Representation in Council**

The Constitution Committee considered turned to submission 034-06 from Yachting New Zealand (Inc) about Women's Representation in Council.

Recommendation

The Constitution Committee did not discuss Submission 034-06 on the advice of the Chairman that the Council will be invited to defer the Submissions regarding 20% women's representation.

(u) **035-06 Amendment of the definition of "Country" in the Regulations**

The Constitution Committee considered submission 035-06 from the Chairman of the Constitution Committee about the Amendment of the definition of "Country" in the ISAF Regulations.

CONSTITUTION COMMITTEE (CONT).

Recommendation

The Constitution Committee recommended that Council approve Submission 035-06. with the following amendment:

Country	"Except in respect of Regulations 33, 34, 35 and 36, for the purposes of these regulations and the Racing Rules of Sailing, the country of a person referred to in either these regulations or the Racing Rules of Sailing shall be the country area of the jurisdiction of the Member National Authority of that person's principal residence."
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(v) 036-06 Designated Nationality of International Race Officials

The Constitution Committee considered submission 036-06 from the Chairmen of the Constitution and Race Officials Committees about Designated Nationality of International Race Officials.

Recommendation

The Constitution Committee recommended that Council approve Submission 036-06. with the following amendment:

38.9 *An International Race Official may appeal to the Review Board against any decision of and in respect of any unreasonable delay by ISAF or by a Member National Authority in which case the Race Officials Committee shall be a party to the appeal. If the Review Board considers that the appeal is justified, it shall refer the matter to the Executive Committee which shall act in accordance with Regulation 38.8.*

(w) 037-06 A Regulation for Provisions affecting all Race Officials

It was noted that the Chairman withdrew Submission 037-06 and therefore no discussion took place.

(x) 038-06 Deletion of ACO Membership

The Constitution Committee considered submission 038-06 from the Chairman of the Constitution Committee about the Deletion of ACO Membership.

Recommendation

The Constitution Committee recommended that Council approve Submission 038-06, and recommends that reference to ACO membership in Regulation 6.1(a) also be deleted.

(y) 039-06 ISAF Regulations - New Definition and Housekeeping

The Constitution Committee considered submission 039-06 from the Chairman of the Racing Rules Committee.

Recommendation

The Constitution Committee recommended that Council defer Submission 039-06.

(z) 040-06 ISAF Regulations - Housekeeping

The Constitution Committee considered submission 040-06 from the Chairman of the Racing Rules Committee about ISAF Regulations – Housekeeping.

Recommendation

The Constitution Committee recommended that Council defer Submission 040-06.

CONSTITUTION COMMITTEE (CONT).

(aa) 041-06 ISAF Regulations - Housekeeping

The Constitution Committee considered submission 041-06 from the Chairman of the Racing Rules Committee about ISAF Regulations – Housekeeping.

Recommendation

The Constitution Committee recommended that Council defer Submission 041-06.

(bb) 042-06 ISAF Regulations - Housekeeping

The Constitution Committee considered submission 042-06 from the Chairman of the Racing Rules Committee about ISAF Regulations – Housekeeping.

Recommendation

The Constitution Committee recommended that Council defer Submission 042-06.

(cc) 043-06 ISAF Regulation - Housekeeping

The Constitution Committee considered submission 043-06 from the Chairman of the Racing Rules Committee about ISAF Regulation Housekeeping – Race Officials Administration.

Recommendation

The Constitution Committee recommended that Council defer Submission 043-06.

(dd) 083-06 ISAF Youth Sailing World Championships

The Constitution Committee considered submission 083-06 from the Chairman of the Events Committee about the ISAF Youth World Championships.

Recommendation

The Constitution Committee recommended that Council approve Submission 083-06.

While the Constitution Committee was satisfied with the wording of the submission, it did not consider that the principal proposed in the submission was a matter it should consider.

(ee) 084-06 ISAF Youth Sailing World Championships

The Constitution Committee considered submission 084-06 from the Chairman of the Events Committee about the ISAF Youth World Championships.

Recommendation

The Constitution Committee recommended that Council approve Submission 084-06.

While the Constitution Committee was satisfied with the wording of the submission, it did not consider that the principal proposed in the submission was a matter it should consider.

(ff) 085-06 ISAF Youth Sailing World Championships

The Constitution Committee considered submission 085-06 from the Chairman of the Events Committee about the ISAF Youth World Championships.

Recommendation

The Constitution Committee recommended that Council approve Submission 085-06 with the following amendment:

Delete reference to "or" before Laser Radial.

CONSTITUTION COMMITTEE (CONT).

While the Constitution Committee recommended the change of wording recorded above, it did not consider that the principal proposed in the submission was a matter it should consider.

(gg) **087-06 Criteria for Ranked Events**

The Constitution Committee considered submission 087-06 from the Chairman of the Events Committee about the ISAF Youth World Championships.

Recommendation

The Constitution Committee recommended that Council approve Submission 087-06.

While the Constitution Committee recommended the change of wording recorded above, it did not consider that the principal proposed in the submission was a matter it should consider.

(hh) **094-06 Event Fees for Women's Match Racing Events**

The Constitution Committee considered submission 094-06 from the Chairman of the Match Racing Committee about Event Fees for Women's Match Racing.

Recommendation

The Constitution Committee recommended that Council approve Submission 094-06.

While the Constitution Committee was satisfied with the wording of the submission, it did not consider that the principal proposed in the submission was a matter it should consider.

(ii) **095-06 Grading of Events**

The Constitution Committee considered submission 095-06 from the Chairman of the Match Racing Committee about Grading of Events.

Recommendation

The Constitution Committee recommended that Council approve Submission 095-06.

While the Constitution Committee was satisfied with the wording of the submission, it did not consider that the principal proposed in the submission was a matter it should consider.

(jj) **101-06 Regulation 26 - Offshore Yachts**

The Constitution Committee considered submission 101-06 from the Chairman of the Offshore Committee about Additional Requirements for certain Classes of Yachts.

Recommendation

The Constitution Committee recommended that Council defer Submission 101-06.

The proposed regulation needs to make clear that it only relates to larger sailing boats.

(kk) **107-06 International Judges Administration**

The Constitution Committee considered submission 107-06 from the Real Federacion Española de Vela about the age of International Judges.

Recommendation

The Constitution Committee recommended that Council reject Submission 107-06.

The Constitution Committee does not support this submission as it is not legal to discriminate against age.

Note: The Constitution Committee will review all other ISAF regulations to ensure they comply with English Age Discrimination laws.

CONSTITUTION COMMITTEE (CONT).

(ll) 109-06 Criteria for Appointment/Re-Appointment as an International Judge

The Constitution Committee considered submission 109-06 from the Chairman of the Race Officials Committee about Criteria for Appointment/Re-Appointment as an International Judge.

Recommendation

The Constitution Committee recommended that Council defer Submission 109-06.

(mm) 110-06 Requirements for Initial Appointment and Re-Appointment as an International Umpire

The Constitution Committee considered submission 110-06 from the Chairman of the Race Officials Committee about Requirements for Initial Appointment and Re-Appointment as an International Umpire.

Recommendation

The Constitution Committee recommended that Council approve Submission 110-06.

(nn) 111-06 International Umpires Administration

The Constitution Committee considered submission 111-06 from the Real Federacion Española de Vela about International Umpires Administration.

Recommendation

The Constitution Committee recommends Council reject Submission 111-06 for the reason stated in submission 107-06.

(oo) 113-06 Considerations for Appointment or Re-Appointment

The Constitution Committee considered submission 113-06 from the Deutscher Seglerverband about Considerations for Appointment or Re-Appointment.

Recommendation

The Constitution Committee recommended that Council approve Submission 113-06 with the following amendment (The Constitution Committee understands that the following amendments are accepted by the submitter, Deutscher Segler Verband):

34.6.1 *In addition, before recommending any candidate for nomination as an IU, the IUSC shall consider:*

- (a) *any comments, ~~other than comments classified as confidential~~ received through the Umpire Event Report Forms;*
- (b) *the candidate's protest committee experience;*
- (c) *Such other information ~~provided it is not classified as confidential~~ as it may consider relevant.*

Insert a new 34.6.2:

34.6.2 If the candidate's application is refused he shall be entitled to see any reports or other comments which were considered under reg. 34.6.1 and shall be supplied with complete copies of those reports within 14 days of his requesting the same.

The Constitution Committee was informed by the Chairman that the submitter had agreed the amendment.

(pp) 114-06 International Race Officers Administration

The Constitution Committee considered submission 114-06 from the Real Federacion Española de Vela about International Race Officers Administration.

CONSTITUTION COMMITTEE (CONT).

Recommendation

The Constitution Committee recommends Council reject Submission 114-06 for the reason stated in Submission 107-06.

(qq) 116-06 Criteria for Appointment/Re-Appointment as an International Race Officer

The Constitution Committee considered submission 116-06 from the Chairman of the Race Officials Committee about Criteria for Appointment/Re-Appointment as an International Race Officer.

Recommendation

The Constitution Committee recommended that Council defer Submission 116-06.

(rr) 117-06 Race Officials Performance Regulation

The Constitution Committee considered submission 117-06 from the Chairman of the Race Officials Committee about the Race Officials Performance Regulation.

In discussion, it was felt that consideration should also be given to any conflicts with RRS 69, and the Chairman advised he would look into this.

Recommendation

The Constitution Committee recommended that Council approve Submission 117-06. with the following amendment and the Constitution Committee recommends that Council consider the changes to Submission 117-06 as detailed below individually when considering the submission:

- 37.4 Reports will be categorised as insignificant, ~~except in the case of urgent and serious reports~~, unless they are in writing and made by; a race official, competitor, Technical Delegate or authorised member of the organising authority or class association.

However, the complaint by a competitor in respect of a race officials' judgement may relate to bad behaviour, but not to his judgement.

- 37.6 Where a report or complaint is categorised 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, ~~but~~ in a form where its source is ~~not~~ 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.
- 37.8 Where formal action is to be taken, the Chairman of the Race Officials Committee shall appoint a panel **of three people** to investigate the report. The panel shall include two members who will be members of the Race Officials Committee or its sub-committees and may include one member of other ISAF committees and sub-committees if appropriate.
- 37.9 The panel shall investigate the report and recommend to the **Chairmen** of the Race Officials Committee **and all its Sub-committees** either that no further action is taken, or that sanctions shall be imposed or that that matter shall be referred to the Executive Committee. **The Race Official concerned shall be informed of the investigation at its inception and the complaints concerned shall be supplied with all relevant documents. He shall be entitled to answer the allegations in writing before the panel as he elects.** If sanctions are recommended they shall be specified. The Chairman of the Race Officials Committee and ~~its the relevant~~ sub-committee **chairmen** shall confirm the recommendation or decide that the sanction to be imposed shall be

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less than that recommended. On confirmation the Chairman shall report the decision to the Executive Committee.

37.11 *If the recommendation is that the appointment be terminated, the matter will be referred to the Executive Committee which shall be the only body with authority to terminate an appointment and shall treat the **recommendation as a** grievance under regulation 51.*

37.12 **Except where regulation 37.11 applies,** *the race official can appeal against any sanction imposed under regulation 37 to the ISAF Review Board.*

(ss) 171-06 Race Officials Committee

The Constitution Committee considered submission 171-06 from the Chairman of the Racing Rules Committee about the Race Officials Committee.

Recommendation

The Constitution Committee recommended that Council defer Submission 171-06 in order to give further consideration.

(tt) 172-06 Racing Rules Committee

The Constitution Committee considered submission 172-06 from the Chairman of the Racing Rules Committee about the Racing Rules Committee.

Recommendation

The Constitution Committee recommended that Council defer Submission 172-06 in order to give further consideration.

(uu) 173-06 ISAF Regulations - Housekeeping

The Constitution Committee considered submission 173-06 from the Chairman of the Racing Rules Committee about ISAF Regulations - Housekeeping.

Recommendation

*The Constitution Committee recommended that Council approve Submission 035-06. with the following amendment:
to delete the words: "~~on their hulls~~"*

While the Constitution Committee recommended the change of wording recorded above, it did not consider that the principal proposed in the submission was a matter it should consider.

(vv) 174-06 Racing Rules Administration

The Constitution Committee considered submission 174-06 from the Chairman of the Racing Rules Committee about Racing Rules Administration.

Recommendation

The Constitution Committee recommended that Council defer Submission 174-06.

CONSTITUTION COMMITTEE (CONT).

(ww) 175-06 Interpretations of the Racing Rules of Sailing

The Constitution Committee considered submission 175-06 from the Koninklijk Nederlands Watersport Verbond about the Interpretations of the Racing Rules of Sailing.

Recommendation

The Constitution Committee recommended that Council approve Submission 175-06.

4. DEFERRED SUBMISSIONS

(a) Submission 089-04 – Race Officials / Appeals

The Constitution Committee noted Submission 089-04, and that Council had referred clause (c) regarding the Arbitration Agreement to the Constitution Committee for further consideration.

Decision

The Constitution Committee deferred Submission 089-04 to the next meeting.

(b) Submission 024-05 – Racing Rules of Sailing

The Constitution Committee considered deferred Submission 024-05 regarding the use of the Racing Rules of Sailing which the Executive Committee referred to the Constitution Committee for consideration and to provide legal opinion on the submission.

Decision

A Working Party of Eric Tulla and Fernando Pombo will prepare a report for the Executive Committee at the 2007 ISAF Mid-Year Meeting.

5. COUNCIL AND COMMITTEE RULES OF PROCEDURE

The Constitution Committee considered the Council and Committee Rules of Procedure.

(a) Council Rules of Procedure

Recommendation

The Constitution Committee recommends that Council approved the Council Rules of Procedure as presented under Council Agenda Item 8(a).

(b) Committee Rules of Procedure

Recommendation

The Constitution Committee recommends that Council approved the Committee Rules of Procedure as presented under Council Agenda Item 8(b), with the following clauses amended as follows:

10.2.1 *The agenda for Committee meetings shall be closed as determined by the ISAF Secretariat, which shall normally be four weeks before the meeting. The Committee Chairman and ISAF Secretariat shall prepare the Agenda with the Secretary General having final authorisation for publication. ~~Do we want to provide that committee members should be invited to raise issues before the closure date.~~*

~~10.4.6 Apart from minor amendments, which may be accepted at the proposer's discretion, a matter will be passed, rejected or deferred.~~

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~~10.4.7 The Chairman of the Committee will then process their the Committee's recommendations or opinions in accordance with the procedure referred to in regulation 1.14~~

6. CLASSES CONTRACT

In considering the proposed Class Contracts, the Chairman advised that he will prepare a proposal for the 2007 ISAF Mid-Year Meeting.

7. COUNCIL ALTERNATES

The Chairman reported on the option for a Council Member to appoint another Council Member to be his/her alternate when they are unable to attend the meeting. It was noted that currently the ISAF Regulations do not preclude this.

The Chairman advised that he would review the situation on this situation and advise the Executive Committee and Council for their consideration.

8. ISAF REGULATIONS

(a) ISAF Regulations

The Chairman stated that he considered that there was a need to undertake a review of the ISAF Regulations, to tidy up several regulations which have become convoluted, ensure consistency and develop a more user friendly and simplified document.

The Chairman advised that he would like to develop some principles for the Regulations, and ensure that all definitions are detailed at the start of the Regulations and in one central place, and possibly use a similar process of *italicising* defined words throughout the regulations, as per the Racing Rules of Sailing.

Lorenz Walch advised that he has prepared a paper regarding the various "notes" recorded in the ISAF Regulations and that this input would be considered as part of the review. Lorenz agreed that he would send the paper to the Committee members again.

The Chairman advised that he would like to lead a working party, and as each section of Regulations had been reviewed and redrafted, the section would be circulated to all the Committee for their comment.

Decision

The following working party was appointed to review the Regulations:

David Lees – Chairman

Stanislav Kassarov

Alberto Predieri

Tom Schubert

Lorenz Walch

Recommendation

The Constitution Committee would like Council to note that they have appointed a working party to review the regulations, to achieve:

- *Consistency in the regulations*
- *a user friendly document, which groups specific rules effecting sailors, classes, event organizers, etc-*

CONSTITUTION COMMITTEE (CONT).

(b) ISAF Regulations - Anti-Doping Code

The Chairman advised his concern that the WADA Prohibited List is included in the ISAF Yearbook as a Schedule to the ISAF Regulations. As the Prohibited List was changed by WADA at various times during the year, the information in the Yearbook, and therefore the regulations, could be inaccurate. This was a matter of concern even though it was made clear by a caveat that users should refer to the ISAF website for the latest version. It was agreed that it would be better to remove the Prohibited List from the regulations and place it in another section of the Yearbook.

Recommendation

The following changes are recommended::

1. Regulation 21 – Definition of “Prohibited List” (page 67 of regulations)

Delete the current definition and replace with the text below:

~~*The List identifying the prohibited substances and prohibited methods.*~~

The list identifying the prohibited substances and prohibited methods published and from time to time revised by WADA as described in Article 4.1 of the “Code”.

2. Amend Regulation 21.4 as follows:

Delete the rest of the sentence 1 after the words Prohibited List.

21.4 Incorporation of the Prohibited List

~~*These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the “Code”.*~~ ISAF will make the current Prohibited List available to each MNA, and each MNA shall ensure that the current Prohibited List is available to its members and constituents.

3. The entire “World Anti-Doping Code – Prohibited List” (pages 84-90 of regulations) should not be published as a part of the regulations because they are changing from time to time and may mislead users.

The World Anti-Doping Code – Prohibited List may be published in the Year Book in a section separate from the Regulations, making clear that this list is just valid for a certain date and may be changed in the meantime. This list shall not include in the right upper right hand corner the wording “ISAF Regulations” or any other wording to the same effect.

9. DRAFT MNA CONSTITUTION

The Constitution Committee noted the draft MNA Constitution prepared by the Chairman which is supplied to applying MNA's as guidance in preparing an MNA Constitution.

The Constitution Committee was invited to submit any comments on the draft Constitution to the Chairman by January 2007.

10. CONSTITUTION COMMITTEE QUESTIONNAIRE

The Chairman reported on the responses to the Constitution Committee Questionnaire circulated to MNA's in accordance with ISAF Regulations 8.4, 8.5, 15.3.6(c) and 15.3.6(d) which charge the Constitution Committee to review MNA groupings.

The Chairman highlighted the “temporary” third Council seat allocated to Group D, and that Council needs to decide on the permanent number of seats for Group D, as either two or three.

CONSTITUTION COMMITTEE (CONT).

Decision

The following working party was appointed to prepare an initial report for the 2007 ISAF Mid-Year Meeting:

**Peter Hall – Chairman
David Lees
Dieter Neupert
Carlo Rolandi**

11. ANNUAL REPORT

The Chairman gave a verbal presentation on the content of his report to the ISAF Council meeting of Thursday 9 November 2006 on the activities of the Constitution Committee for the period 1 January 2006 to date.

12. ANY OTHER BUSINESS

(a) Classification Commission

The Chairman reported on the situation regarding fraudulent applications made to the ISAF Sailor Classification system, and the option for these applications to be reported to the individual sailor's MNA under RRS 69.

It was noted that the Chairman of the Classification Committee had requested the opinion of the Constitution Committee on making such a report, as the ISAF Sailor application process advises that all information submitted will remain confidential to the Review Panel and ISAF Secretariat.

In discussion, the Constitution Committee felt that if an application is fraudulent, then the applicant waives any right to confidentiality.

Decision

The Constitution Committee concluded that an application to the ISAF Sailor Classification which contains fraudulent information includes an element of illegality and therefore makes confidentiality unenforceable.

(b) Race Officials Insurance

The Chairman advised his concerns regarding insurance for Race Officials who are not appointed by ISAF, and that Race Officials should be offered the opportunity to buy into a global insurance cover. The Committee agreed that it was a matter of serious concern and noted that the Chairman will be in communication with the Secretary General on this issue.

(c) Court of Arbitration for Sport (CAS)

The Constitution Committee agreed to set up guidelines to set out when ISAF recognizes CAS as the final body of appeal.

Decision

Dieter Neupert was appointed to undertake an initial review and prepare a report by the 2007 ISAF Mid-Year Meeting.

There being no further business the meeting was closed at 1330 hours.