1. **Board Recommendations to Council**

This “yellow paper” is a summary of the Recommendations made at the Board meeting on 26 October 2018. During its deliberations, Council will consider the Recommendations in Submission order, i.e. 001-18 to 100-18.

**001-18 World Sailing Finances - Financial Statement and Budget**
*Reporting Committee: Board*
*Other Committee: Audit, Constitution*

**Recommendation to Council: Approve**

The Board will distribute the financial update to Council by the usual 2-week deadline for meeting papers.

The contents of the update are a matter for the Board under the Constitution as it is responsible for the financial affairs of World Sailing. However, the Board will provide an appropriate update to Council.

**002-18 World Sailing Annual Conference - Publication of Submissions**
*Reporting Committee: Board*
*Other Committee: Constitution*

**Recommendation to Council: Approve**

Submissions are published as soon as any from the September Board meeting have been finalised by the Board. With Conference now being a week earlier, the time for considering submissions is of course shorter.

Council should note the submissions in 2017 were published on 29 September and in 2016 on 15 September.

**003-18 Making World Sailing More Relevant to Sailors - New Working Party**
*Reporting Committee: Board*
*Other Committee: Constitution*

**Recommendation to Council: Reject**

The Board and Council have already approved the establishment of a Governance Commission which is mid-way through the 2-year project to review and bring forward recommendations to improve the governance of World Sailing. A working party is not required at this time.

**004-18 World Sailing Constitution - Powers of Board and Council - Article 41**
*Reporting Committee: Board*
*Other Committee: Constitution*

**Recommendation to Council: Reject**

These proposals are being considered by the Governance Commission.

**005-18 World Sailing Annual Conference - Bid Process**
*Reporting Committee: Board*
*Other Committee: Constitution*

**Recommendation to Council: Reject**

The costs for organising and running the Annual Conference are substantial. Delegates do not currently pay to attend the Conference or any of the associated events. The sanction fee is set based upon the economic value that hosting the Conference brings to host cities, as demonstrated by an independent economic impact report which is provided to bidders. This fee is used to offset the costs of hosting the Conference.
World Sailing has had interest from 21 cities to host the 2020 Annual Conference with 4 final competitive bids (3 of which were compliant with the bid guidelines) which are from 3 different continents (Europe, Asia and the Middle East).

The work of the Governance Commission may mean that the length of the Annual Conference will reduce along with the associated costs.

The decision on the location of the Annual Conference is for the AGM, not Council as noted in the Reasons of the submission.

006-18 World Sailing Annual Conference - Bid Process
Reporting Committee: Board
Other Committee: Constitution
Recommendation to Council: Reject
See comments to Submission 005-18

007-18 Olympic Events & Equipment - Prohibition on Electronic Voting
Reporting Committee: Board
Other Committee: Constitution
Recommendation to Council: Reject
The ability to have electronic voting is important when timescales dictate that Council must make a decision in order to allow timescales to be followed. If no electronic votes had been conducted in 2018, World Sailing would be behind schedule on the 2024 decisions which is damaging to MNAs and sailors.

008-18 World Sailing Regulations - Olympic Equipment - Regulation 23.1.8
Reporting Committee: Board
Other Committee: Constitution, Equipment, Events
Recommendation to Council: Reject
See comments on Submission 007-18

009-18 Sailor Classification Code - Change of Terminology
Reporting Committee: Board
Other Committee: Constitution, Oceanic & Offshore, Para World Sailing
Recommendation to Council: Reject
More consultation is needed between the Sailor Classification Commission and the Para World Sailing Committee before the Board can recommend approval.

010-18 World Sailing Special Events - Obligations and Consequences for Non-Compliance
Reporting Committee: Board
Other Committee: Constitution, Events
Recommendation to Council: Reject
Special Event Agreements already contain clauses allow World Sailing to terminate them in the event of persistent breach. The decision whether or not to terminate is a matter for the Board.

Special Event Agreements are in a standard form and cover compliance with World Sailing Regulations, RRS, anti-doping, appointment of race officials, payment of fees and other commercial/branding issues.

011-18 Approval Fees - Prize Money
Reporting Committee: Board
Other Committee: Events, Classes
Recommendation to Council: Approve
012-18 2020 Olympic Sailing Competition - Support to Continental Qualification Events
Reporting Committee: Board
Other Committee: Events
Recommendation to Council: Reject
The Board supports this in principle and World Sailing gives as much support as possible to the qualification events. However, this proposal is uncosted and no budget provision has been set aside at present – the Board would need costed proposals to consider whether any assistance can be given.

013-18 Equipment for Olympics, WS Events and Regional Games - Antitrust Compliance
Reporting Committee: Board
Other Committee: Constitution, Development & Regions, Equipment
Recommendation to Council: Reject
World Sailing is not in a position from November 2018 to form assessments of whether or not third parties are in compliance with ‘competition laws’. It is unclear which laws these are and even within the EU the law is complicated.

World Sailing should allow the current policy, which is new, to continue its operation before considering expanding it to other areas.

014-18 Olympic Equipment - New Regulation 23.1.10
Reporting Committee: Board
Other Committee: Constitution, Equipment
Recommendation to Council: Reject
This proposal would allow the Olympic equipment to be changed at any time which is contrary to the current system. It will not provide certainty to MNAs and sailors.

As in Submission 013-18, competition law is complicated and applies differently all over the world. The Board is responsible for World Sailing’s legal compliance and instructs experts to advise it. This proposal would allow decisions to be made without any requirement for advice to be taken beforehand.

015-18 World Sailing Anti-Trust Policy - Placing 49er and 49erFX Under Review
Reporting Committee: Board
Other Committee: Constitution, Equipment
Recommendation to Council: Reject
This proposal is not in line with the Anti-Trust Policy and Regulations made by Council. The Board has placed 4 out of 10 events under review for 2024 – the schedule of review for the remaining events will be decided once the Regulation 23 process concludes.

016-18 World Sailing Anti-Trust Policy - Placing 49er, 49erFX and Nacra 17 Under Review
Reporting Committee: Board
Other Committee: Constitution, Equipment
Recommendation to Council: Reject
See comments on Submission 015-18
017-18  World Sailing Regulations - Classification Code - Regulation 22.2.1 and 22.2.2
Reporting Committee: Board
Other Committee: Constitution, Oceanic & Offshore
Recommendation to Council: Approve

027-18  World Sailing Members - Cancellation of RUS Membership
Reporting Committee: Constitution
Other Committee: Board
Opinion: No opinion
The Board has attempted mediation between the two parties, however this is now a matter for Council to resolve in accordance with the Constitution.

Even if this submission is passed, RUS has the ability to request the 2020 General Assembly to review the decision.

028-18  World Sailing Constitution - Revert to 2011 Constitution
Reporting Committee: Constitution
Other Committee: Board
Opinion: Reject
The Governance Commission is the appropriate forum to consider changes like this.

The Board notes no information has been given into the knock on effects of such a change e.g. the Anti-Doping Code changes would lead to World Sailing being non-compliant with WADA.

029-18  World Sailing Constitution & Regulations - Revert to 2012 Constitution & Regulations
Reporting Committee: Constitution
Other Committee: Board
Opinion: Reject
See comments to Submission 028-18

030-18  World Sailing Regulations - Olympic Equipment - Regulation 23.1.6
Reporting Committee: Constitution
Other Committee: Board, Equipment, Events
Opinion: Reject
See comments on Submission 007-18

032-18  World Sailing Regulations - Conduct of WS Members - Regulation 35.2
Reporting Committee: Constitution
Other Committee: Board
Opinion: Approve

033-18  World Sailing Regulations - Regulation 35
Reporting Committee: Constitution
Other Committee: Board
Opinion: Approve

038-18  World Cup Series & Olympic Class World Championships - Integrated Calendar
Reporting Committee: Events
Other Committee: Board
Opinion: Reject

049-18 Olympic Sailing Competition - Event Names - New Regulation 23.1.10
Reporting Committee: Events
Other Committee: Board, Constitution, Equipment
Opinion: Approve

111-18 Olympic Equipment - Onboard Technology
Reporting Committee: Equipment
Other Committee: Board, Events
Opinion: Reject

177-18 Racing Rules of Sailing - Rule 89.1
Reporting Committee: Racing Rules
Other Committee: Board, Constitution, Race Officials
Opinion: Reject

2. **Board Recommendations Not Based on Submission**

   1. On the advice of the Ethics Commission, the Board recommends to Council that the Code of Ethics is amended to insert new section 1.9 and re-number accordingly:

   1.9 **Sanctions**

   The following sanctions are available for a breach of the Code of Ethics:

   (a) no sanction;
   (b) a warning, admonishment or reprimand;
   (c) a fine not exceeding €1000;
   (d) a direction not to compete or officiate in a particular event or class (or types of event or classes);
   (e) suspension or revocation of Competition Eligibility and/or World Sailing Eligibility (or the imposition of conditions on such Eligibility);
   (f) suspension or removal from office in the case of World Sailing officers or World Sailing Race Officials (or the imposition of conditions on such appointment);
   (g) suspension or removal of a certificate of appointment in the case of World Sailing Race Officials (or the imposition of conditions on such appointment);
   (h) [Not used]
   (i) make a report to a Member National Authority, World Sailing Class, World Sailing (under another Regulation or the Racing Rule of Sailing) or any other appropriate organisation; and/or
   (j) any other sanction which it is within the powers of World Sailing to impose.

   These sanctions are already available to the Judicial Board under Regulation 35 but requiring inserting into the Code of Ethics.
On the advice of the Governance Commission, the Board recommends to Council that the Commission’s terms of reference are amended as follows:

Following consultation with Council, the Board will propose any reforms to the Annual General Meeting in November 2018-2019.

6. [Insert list of members as new section 6, re-number and add:]

Members of the Commission are not representatives of any MNA or other stakeholder within World Sailing and participate in the Commission in their personal capacities.

7.6 Report to the Board and Council in May 2018-2019 with the changes proposed in principle so that they are in final form for the September 2018 Board meeting (and then consideration and review at the 2018-2019 Annual Conference (November).

[Signed on the original]

Kim Andersen
President

27 October 2018