

CONSTITUTION COMMITTEE



A meeting of the Constitution Committee was held at 0930-1800 hours on Monday 5 and 0930-1330 hours on Wednesday 7 November in the Albufeira Room, at the Vila Gale Estoril, Estoril, Portugal.

Please refer to the ISAF website - www.sailing.org - for details of the submissions on this agenda.

Minutes

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Present

David Lees - Chairman
Charley Cook – *for Monday 5 November and from 1345 on Wednesday 7 November*
Balazs Hajdu - *for Monday 5 November and from 1345 on Wednesday 7 November*
Peter Hall
Stanislav Kassarov
Teo Ping Low – *for morning of Monday 5 November only*
Dieter Neupert
Fernando Pombo – *for Monday 5 November only*
Alberto Predieri – *for Monday 5 November only*
Carlo Rolandi
Tom Schubert
Eric Tulla
Lorenz Walch

Apologies

Jack Caldwell
Marco Piccinini
Vladimir Sakovich
Geoffrey Thorpe

1. MINUTES OF THE PREVIOUS MEETING

(a) Minutes

The minutes of the Constitution Committee meetings of 6 and 8 November 2006, 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. ISAF STRATEGIC PLAN

(a) Update Report

The Constitution Committee noted the status of the ISAF Strategic Plan.

(b) Committee Terms of Reference, Skill Sets, Work Plan – 2008-2012

- (i) The Chairman reported that in responding to the request from the ISAF Executive Committee to review the Committee Terms of Reference and Skill Sets, no changes were proposed to the terms of reference, with the significant skill set recommended being a background in law.

CONSTITUTION COMMITTEE (CONT)

- (ii) The Chairman advised that the Constitution Committee is required to prepare a four year work plan for the Constitution Committee for the period November 2008 – November 2012 which is to be submitted to the Executive Committee by 31 March 2008. The Chairman will prepare a draft for circulation to the Committee in January 2008.

3. SUBMISSIONS

The Constitution Committee considered the following Submissions:

(a) ISAF Regulation Submissions

001-07 ISAF Regulations – Standard Currency

The Constitution Committee considered submission 001-07 from the Chairman of the Constitution Committee about standard currency.

Recommendation

Approve.

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

002-07 ISAF Regulations – Racing Rules Committee Membership

The Constitution Committee considered submission 002-07 from the Royal Spanish Sailing Federation about Racing Rules Committee Membership.

Recommendation

No Recommendation.

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

003-07 ISAF Regulations – Nationality Criteria

The Constitution Committee considered submission 003-07 from the Federacion Argentina de Yachting about Nationality Criteria.

Recommendation

Proposal 1 - No recommendation

The Constitution Committee understands that this submission conflicts with the Olympic Charter and possibly with the laws of many regions.

Proposal 2 - Reject

The proposed definition is not appropriate as a definition and in any event ISAF is bound by English law and the definition in English statutory law must apply.

005-07 ISAF Regulations – Payment to Umpires

The Constitution Committee considered submission 005-07 from the Chairman of the Race Officials Committee about Payment to Umpires.

The Chairman of the Constitution Committee, Charley Cook and Lorenz Walch declared a personal interest as race officials in the submission.

Recommendation

No Recommendation.

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

CONSTITUTION COMMITTEE (CONT)

Regulation 18.16.1

- (a) ***The Executive Committee shall specify Umpire Daily Fees and Chief Umpire Daily Fees from time to time and such fees shall be payable to umpires as provided in this regulation.***
- (b) ***The fees payable for any event shall be the most recent that have been specified by the Executive Committee not less than 12 months before the start of the event.***
- (c) ***The fees receivable shall be calculated as follows:***
 - (i) ***For ISAF Open Match Racing World Championships and Open Grade 1 Events***

<i>Chief Umpires</i>	<i>1 Chief Umpire Daily Fee for each day of the event Plus 2 additional such fees</i>
<i>Other Umpires</i>	<i>1 Umpire Daily Fee for each day of the event plus 2 additional such fees.</i>
 - (ii) ***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:

<i>Chief Umpires</i>	<i>1 Chief Umpire Daily Fee for each day of the event Plus 2 additional such fees</i>
<i>Other Umpires</i>	<i>1 Umpire Daily Fee for each day of the event plus 2 additional such fees.</i>

006-07 ISAF Regulations – Major Events, Events of Classes and ISAF Events - Advertising

The Constitution Committee considered submission 006-07 from the Chariman of the Race Officials Committee about Major Events.

Recommendation

No Recommendation.

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

007-07 ISAF Regulations – Eligibility Waiver

The Constitution Committee considered submission 007-07 from the Chariman of the Constitution Committee about Eligibility Waivers.

Recommendation

Approve with the following amendment.

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

- 19.2.2** ***In exceptional circumstances, the Executive Committee may waive the requirements contained in Regulation 19.2.1 (b) and (c) for a sailor who, for good reason, is unable to comply with those requirements.***

CONSTITUTION COMMITTEE (CONT)

008-07 ISAF Regulations – Approval of Special Events Dates

The Constitution Committee considered submission 008-07 from the Executive Committee about Special Events.

Recommendation

Approve.

With the addition to make a new proposal 2 to remove “Maxi One-Design” from 20.6.1(b).

009-07 Anti-Doping Code – Athlete Whereabouts Requirement

The Constitution Committee considered submission 009-07 from the Executive Committee about the Anti-Doping Code.

Recommendation

No Recommendation

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

055-07 ISAF Regulations – New Definition and Consequential Changes

The Constitution Committee considered submission 055-07 from the Chairman of the Constitution Committee about New Definition and Consequential Changes.

The use of both the term “windsurfer” and “sailboard” within the ISAF Regulations and other ISAF documents and the need for consistency was noted. This will be addressed when the ISAF Regulations are updated.

Recommendation

Approve.

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

*In Proposal 2, change “the Racing Rules of Sailing” to “**The** Racing Rules of Sailing”*

056-07 ISAF Regulations – Notices and Submissions

The Constitution Committee considered submission 056-07 from the Chairman of the Racing Rules Committee about Notices and Submissions.

In reviewing this submission, it was felt that only defined words should use capitals. Reflecting the Racing Rules of Sailing, consideration was given to italicising all defined words throughout the ISAF Regulations.

Recommendation

Approve with the following amendment.

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

- 1.5.1 A submission or proposal shall state the proposal, the current position, any ~~Article, Regulation or Rule~~ ~~the Articles or Regulations, racing rule or class rule~~ considered to be affected, and the reasons for the proposal. ***In a submission or proposal to change an Article, Regulation or rule, the current Article, Regulation or rule shall be quoted in full, and the proposed changes be set out with the exact words to be inserted and/or deleted.***

064-07 ISAF Regulations – Housekeeping

The Constitution Committee considered submission 064-07 from the Chairman of the Racing Rules Committee about Housekeeping.

CONSTITUTION COMMITTEE (CONT)

Recommendation

No Recommendation.

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

066-07 ISAF Regulations – Class Rule Changes

The Constitution Committee considered submission 066-07 from the Chairman of the ISAF Classes Committee about Class Rule Changes.

Recommendation

No Recommendation.

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

- 26.10 Unless otherwise provided in any agreement between the ISAF and the **Class/Owners** Association, International and Recognized Class Associations shall not change their Class Rules except with the approval of ISAF which shall be obtained in accordance with the following procedures:
- 26.10.1 Before applying to ISAF for approval, the Class/Owners Association is encouraged to consult the **ISAF Secretary General** ~~Secretariat of ISAF~~ **which in turn shall consult the Class Rules Sub-Committee and advise the Class/Owners Association of the comments of that sub-committee within eight weeks. The Class/Owners Association shall ~~transmit~~ make available such comments to its members at least four weeks before a decision is to be made in accordance with its constitution and its Class Rules.**
- 26.10.2 Then the Class/Owners Association shall apply for approval of the changes duly approved by the Association in writing to the Secretary General and the application shall include:
- (a) the changes required,
 - (b) a statement of the reasons for requiring the change,
 - (c) a certificate that the changes have been duly approved by the Class/Owners Association,
 - (d) the date when the changes are to take effect;
- 26.10.3 When the application is received by the Secretary General, in the case of changes not relating to a modification of the Advertising Code, he shall supply the members of the Class Rules Sub-Committee at once with copies of the application, whereupon the subcommittee shall consider ~~the~~ it as soon as practicable either at any meeting duly convened or by discussion carried on by electronic communication.
- 26.10.4 The sub-committee may approve or reject the changes or return them to the Class/Owners Association with comments for revision. However **the sub-committee may reject the changes only on the grounds that they:**
- (a) are incompatible with the stated objectives of the Class/Owners Association**
 - (b) seriously disadvantage a significant number of existing owners or, in the case of Classes with Licensed Builders, any such builder(s)**
 - (c) reduce safety.**

CONSTITUTION COMMITTEE (CONT)

Any such rejection shall be the view of at least 75% of the sub-committee.

26.10.5 **In the event that the sub-committee intends to reject ~~s~~ changes it shall discuss the matter with the Class/Owners Association at the next Annual ISAF Meeting. The Class/Owners Association is entitled to two, and should have at least one, representative at the meeting at which the rule change concerning its class is discussed. The Class/Owners Association representative should be prepared to answer questions and give additional information concerning the rule change.**

26.10.6 *In the event that the sub-committee and the Class/Owners Association are unable to reach agreement the Class/Owners Association may require that the application is referred to the Council for review. Its decision shall be final.*

And renumber old 26.10.6 and following

067-07 ISAF Regulations – Definitions

The Constitution Committee considered submission 067-07 from the Chairman of the Racing Rules Committee about Definitions.

Recommendation

No Recommendation.

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

Rules, Class	Class Rules are rules as defined in the ISAF Equipment Rules of Sailing in Part II, Section 3.1 as follows “The rules that specify the boat as it shall be used for racing.
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(b) ISAF Committees and Terms of Reference

010-07 International Measurers Sub-committee – Terms of Reference

The Constitution Committee considered submission 010-07 from the Chairmen of the Constitution Committee and Race Officials Committee about International Measurers Sub-committee - Terms of Reference.

Recommendation

Approve.

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

011-07 International Judges Sub-committee – Terms of Reference

The Constitution Committee considered submission 011-07 from the Chairmen of the Constitution Committee and Race Officials Committee about International Judges Sub-committee - Terms of Reference.

Recommendation

Approve.

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

012-07 International Umpires Sub-committee – Terms of Reference

The Constitution Committee considered submission 012-07 from the Chairmen of the Constitution Committee and Race Officials Committee about International Umpires Sub-committee - Terms of Reference.

CONSTITUTION COMMITTEE (CONT)

Recommendation

Approve.

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

013-07 Race Management Sub-committee – Terms of Reference

The Constitution Committee considered submission 013-07 from the Chairmen of the Constitution Committee and Race Officials Committee about Race Management Sub-committee - Terms of Reference.

Recommendation

Approve.

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

014-07 Match Racing Committee – Terms of Reference

The Constitution Committee considered submission 014-07 from the Chairman of the Match Racing Committee about Match Racing Committee - Terms of Reference.

Recommendation

No Recommendation. .

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

015-07 Oceanic Sub-committee – Disbanding the Committee

The Constitution Committee considered submission 015-07 from the Executive Committee about Oceanic Sub-committee – Disbanding the Committee.

Recommendation

No Recommendation.

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording. However, consequential amendments are required to Regulations 15.17.3(b) and (d).

016-07 Oceanic Sub-committee – Constituting the Committee

The Constitution Committee considered submission 016-07 from Swiss Sailing about Oceanic Sub-committee – Constituting the Committee.

Recommendation

No Recommendation.

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording. However, consequential amendments are required to Regulations 15.17.3(b) and (d).

017-07 Oceanic Sub-committee – Terms of Reference

The Constitution Committee considered submission 017-07 from Swiss Sailing about Oceanic Sub-committee – Terms of Reference.

Recommendation

No Recommendation.

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

CONSTITUTION COMMITTEE (CONT)

018-07 Race Officials Committee – Constituting the Committee and Terms of Reference

The Constitution Committee considered submission 018-07 from the Chairman of the Racing Rules Committee about the Race Officials Committee – Constituting the Committee and Terms of Reference.

Recommendation

No Recommendation.

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

019-07 Race Management Sub-committee – Terms of Reference

The Constitution Committee considered submission 019-07 from the Chairman of the Race Officials Committee about the Race Management Sub-committee – Terms of Reference.

Recommendation

No Recommendation.

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

- 15.20.6 **(l) work towards standardization and improvement of sailing instructions;**
 (m) approve the sailing instructions of the Olympic Sailing Competition (and ~~other~~ ISAF events) in conjunction with the Racing Rules Committee;
 (n) consider and propose race management policies for the Olympic ~~Sailing Competition Games~~ and ISAF events. ~~including~~

020-07 Racing Rules Committee – Constituting the Committee and Terms of Reference

The Constitution Committee considered submission 020-07 from the Chairman of the Racing Rules Committee about the Racing Rules Committee – Constituting the Committee and Terms of Reference.

Recommendation

No Recommendation.

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording except that it recommends that 15.21.7 (d)(~~xxx~~) should be deleted: (viii) ~~other~~ various related subjects with which the ~~racing rules~~ RRS deal;

041-07 ISAF Athletes' Commission – Terms of Reference

The Constitution Committee considered submission 041-07 from the Executive Committee about the ISAF Athletes' Commission - Terms of Reference.

Recommendation

No Recommendation.

The Constitution Committee supports the Executive Committee recommendation to defer. If Council does not defer this submission, further drafting is required.

042-07 ISAF Constitution – Council Alternate

The Constitution Committee considered submission 042-07 from the Executive Committee about the ISAF Constitution – Council Alternate.

CONSTITUTION COMMITTEE (CONT)

Recommendation

Reject.

The Constitution Committee recommends Council accept the following principles and the Constitution Committee will then prepare a submission:

1. No member of council or alternate shall have more than one vote on any issue.
2. The alternate can be an existing member of council.
3. The alternate appointed by the member of council must be a member of his group or nominating body.
4. The president and vice-presidents cannot appoint alternates to their office.
5. If the president appoints an alternate to a nominated member of council that alternate will only have one vote.
6. The quorum shall consist of no less than twelve individuals entitled to vote.
7. Any alternate appointed by the president must be from the group or nominating body of the absent member.
8. A council member may be an observer at a meeting at which he has appointed an alternate.

145-07 Constituting the Offshore Committee

The Constitution Committee considered submission 145-07 from the Chairman of the Offshore Committee about Constituting the Offshore Committee.

Recommendation

No Recommendation.

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

That Regulation 15.17.2 be amended as follows:

The Offshore Committee shall consist of a Chairman, a Vice Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 59 **and in accordance with the provisions of this regulation. All members shall ~~be active~~ at the time of their appointment be active in offshore racing or its administration and at least half of them shall be representatives of the principal offshore racing areas of the world.**

That Regulation 15.17.5.1 (g) be amended as follows:

(g) Not more than ten other members

The Constitution Committee notes that in event that the Oceanic Sub-committee is disbanded (See Submission 015-07) there will need to be conforming changes to Regulation 15.17.

147-07 Special Regulations Sub-committee

The Constitution Committee considered submission 147-07 from the Chairman of the Offshore Committee about Special Regulations Sub-committee.

Recommendation

Defer.

The Constitution Committee recommends deferral in order to review the licence agreement.

(c) Advertising Code

039-07 ISAF Advertising Code – Class Association Advertising

The Constitution Committee considered submission 039-07 from the International 49er Class Association about ISAF Advertising Code – Class Association Advertising.

CONSTITUTION COMMITTEE (CONT)

Recommendation

Reject.

The Constitution Committee advises that the submission infringes the intent of the Advertising Code and it may effect existing contractual arrangements for competitors. However, if Council decides to accept the Submission, the Constitution Committee recommends deferring the submission for further redrafting.

(d) ISAF Classification Code

021-07 ISAF Sailor Classification Code - Preamble

The Constitution Committee considered submission 021-07 from the Executive Committee about ISAF Classification Code – Preamble.

Recommendation

No Recommendation

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

022-07 ISAF Sailor Classification Code - Definitions

The Constitution Committee considered submission 022-07 from the Executive Committee about ISAF Classification Code – Definitions.

Recommendation

No Recommendation.

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording, but notes that Proposal 2 should reference Regulation 22.1

023-07 ISAF Sailor Classification Code – Competitor Classifications

The Constitution Committee considered submission 023-07 from the Executive Committee about ISAF Classification Code – Competitor Classifications.

Recommendation

No Recommendation.

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

*That reference to work in 22.2.3(a) should be italicised as it is a defined word.
That the original wording "been paid" be reinstated, not "received pay"*

024-07 ISAF Sailor Classification Code – Classification Procedures

The Constitution Committee considered submission 024-07 from the Executive Committee about ISAF Classification Code – Classification Procedures.

Recommendation

No Recommendation.

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

Proposal 1 - amend the last line of proposal 1, paragraph 22.3.2, to read:

A competitor shall not hold ~~more than one~~ ~~two~~ classifications at the same time.

Proposal 3 - reinstate the original wording in 22.3.5, to read:

"A classification, once issued, shall remain in force for two years unless the classification is [previously] changed, suspended, or cancelled by the Classification Authority:"

Proposal 5 - add the following words to the end of proposed new 22.3.7:

CONSTITUTION COMMITTEE (CONT)

*“The Classification Authority may decline to issue a classification or may suspend a current classification when the competitor has been penalized under RRS 69 for a classification matter. **Such refusal or suspension shall not be longer than the period during which the competitor’s eligibility is suspended under Rule 69.**”*

Proposal 8 - *The Constitution Committee notes that the Classification Commission would like to put forward option 1.*

025-07 ISAF Sailor Classification Code – Event Procedures

The Constitution Committee considered submission 025-07 from the Executive Committee about ISAF Sailor Classification Code – Events Procedures.

Recommendation

No Recommendation.

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

026-07 ISAF Sailor Classification Code – Protest Grounds and Procedures

The Constitution Committee considered submission 026-07 from the Executive Committee about ISAF Sailor Classification Code – Protest Grounds and Procedures.

Recommendation

No Recommendation.

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

(e) Women’s Representation

028-07 Gender Representation – Guidelines for the Executive Committee

The Constitution Committee considered submission 028-07 from the Chairman of the Constitution Committee about Gender Representation – Guidelines for the Executive Committee.

Recommendation

Approve with the following amendments:

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

- 6.2.2 *The Executive Committee shall, **subject to any specific provisions in these regulations relating to a particular committee (which in this clause shall include sub-committees)** so far as practicable, follow the following guidelines ~~namely that:~~*
- (a) first consideration ~~shall~~ **should** be given to persons for their expertise rather than geographical location;*
 - (b) **not less than 20% of the members of each committee shall should be drawn from each gender;***
 - (c) **not less than 15% of the chairmen and vice-chairmen of all committees shall should be drawn from each gender;***
 - (d) not more than two persons from any country ~~shall~~ **should** be included on any committee;*
 - (e) there should not be a set number of members of any committee;*

CONSTITUTION COMMITTEE (CONT)

- (f) there ~~shall~~ **should** not be a maximum period of time for any **individual** to sit on a **particular** committee; and
- (g) consideration ~~shall~~ **should** be given to the relevant sailing experience of nominees.

From 2012 the percentages of 20% and 15% specified in sub paragraphs (b) and (c) above shall be replaced by 25% and 20% respectively.

029-07 Gender Representation – Code of Practice

The Constitution Committee considered submission 029-07 from the Chairman of the Constitution Committee about Gender Representation – Code of Practice.

Recommendation

Approve.

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

030-07 Gender Representation – Code of Practice

The Constitution Committee considered submission 030-07 from the Chairman of the Constitution Committee about Gender Representation – Code of Practice.

Recommendation

Approve.

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

It is the policy of ISAF that:

at least 20% ~~one-fifth~~ of the Council should be drawn from each gender.

at least 25% ~~one-quarter~~ of all delegates a Member National Authority nominates to ISAF Committees should be from each gender.

031-07 Gender Representation – Women on Council

The Constitution Committee considered submission 031-07 from the Chairman of the Constitution Committee about Gender Representation – Code of Practice.

Recommendation

Approve.

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

032-07 Women's Forum – Terms of Reference

The Constitution Committee considered submission 032-07 from the Chairman of the Constitution Committee about Women's Forum – Terms of Reference.

Recommendation

Approve.

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

- (b) *maintain a close liaison with all women sailors and sailors and promote participation by women in sailing ~~all aspects of sailing at all levels and in all structures;~~*

CONSTITUTION COMMITTEE (CONT)

033-07 Women's Forum – Additional Members

The Constitution Committee considered submission 033-07 from the Chairman of the Constitution Committee about Women's Forum – Additional Members.

Recommendation

Approve.

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

49.2 The membership of the Women's Forum shall consist of the following:

- (a) **a Chairman who shall be the women's representative on the Council**
~~from time to time;~~
- (b) **all women who are** ~~from time to time~~ **members of ISAF committees, and**
~~sub-committees and commissions; and~~
- (c) **an additional six women** ~~each of them representing one of the six~~
~~Continents as defined in these Regulations drawn from countries in~~
~~Subscription Categories 1, 2 and 3, such~~ **women to be nominated and**
appointed as provided in Regulation 6 as if they were being nominated
and appointed as committee members except that Regulation 6.2.2
shall not apply.

034-07 Women's Sailing Committee – Disbanding the Committee

The Constitution Committee considered submission 034-07 from the Chairman of the Constitution Committee about Women's Sailing Committee – Disbanding the Committee.

Recommendation

Approve.

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

- 49.6 (h) may liaise with ~~the Women's Sailing Committee and~~ all ISAF committees to promote participation by women in all aspects of sailing;

035-07 Women's Representation – Women on Council

The Constitution Committee considered submission 035-07 from the Norwegian Sailing Federation and Swedish Sailing Federation about Women's Representation – Women on Council.

Recommendation

Reject.

The Constitution Committee recommends that this submission is not put before Council, as it is not a matter for Council, but for the General Assembly or the AGM.

However, the submitters may propose this for a future General Assembly or AGM.

This is inconsistent with the vote of the ISAF Council in May 2007.

(f) ISAF Events and Olympics

079-07 - Selection of Events for the 2012 Olympic Sailing Competition – Regulation 16

The Constitution Committee considered submission 079-07 from the Danish Sailing Association about ISAF Regulations – Olympic Equipment Selection.

CONSTITUTION COMMITTEE (CONT)

Recommendation

No Recommendation

The Constitution Committee did not know whether the submission was referring to one or two events - and this requires clarification.

122-07 Equipment for the Olympic Sailing Competition and Regional Games - Elimination of Restrictions

The Constitution Committee considered submission 122-07 from the Chariman of the Constitution Committee about the equipment for the Olympic Sailing Competition and Regional Games.

Recommendation

No Recommendation

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

124-07 ISAF Regulations – Olympic Equipment Selection

The Constitution Committee considered submission 124-07 from the Executive Committee about ISAF Regulations – Olympic Equipment Selection.

Recommendation

No Recommendation.

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

16.1.1(f)(i) - Class Association be amended to read "Class/**Owners** Association"

16.1.1(f)(iii) – Class be amended to read "Class/**Owners Association**"

126-07 ISAF Sailing World Championships – Regulation 17.2.1

The Constitution Committee considered submission 126-07 from the Fédération Française de Voilée about the ISAF Sailing World Championships.

Recommendation

No Recommendation

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

17.2.1 The Championships shall be held every ~~four~~ **two** years **namely in the year following the Olympic Games and** in the year prior to the Olympic Games.

127-07 ISAF World Sailing Games

The Constitution Committee considered submission 127-07 from the Chairman of the Constitution Committee about the deletion of the ISAF World Sailing Games.

Recommendation

No Recommendation

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

129-07 - ISAF Youth Sailing World Championships

The Constitution Committee considered submission 129-07 from the Royal Yachting Association about events at the ISAF Youth Sailing World Championships.

CONSTITUTION COMMITTEE (CONT)

Recommendation

No Recommendation.

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

130-07 - Fourth World Championship Title for International Classes

The Constitution Committee considered submission 130-07 from the International 470 Class about a fourth world championship.

Recommendation

No Recommendation.

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

131-07 Windsurfing – Participation and World Championships

The Constitution Committee considered submission 131-07 from the International Formula Windsurfing Class about Windsurfing – Participation and World Championships.

Recommendation

No Recommendation.

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

(g) Race Officials Administration

040-07 ISAF Race Officials – Conduct

The Constitution Committee considered submission 040-07 from the Executive Committee about ISAF Race Officials – Conduct.

Recommendation

Reject.

The Constitution Committee recommends that for contractual reasons the Race Officials application form includes such an undertaking.

153-07 ISAF Race Officials – Conduct

The Constitution Committee considered submission 153-07 from the Chairmen of the Constitution Committee and the Race Officials Committee about Race Officials Administration.

Recommendation

Approve.

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

154-07 International Race Officials

The Constitution Committee considered submission 154-07 from the Chairman of the Constitution Committee about International Race Officials.

Recommendation

Approve with the following amendment.

The Constitution Committee has reviewed this submission and is satisfied with the proposed wording, but notes that the heading reference "Agreement to submit to arbitration" should be deleted.

155-07 Race Officials Administration

CONSTITUTION COMMITTEE (CONT)

The Constitution Committee considered submission 155-07 from the Chairman of the Race Officials Committee about Race Officials Administration.

Recommendation

No Recommendation.

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

Regulation 33.5(d)

- (i) *have attended an ISAF Judging Seminar within the last four years prior to 1 September of the year of application and no later than 14 October in that year;*
- (ii) *have passed a written examination designed to show an intimate knowledge of the Racing Rules of Sailing within the last four years prior to 1 September of the year of application and no later than 14 October in that year; Applicants who fail the written examination may take a new examination, but not normally within six months after the first one, unless there are special circumstances. Applicants who fail the examination more than once shall be assessed on an individual basis;*

Regulation 34.5

- (c) *have attended an ISAF Umpiring Seminar ~~in the last four years up to 1 September of the year of application~~ within the last four years prior to 1 September of the year of application and no later than 14 October in that year; (not required for re-appointment);*

- (d) *have passed the ISAF examination:*

Candidates for initial appointment must have taken the examination in the last four years up to 1 September of the year of application and no later than 14 October in that year;

Regulation 35.5

- (b) *have attended an ISAF International Measurer's Seminar ~~in the last four years~~ within the last four years prior to 1 September of the year of application and no later than 14 October in that year;*

Regulation 36.6

- (h) *have attended an ISAF Race Management Seminar and have passed the International Race Officers written test ~~in the last four years~~ within the last four years prior to 1 September of the year of application and no later than 14 October in that year (not applicable to re-appointments);*

156-07 International Judges Administration

The Constitution Committee considered submission 156-07 from the Chairman of the Race Officials Committee about International Judges Administration.

Recommendation

No Recommendation.

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

157-07 Criteria for Appointment/Re-Appointment as an International Judge

The Constitution Committee considered submission 157-07 from the Chairman of the Race Officials Committee about Criteria for Appointment/Re-Appointment as an International Judge.

Recommendation

CONSTITUTION COMMITTEE (CONT)

No Recommendation.

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

158-07 Principal Events

The Constitution Committee considered submission 158-07 from the Chairmen of the Constitution Committee and Race Officials Committee about Principal Events.

Recommendation

No Recommendation.

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

- 33.5.2 For the purposes of this regulation references to 'Principal Events' shall mean those events described **generally** or designated as Principal Events by the Race Officials Committee ~~from time to time~~ and published on the ISAF Website. **This regulation shall not require the Secretary General to list each individual event.**

159-07 International Umpires Administration

The Constitution Committee considered submission 159-07 from the Chairman of the Race Officials Committee about International Umpires Administration.

Recommendation

No Recommendation.

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

160-07 Criteria for Appointment as International Umpire

The Constitution Committee considered submission 160-07 from the Chairman of the Race Officials Committee about Criteria for Appointment as International Umpire.

Recommendation

No Recommendation.

There appears to be a problem in the transitional period in respect of 3.4.5(g).

It would appear that someone who has acted as a Chief Umpire in all required events would not be able to reapply.

161-07 Principal Events

The Constitution Committee considered submission 161-07 from the Chairmen of the Constitution Committee and Race Officials Committee about Principal Events.

Recommendation

Opinion: No Recommendation

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

- 34.5.2 For the purposes of this regulation references to 'Principal Events' shall mean those events described **generally** or designated as Principal Events by the Race Officials Committee ~~from time to time~~ and published on the ISAF Website. **This regulation shall not require the Secretary General to list each individual event.**

CONSTITUTION COMMITTEE (CONT)

162-07 International Race Officers Administration

The Constitution Committee considered submission 162-07 from the Chairman of the Race Officials Committee about Race Officers Administration.

Recommendation

No Recommendation.

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

163-07 Criteria for Appointment as an International Race Official

The Constitution Committee considered submission 163-07 from the Chairman of the Race Officials Committee about Criteria for Appointment as an International Race Official.

Recommendation

No Recommendation.

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

164-07 Qualifications for Appointment of International Race Officers

The Constitution Committee considered submission 164-07 from the Bulgarian Sailing Federation about Qualifications for Appointment of International Race Officers.

Recommendation

No Recommendation.

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

165-07 Principal Events

The Constitution Committee considered submission 165-07 from the Chairmen of the Constitution Committee and Race Officials Committee about Principal Events.

Recommendation

No Recommendation.

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

33.6.2 For the purposes of this regulation references to 'Principal Events' shall mean those events described **generally** or designated as Principal Events by the Race Officials Committee ~~from time to time~~ and published on the ISAF Website. **This regulation shall not require the Secretary General to list each individual event.**

166-07 International Race Manager

The Constitution Committee considered submission 166-07 from the Chairman of the Race Officials Committee about International Race Managers.

Recommendation

No Recommendation.

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

CONSTITUTION COMMITTEE (CONT)

(i) Racing Rules of Sailing

179-07 - Racing Rules of Sailing – Rule 3

Recommendation

No Recommendation

While not on the Constitution Committee Agenda, the Constitution Committee considered Submission 179-07 and recommends approval.

The Constitution Committee is very concerned about this issue which can lead to litigation involving ISAF at considerable expense. The Constitution Committee recommends that a working party be appointed to look into the further consequences of CAS and Executive Committee policy.

263-07 ISAF Regulations Governing the Racing Rules of Sailing

The Constitution Committee considered submission 263-07 from the Chairman of the Race Officials Committee about ISAF Regulations Governing the Racing Rules of Sailing.

Recommendation

No Recommendation.

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

Racing Rules and RRS

The Racing Rules are the rules in the current book called The Racing Rules of Sailing (RRS). (A particular racing rule, such as racing rule 10, On Opposite Tacks, is referred to as 'RRS 10').

*Also note that "racing rules" should be referred as "**R**acing **R**ules throughout.*

264-07 ISAF Regulations Governing the Racing Rules of Sailing

The Constitution Committee considered submission 264-07 from the Chairman of the Race Officials Committee about ISAF Regulations Governing the Racing Rules of Sailing.

Recommendation

No Recommendation.

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

15.10.6 The International Umpires Sub-committee shall:

- (f) *propose rule changes and submit interpretations of the **racing rules**, ~~ISAF Racing Rules of Sailing~~ and **calls for match racing and team racing** the ISAF Umpires' Call Book for Match Racing to the Racing Rules Committee ~~when appropriate~~*

*Also note that "racing rules" should be referred as "**R**acing **R**ules throughout.*

265-07 ISAF Regulations Governing the Racing Rules of Sailing

The Constitution Committee considered submission 265-07 from the Chairman of the Race Officials Committee about ISAF Regulations Governing the Racing Rules of Sailing.

CONSTITUTION COMMITTEE (CONT)

Recommendation

No Recommendation.

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

31.1.3 In exception to Regulation 31.1.1, the ISAF Executive Committee, after consulting with the chairman of the Racing Rules Committee, may, under RRS 86.2, approve ~~changes~~ exceptions to ~~the Racing Rules~~ the Racing Rules of Sailing for a specific international event, provided such changes ~~are~~ be of clear necessity or pressing importance. The ISAF Secretariat shall promptly report any action taken under this regulation ~~at the time~~ to the ISAF Council and Member National Authorities.

266-07 ISAF Regulations Governing the Racing Rules of Sailing

The Constitution Committee considered submission 266-07 from the Chairman of the Race Officials Committee about ISAF Regulations Governing the Racing Rules of Sailing.

Recommendation

No Recommendation.

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

272-07 - Appointment of Race Officials to Regional Games – Regulation 18.12

The Constitution Committee considered submission 272-07 from the Chairman of the Race Officials Committee about ISAF Regulations Governing the Racing Rules of Sailing.

Recommendation

No Recommendation.

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

4. DEFERRED SUBMISSIONS

- (a) The Constitution Committee that deferred Submission 089-04, which referred clause (c) regarding the Arbitration Agreement to the Constitution Committee for further consideration has been addressed under new Submission 154-07.
- (b) The Constitution Committee noted the report of the working party chaired by Eric Tulla on deferred Submission 024-05 regarding the Racing Rules of Sailing.

Recommendation

The Constitution Committee has considered the issue further and consider that the report from the Chairman of the Constitution Committee is accurate. It would be possible to deal with the use of the The Racing Rules of Sailing issue by taking disciplinary action against all sailors who sail in races organized by anybody not affiliated to an ISAF Full Member or otherwise authorised to use the Racing Rules.

CONSTITUTION COMMITTEE (CONT)

5. ISAF MEMBERS

(a) ISAF Full Member Status

Decision

The Constitution 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:

Oman - Ministry of Sports Affairs in Oman

Kyrgyzstan - Yacht Racing Federation of Kyrgyz Republic

The Chairman of the Constitution Committee reported that there would be further review of the Constitutions for Nigeria and DPR Korea, prior to recommending to the Executive Committee and Council for approval.

The Constitution Committee considered a review of the ISAF Associate Member status to enable national sailing authorities which may not meet all the ISAF requirements in respect of their Constitution (Regulation 2.18) for ISAF status to be offered a form of provisional recognition. However, such provisional recognition will be contingent on the national sailing authority being recognised by the National Olympic Committee in line with 2.12(c).

Decision

David Lees, Tom Schubert and Lorenz Walch will prepare a proposal to enable such provisional recognition.

(b) ISAF Continental Member Status

The Constitution Committee noted the applications in progress from ISAF Continental Associations for ISAF Affiliate Member Status, which were being considered for recommendation to Council in line with ISAF Regulation 2.34(e).

(c) ISAF Class Constitutions

Decision

In line with ISAF Regulation 26.2.1(b), the Constitution Committee approved Class Constitutions of the Classes applying for ISAF Status.

6. ISAF CONSTITUTION AND ARTICLES

The Constitution Committee did not consider the changes to the following Articles which may need to be prepared for the 2008 ISAF General Assembly:

- Council Members – Registration of Directors
- Review Board
- General changes to the Constitution

The Chairman will progress.

7. COURT OF ARBITRATION FOR SPORT (CAS)

The Constitution Committee noted the report prepared by Dieter Neupert on CAS. Dieter Neupert advised that CAS is getting more involved with commercial sports cases, with the split approximately 40% disciplinary, 30% commercial and 30% doping.

CONSTITUTION COMMITTEE (CONT)

Decision

The Constitution Committee agreed to appoint a working party to further consider the situation.

Note: As Council approved submission 179-07, there is no longer a need to further consider the situation.

The CAS judgement on the Canas case was noted.

8. ISAF REGULATIONS

(a) The Constitution Committee noted the following draft revised ISAF Regulations as prepare by the Chairman:

- Definitions
- Regulation 1 – Notices and Submissions
- Regulation 2 – ISAF Membership
- Regulation 3 – Interpretation of Constitution by Constitution Committee
- Regulation 4 – Application of English Law
- Regulation 5 – Exhaustion of Administrative Remedies
- Regulation 7 – Election of President and Vice-Presidents

Discussing the implementation of the changes, the Chairman advised that he anticipated submitting documentation to the 2008 Mid-Year Meeting.

(b) The Constitution Committee noted the paper prepared by Lorenz Walch addressing the notes references in the ISAF Regulations. The need to either remove notes references or include as necessary in formal regulations was supported. The Chairman of the Constitution Committee will consider the paper as he progresses the review of the ISAF Regulations.

9. MNA GROUPINGS

The Constitution Committee noted the report of the working party (Peter Hall – Chair, David Lees, Dieter Neupert, Carlo Rolandi) on MNA Groupings as required by ISAF Regulation 15.3.6(c).

The Chairman advised that he had made an initial report to the 2007 ISAF Mid-Year Meeting of Council.

In line with ISAF Regulation 8.5(a), the Committee noted that any changes to MNA Groupings and seats on Council will need to be presented to the Council and the next ordinary meeting of the General Assembly for approval.

The Constitution Committee noted that in line with Regulation 15.3.6(d), recommendations on the MNA subscription categories had not yet been considered.

Decision

Peter Hall will chair the working party (David Lees, Dieter Neupert, Carlo Rolandi) who will continue their work in order that the Chairman of the Constitution Committee can make a submission to the 2008 ISAF Mid-Year Meeting.

10. ANNUAL REPORT

The Committee noted that the Chairman would present a report on the activities of the Constitution Committee from 1 January 2007 to date to the ISAF Council meeting of Thursday 8 November 2007.

CONSTITUTION COMMITTEE (CONT)

11. ANY OTHER BUSINESS

(a) Selection of Events – 2012 Olympic Sailing Competition

Chris Atkins, the Chair of the Events Committee working party on events and equipment, joined the meeting.

Chris Atkins presented the voting procedure which would be used by the Events Committee to determine the events for the 2012 Olympic Sailing Competition and advised that the intention was for Council to adopt the same procedure. He requested advice from the Constitution Committee as to the validity of a vote if an individual did not vote for the required six events, but only five or any other combination. Chris Atkins advised that the working party recommendation is that voting members be required to vote for the total required number of events, which is currently proposed as 6 men and 4 women.

Chris Atkins also sought advice on whether the Events Committee or Council could choose to take the vote on the events based on a simple majority.

Decision

- 1. The Constitution Committee advised their opinion that a Committee can decide to vote by simple majority. (8 in favour, 2 against, 1 abstain – the Chairman did not vote)**
- 2. The Constitution Committee advised their opinion that the Council can decide by a simple majority that it will invalidate any ballots which do not have the required number of votes. (6 in favour, 2 against, 0 abstain - the Chairman did not vote)**

(b) Internet Access at Annual Conference

Recommendation

That free full internet access be made available at the ISAF Conference venue.

(c) ISAF Website

Recommendation

That Constitution Committee expressed concerns on the new website and the difficulty of navigating around it. It should be studied urgently.

There being no further business the meeting terminated.