

## World Sailing Regulations

### Regulation 35

A submission from the Board

#### Purpose or Objective

To update provisions of Regulation 35 following cases in 2018.

#### Proposal 1

Amend Regulation 35.4.1 as follows:

35.4.1 The procedures in this Part apply only to the following events.

- (a) Olympic and Paralympic Sailing Competition;
- (b) **World Sailing Events which have been designated by the Judicial Board as major international events;** ~~all events organised by or on behalf of World Sailing;~~
- (c) the America's Cup and its associated events; and
- (d) the Volvo Ocean Race.

#### Current Position 1

See above.

#### Reasons 1

It is not necessary for all World Sailing Events to be designated as major international events for the purposes of Regulation 35. Allowing some lower risk World Sailing Events to be operate under Part D of Regulation 35 will reduce costs.

#### Proposal 2

Amend Regulation 35.4.2 as follows:

35.4.2 The Judicial Board shall appoint a one or more Disciplinary Investigating Officer (the "Event Disciplinary Investigating Officer") to investigate at the event complaints of Misconduct. If the Event Disciplinary Investigating Officer is a member of the international jury of the event, then he shall not be part of any hearing panel and shall not take part in any discussions or decisions concerning the case. The international jury remains properly constituted if one of its number if unable to hear a

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case due to appointment as the Event Disciplinary Investigating Officer, as provided for in RRS Appendix N. **An Event Disciplinary Investigating Officer may authorise individuals to gather evidence and present allegations to the protest committee on their behalf and under their supervision.**

#### Current Position 2

See above.

#### Reasons 2

At some events, the EDIO may require additional support from others in the collection of evidence and presenting cases to the protest committee. At the moment these duties must be undertaken personally by the EDIO. The decision to charge individuals with Misconduct would remain the personal decision of the EDIO and cannot be delegated.

#### Proposal 3

1. Delete Regulations 35.4.14 and 35.8.5 and in each case replace with:

**World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out in Part H of this Code.**

2. Delete Regulations 35.4.15, 35.4.16, 35.8.6 and 35.8.7.
3. Insert new Part H:

#### **35.9 Appeals to the Court of Arbitration for Sport**

##### **35.9.1 No appeal from a decision of World Sailing lies to the Court of Arbitration for Sport except:**

- (a) in accordance with this Regulation 35.9; or**
- (b) under Rule 61(2) of the Olympic Charter for disputes arising on the occasion of, or in connection with, the Olympic Games.**

##### **35.9.2 There is a right of appeal from a decision of an Independent Panel which directly concerns the eligibility of a person to participate in a major international event (as listed in Regulation 35.4.1) by way of arbitration before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:**

- (a) by World Sailing; or**
- (b) by a Participant**

##### **35.9.3 The time limit for an appeal shall be fourteen days from receipt of the decision appealed against. The arbitration shall be conducted in accordance with the Code of Sport-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.**

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Current Position 3

See above.

Reasons 3

The rules concerning appeals to CAS are currently found in two places. This proposal consolidates them into one place and makes clearer the grounds on which an appeal to CAS can be undertaken. The time limit for notifying CAS of an appeal has been shortened from 3 weeks to 2 weeks in order to provide greater certainty.