

World Sailing Anti-Trust Policy

Placing 49er and 49erFX Under Review

A submission from the Israel Sailing Association, Romanian Yachting Federation and the Trinidad and Tobago Sailing Association

Purpose or Objective

That World Sailing be required to fully comply with its Anti-Trust Policy as approved by Council in November 2017.

Proposal

That in line with the World Sailing Anti-Trust Policy that the following equipment be put under review:

49er
49er FX

Current Position

In November 2017, World Sailing approved a new Anti-Trust Policy for equipment selected for the Olympic Games. This Anti-Trust Policy made it very clear that *“World Sailing is committed to complying with its obligations under all applicable antitrust and competitions laws.”*

The Council approved the World Sailing Anti-Trust Policy in November 2017 on the understanding that all equipment which fell in the scope of the policy would be reviewed ahead of any final decisions being made on the events and equipment for the 2024 Olympic Games.

However, in apparent contravention of its own Anti-Trust Policy, the World Sailing Board only selected the Laser, Laser Radial and RSX equipment for Anti-Trust Review.

The announcement made by the World Sailing Board on 12 January 2018 on the equipment that would be reviewed under the Anti-Trust Policy, gave no valid reason or basis as to why the Laser, Laser Radial and RSX were put under Anti-Trust Review and the 49er and 49erFX were not.

Reasons

1. The Council approved the World Sailing Anti-Trust Policy in November 2017 on the understanding that all equipment which fell in the scope of the policy would be reviewed ahead of any final decisions being made on the events and equipment for the 2024 Olympic Games.
 2. There is every justification to put all manufacturer classes including the 49er and 49erFX under Anti-Trust Review, to ensure that sailors, Member National Authorities and Olympic teams receive a high-quality service and products from manufacturers at competitive market prices.
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3. As the final decision making body of World Sailing, this proposal will allow Council to decide if the decision of the Board to limit the equipment to be reviewed was in compliance with World Sailing's Anti-Trust Policy.
 4. In November 1996, the 49er was selected as equipment for the Olympic Games in Sydney 2000. Therefore a period of more than twenty years has passed since this equipment was reviewed. It is not clear if any Anti-Trust review was put in place at the time the 49erFX was selected for the Rio 2016 Olympic Games, but it is anticipated that this was not undertaken. Both the 49er and 49erFX have a sole manufacturer for their rigs and sails.
 5. There is no reference in the World Sailing Anti-Trust Policy to staggering the review of equipment, so it is perfectly reasonable to have expected all equipment that falls within the scope of the policy to have been put under Anti-Trust Review.
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