

**2020 WORLD SAILING REGULATIONS**

Updated With Changes Approved By Council in November 2020

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**DEFINITIONS**

<b>Word</b>	<b>Meaning</b>
Authority, National	National Authority as defined in Article 1.1.
Authority, Organizing	Organizing Authority as specified in RRS 89.1
Boat	Where the context so admits, 'boat' shall include sailboard, windsurfer, kiteboard and other sailing device.
Class	A Class of boat includes boats which conform to a physical specification intended to allow competitive racing among their Class under the Racing Rules of Sailing. Without limiting the generality of the foregoing, Classes include boats with one-design, restricted, and developmental specifications as these terms are applied generally.
Class, National	A National Class for the purposes of this Regulation is a class where the National Authority has substantial authority in the direction or management of the Class.
Class Association, World Sailing	World Sailing Class Association designated in accordance with Regulation 10.2.
Class/Owner's Association	A Class/Owners Association is an organization as defined in regulation 10.2.1(b).
Class Rules	Class Rules are rules as defined in <i>The Equipment Rules of Sailing</i> .
Class, World Sailing Classic	World Sailing Classic Classes as defined in Regulation 11.1
Competitor	In addition to its natural meaning, a competitor in respect of any boat shall include any person who has the right to use the boat as owner or by charter, loan or otherwise.
Continents	Africa; Asia; Oceania; Europe; North America (including Grenada, Bermuda and the Islands of the Caribbean but excluding Central America) and the Islands of the Caribbean; Central and South America (including Mexico) <i>All as defined by the National Geographic Society in its Atlas of the World</i>
Country	Except in respect of references to Race Officials, for the purposes of these regulations and <i>The Racing Rules of Sailing</i> the country of a person shall be the area of jurisdiction of the member national authority of that person's principal residence. For references to Race Officials, refer to Regulation 33.
Events, Class	A Class Event is an event as defined in Regulation 10.5(f).
Events, Graded	A World Sailing Graded Event is an event approved as such by World Sailing in accordance with Regulation 27 and included in the World Sailing calendar of events.
Events, International	An International Event is an event open to entries other than those from the national authority of the venue or any event organized in more than one country.
Events, World Sailing	World Sailing Events are as designated by Regulation 24.
Events, Major	Major Events are those designated by Regulation 25.8.12(a)
Events, National	A National Event is an event that is open only to the entries from the national authority of the venue.
Events, Recognized	Recognized Events are those designated by Regulation 25.8.17(b)
Group	A Group consists of the nations constituted as such under Article 40(a) and Schedule A of the Articles

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World Sailing Race Officials	For the purposes of these Regulations a World Sailing Race Official is a Race Official appointed by World Sailing pursuant to Regulations 31 and Regulation 25.8
World Sailing Representative	For the purposes of these Regulations a World Sailing Representative is a person who is elected, appointed or requested to act on behalf of World Sailing in any capacity. Specifically excluded are the World Sailing Officers of Honour.
Media Rights	Media Rights, as they apply to Regulation 25 are defined in Regulation 25.11.
Member	Other than a Full Member, as defined in Article 1.1.
Member, Full	As defined in Article 1.1.
Notice	Any communication sent to World Sailing addressed to and sent in the manner set out in World Sailing Regulation 15.2.
Oceanic	For the purposes of these Regulations, Oceanic is 'Any offshore race over 800 miles'.
Offshore Racing	Racing in any boats capable of complying with the requirements of Category 4 of the Offshore Special Regulations.
Rating or Handicap Systems and Class Associations	Groups with a supporting management and Owners Associations.
Racing Rules and RRS	The rules in the current document called <i>The Racing Rules of Sailing</i> ("RRS"), and any additional appendices and sets of test rules published by World Sailing and made under Regulation 28.
Regulations	As defined in Section 1 of the Articles.
Submission	A Submission is a request for Council to take action in the form and manner and at the times set out in Regulation 15.

**Words that are defined in the World Sailing Articles have the same meaning in the Regulations**

**SECTION 1 - ADMINISTRATION AND INTERNAL GOVERNANCE****PART I - Membership and Council****1. WORLD SAILING MEMBERSHIP – FULL, ASSOCIATE AND CONTINENTAL**

- 1.1 An applicant for membership shall apply by completing the application form and questionnaire supplied by World Sailing in a suitably complete manner with all supplementary documents.
- 1.2 The applicant shall pay the required subscription (subject to any remission sanctioned by World Sailing).

***Where there is only one Applicant for Membership that is an existing National Organization representing sailors (Case 1)***

- 1.3 Where there is only one applicant for membership pursuant to Article 5.1 that is, an existing National Organization representing Sailors, the applicant organization shall meet all of the following criteria:

The applicant:

- (a) shall be organized on a national basis and capable of exercising its mandate wherever there is significant sailing activity;
- (b) shall be recognized by the National Sports Authority if there is one, whether it be government sponsored or not;
- (c) shall be recognized, either at the time of the application or within three months of becoming a World Sailing Member, by the National Olympic Committee if there is one;
- (d) represents officially through membership or affiliation, a significant majority of the yacht or sailing clubs and other sailing organizations of the country;
- (e) while not mandatory, it is expected that an applicant National Authority shall be a member of regional sailing organizations for which it is eligible;
- (f) while not mandatory, participation in international racing is desirable and encouraged.

***Challenging the Eligibility for Membership of a National Authority who is applying for Membership (Case 2)***

- 1.4. Where an organization claiming to be exercising the authority to regulate and manage the sport of sailing in one country is seeking membership in the Federation or in the case of two or more such organizations seeking membership in respect of the same country, before the membership of any of such applicant is accepted by the Council:
- (a) if the Notices calling a pending meeting the Council have been mailed, the Council; or
  - (b) if such Notices have not been mailed, the Board shall determine whether there is a valid competition between organizations to become a Full Member for that country. The purpose of such determination is to ensure that only organizations having a valid claim to being a National Authority are given status as parties to the determination of competing applications.
- 1.5 The Board or the Council, whichever has the carriage of the matter, shall direct the applicants to meet the criteria of being a National Authority. The Chief Executive Officer on the completion of his information gathering shall report to the Board or to the Council as the case may be his opinion as to which, if any, of the organizations are qualified as applicants. The Board or the Council shall examine the material collected

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by the Chief Executive Officer and shall make a determination as to which applicants shall be determined to be Applicants with status in the process of determining the organization, if any, that shall be accepted as a Full Member representing the Country in question.

- 1.6 Once the number of Applicants has been determined, if there is only one Applicant it shall proceed as in the case of an uncontested application for Full Membership under Article 5.1 and Regulation 1.3.
- 1.7 If there is more than one Applicant the process is a Contested Application and the procedure set forth in Regulations 1.30 to 1.40 shall be followed with such changes as are necessary to suit the case. In particular, an Applicant's submission shall be in two parts: (a) an application to become a Full Member, and (b) a submission challenging any or all of the other Applicant's submissions. For the purposes of the procedure in Regulations 1.30 to 1.40, part (b) of each Applicant's submission shall be treated as a submission challenging the other Applicant's part (a) submission pursuant to Regulation 1.31.
- 1.7.1 In determining a Contested Application the Applicant parties, and any official or body of the World Sailing considering Applications or any material arising there from shall consider the criteria set forth in 1.8 and 1.9.

### ***Cases where there is either no Established National Organization meeting the above criteria or where there is a Contested Application (Case 3)***

- 1.8 The suggestions in this section will comprise the criteria for all other cases. These will principally be:
  - (a) cases where there is not a National Authority covering the nation (such as a Club or an organization or one or more clubs who organize racing for themselves or others);
  - (b) where there are competing bodies claiming jurisdiction over sailing in general or particular kinds of sailing;
  - (c) cases where government authority have attempted or succeeded in forcing sailors into a government-sponsored organization but where there are independent organizations of sailors existing.
- 1.9 In general it will not be possible to require all of the criteria necessary in Case 1 for cases in Case 2. The overriding principle will be to choose the organization which represents the most sailors, or the most active sailors, and can best provide the services expected of a Member National Authority. It will be of paramount concern that the organization is organized to provide adequate representation of the club or sailor members:
  - (a) In Case 3 described in 1.8(a) and 1.8(b), it is assumed there will be one or more competently organized sailing organizations in the nation. It will be necessary to balance the degree of representation of sailing activity and the capability to provide adequate services in deciding what organization should be recognized. It should be recognized that in some situations World Sailing should encourage a reorganization of sailing within a country and that no membership should be accepted until a reasonable solution is found. It should also be recognized that separate organizations which govern only one aspect of sailing can apply for affiliate membership without being the Member National Authority;
  - (b) Recognition by the National Sports Authority will be a major positive criteria for acceptance as a member but not absolutely mandatory;

- (c) Recognition by the International Olympic Committee will also be a major positive criteria for acceptance and, except in unusual cases (such as inability to afford contesting in the Olympics), would be mandatory;
- (d) Criteria 1.3(e) and 1.3(f) of Case 1 would be less important in Cases 1.8(a) and 1.8(b);
- (e) Cases described in 1.8(c) are probably not capable of having specific mandatory criteria applied in advance. The criteria in Cases 1.3(a) to (f) and 1.10 would need to be considered. While great consideration should be given to a body which is recognized by either the national sports organization and/or the International Olympic Committee, it should be recognized that this alone is not necessarily sufficient. It should be recognized that where there is existing conflict between organizations purporting to represent sailors as a national authority, World Sailing may wish to make suggestions to allow a membership to be accepted.

### ***Specific Requirements (applies to all applications under Regulations 1.3-1.9 inclusive)***

- 1.10. In addition to the criteria set out in Regulations 1.3 to 1.7.1, an applicant shall have a Constitution which has been passed by a majority of the members at a meeting duly called for that purpose. The Constitution shall provide, among other things, for:
  - (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; and
  - (b) at least one annual meeting of members for which notice is provided of the meeting and the business to be conducted at the meeting;
- 1.10.1 However, where the circumstances in the country concerned are such that the provisions of paragraph 1.10.(a) are not practical, World Sailing shall be satisfied that such other arrangements have been made that represent the best interests of every class of members referred to in it. Where practical to do so, the Constitution or documents witnessing such other arrangement shall be approved by the members at a meeting duly called for that purpose.
- 1.11 The constitution or the document witnessing such other arrangements shall be approved by the Constitution Committee and referred to the Board for its approval and then to the Council for final approval.
- 1.12 Where the Constitution Committee considers that the applicant's constitution or other document does not meet either the requirements of Regulations 1.10(a) or 1.10(b) or where the Board or Council considers that for any other valid reason the applicant does not meet the requirements for full membership, the Board may recommend to the applicant that it becomes an Associate Member of World Sailing, in which case World Sailing shall provide the applicant with such advice and assistance as will enable it to apply for full membership in due course.

### ***MNA autonomy and independence***

- 1.13 Member National Authorities must comply with the following obligations:
  - (a) manage their internal affairs independently and ensure that no third party (whether state, government or private) interferes with their operations (however a Member National Authority may accept an appropriate level of control over its financial affairs in order to meet any conditions imposed on financial grants or allowances paid to it, provided that such control does not extend to interference in the Member National Authority's strategy or operations);

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- (b) remain autonomous and resist any political, religious or financial pressure that may infringe on their obligations to observe the World Sailing Constitution and Regulations;
  - (c) report any interference (or attempted interference) to the Chief Executive Officer as soon as reasonably practicable;
  - (d) make provision for an election or internal appointment system that ensures complete independence of the Member National Authority from state, government or other public authority interference (provided that a Member National Authority may, in its discretion, elect representatives from those authorities); and
  - (e) not permit state, government or other public authorities to appoint members of the executive board (or equivalent) of the Member National Authority (provided that the Member National Authority may, in its discretion, permit a limited number of non-voting positions on such board to external representatives).
- 1.14 A Member National Authority may apply to the Chief Executive Officer for exemption from an obligation in Regulation 1.13. The Chief Executive Officer shall investigate the circumstances of the application and make a recommendation to the Board. The Board may then exempt a Member National Authority from an obligation in Regulation 1.13 provided that it is satisfied that the principles of autonomy, independence and freedom from government interference remain in place for the Member National Authority in question. The Board may impose conditions on its approval and may withdraw its approval at any time.
- 1.15 If, upon proper inquiry, the Board concludes that a Member National Authority is in breach of its obligations under Regulation 1.13, it may:
- (a) issue a formal warning to the Member National Authority and require it to take such measures as are necessary to comply with its obligations within a certain period of time; and/or
  - (b) not recognize the decisions made by the Member National Authority or any elections or appointments made by it; and/or
  - (c) suspend the Member National Authority and report the suspension to Council at its next meeting for ratification; and/or
  - (d) recommend to Council that the Member National Authority's membership be cancelled under Article 15.4.

### ***Associate Membership***

- 1.16 Associate Membership is available to territorial entities that meet the criteria in Article 4 and are approved under Article 5.1. Subject to the Articles, the following criteria shall be used when determining applications for Associate Membership:
- (a) the territory in question is an integral part of, or has some dependent (e.g. colonial relationship) with a parent state;
  - (b) the territory is geographically separated from that parent state by the sea, without bordering, or being in close proximity to, it or its coastal waters;
  - (c) the applicant National Authority has autonomous governance of the sport of Sailing in the territory; and
  - (d) the Member National Authority of the parent state has granted its consent to the application.
- 1.17 Associate Members will receive different benefits to World Sailing Full Members, and should focus on the development of sailing within their immediate territorial waters. Associate Members shall be entitled to:



- (a) hold World Sailing Training Programmes (i.e. Race Officials, Learn-To-Sail Training Programmes);
- (b) receive specified World Sailing publications;
- (c) receive World Sailing mailings and circulars;
- (d) participate in World Sailing Events, world and continental championships, and Regional Games, with the approval of the Council;
- (e) attend open meetings of the General Assembly and the World Sailing Annual and Mid-Year Meetings as an observer.

1.18 Associate Members shall not be entitled to:

- (a) any services or information from World Sailing, apart from those detailed above, or as publicly available on the World Sailing website;
- (b) make submissions to World Sailing;
- (c) appoint Council Members;
- (d) nominate individuals for the position of President or Vice-President, or committees;
- (e) be represented at the General Assembly;
- (f) participate in the Olympic Sailing Competition;
- (g) supply services on a commercial basis except within their territory it represents and its own territorial waters.

1.19 Associate Members shall pay an annual subscription as determined by the Board, and every three years their membership shall be reviewed by the Board and shall continue only if it is satisfied that they still qualify for Associate Membership and have not abused their rights as such a member:

1.20 Application for Associate Member status shall be made to the Chief Executive Officer who shall place it before the Council. The Council shall take into consideration the status of the sport in the country and of the constitution of the National Authority making the application.

1.21 The membership of an Associate Member which has failed to pay its subscription for a period of at least three calendar months after the date due and which has failed to comply with its or his membership obligations in a material respect for a period of 30 days after being given notice thereof by the Board and required to remedy such failure shall be suspended until the next ordinary meeting of Council. At that meeting Council may reinstate, cancel or continue the suspension of membership on the recommendation of the Board.

### ***Continental Associations***

1.22 Continental Associations may apply to World Sailing for affiliate membership. On applying, it shall satisfy World Sailing that it complies with the following criteria:

- (a) that it represents a Continent;
- (b) that at least two-thirds of the Member National Authorities existing in the Continent it represents are members;
- (c) that its objects include:
  - (i) the promotion of the sport of sailing in its area of influence;
  - (ii) the co-ordination, together with local member national authorities of the competition calendars to avoid clash of dates of competitions;

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- (iii) the establishment of the basis for development and promotion of classes, which are popular in its territorial area, though not recognized by World Sailing;
    - (iv) the promotion of race officials' education and the encouragement of exchanges of race officials between countries in its area; and
    - (v) the co-ordination of competition activities with the Member National Authorities and the regional sports organizations within their regions which are responsible for organizing sports events in their region.
  - (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 Member National Authorities that are members;
    - (ii) at least one annual general meeting each year; and
    - (iii) the election of officers.
  - (e) that the constitution has been approved by the Constitution Committee and referred to the Board for their approval and finally to the Council for final approval.
- 1.23 Applications for Continental Affiliate Membership shall be made to the Chief Executive Officer who shall place it before the Board who will make a recommendation to Council.
- 1.24 Continental Affiliate Members shall pay an annual subscription of such sum as shall be designated by Board from time to time.
- 1.25 The Board may suspend the membership of a Member National Authority, a Continental Affiliate Member, or a World Sailing Class Association if the Chief Executive Officer certifies in writing that having been warned to make a payment at least 30 days previously and remains in arrears on all or any part of a subscription, fees, dues or other payments due to the Federation or any of its subsidiary companies or any of their predecessors. Additionally the Board may:
- (a) suspend a Member National Authority, a World Sailing Class Association or the rights of any of their members to participate in a World Sailing Event, regional games or world championships; and/or
  - (b) suspend the right of a World Sailing Class Association to hold a world championship.
- 1.26 Any suspension under Regulation 1.25 shall be reported by the Board to the next meeting of Council, which shall vote on whether or not to continue the suspension, or whether to cancel the relevant membership.
- 1.27. Additionally Council may suspend or cancel the membership of a Continental Affiliate Membership if:
- (a) in its view it has failed to comply with the objects set out in Regulation 1.22(c);
  - (b) its membership no longer complies with Regulation 1.22(b); or
  - (c) that another organisation exists which better represents the sport of sailing in the Continent concerned and that can better comply with the criteria set out in Regulation 1.22.
- 1.28 A list of suspended members will be published on the World Sailing website.

***Member National Authority Questionnaire***

- 1.29 In the second year following a General Assembly, the Chief Executive Officer shall undertake an audit of all Member National Authorities in order to collect relevant statistical and general sailing information. It shall be mandatory for each Member National Authority to complete and return the questionnaire to Executive Office, within the timeframe determined by World Sailing.

***Member Challenging the Membership of a Full Member***

- 1.30 No submission for the cancellation of the membership of a Full Member pursuant to Articles 15 and 16 shall be laid before Council unless it is made in writing by an organization authorized to make such a submission pursuant to Article 15 and has first been examined together with the evidence, arguments and allegations cited in support thereof, by the Constitution Committee.

The purpose of such an examination shall be to ensure that irrelevant matters shall be excluded from deliberations of the Council and that the Full Member concerned should have a proper opportunity to be informed and to answer the case that has been submitted in support of the cancellation of the membership of that Full Member.

The Constitution Committee may also advise as to the details of the procedure to be followed in dealing with the submission provided that such advice is not contrary to the Articles and Regulations governing these proceedings.

- 1.31 A submission for the cancellation of the membership of a Full Member under Article 15 shall:
- (a) state the grounds upon which such cancellation is sought;
  - (b) include a summary of the allegations and evidence that will be cited in support of the submission; and
  - (c) include copies of any documentary evidence upon which it is intended to rely.
- 1.32 Notwithstanding Regulation 15.6, any such submission shall be submitted to the Chief Executive Officer so that it shall be received by him not less than ten weeks before the meeting of Council at which the submission shall be considered.
- 1.33 The Chief Executive Officer shall forthwith send a copy of all material received by him in respect of the submission to the Full Member concerned by registered first class post.
- 1.34 The Full Member concerned shall submit to the Chief Executive Officer, within thirty days of having received the material referred to in Regulation 1.33, a reply to the submission which shall include a summary of the evidence and arguments which shall be cited against the submission, and copies of any documentary evidence upon which it is intended to rely.
- 1.35 The submission and reply (together with accompanying documents) shall be examined by the Constitution Committee which may direct that any arguments or evidence which is considered irrelevant for the purposes of Council's deliberations shall be excluded or that documents shall be put forward in or accompanied by a summarized or abbreviated form.
- 1.36 The submission and reply (together with the accompanying documents) shall then, amended as necessary pursuant to the above examination by the Constitution Committee, be submitted to Council. Each member of Council shall be provided with copies of all the relevant documents at least seventy-two hours prior to the meeting at which the submission and the reply, if any, is to be considered.
- 1.37 At any such meeting of Council the Full Member making the submission shall be given an opportunity to make an oral presentation (which may not introduce any new

evidence or material not included in the written presentation or introduce any new argument not fairly raised in the written presentation), following which the Full Member which is the subject of the submission (the "Full Member concerned") shall be given an opportunity to supplement its written reply and, in particular, to answer any of the points made in the said oral presentation.

- 1.38 A lawyer retained by the Federation shall be present at such meeting of the Council available to advise the Chairman upon procedural or legal matters that may arise during the course of the meeting. The Chairman may also call on the Chairman of the Constitution Committee (if he is a lawyer) or his nominee from among the legal members of the Constitution Committee to advise on matters arising out of the Committee's participation in the process of preparing the submission. The Chairman shall rule on any procedural matters that may arise, and his ruling thereon shall be final and binding.
- 1.39 The procedure to be followed in respect of any review by the General Meetings of the cancellation of the membership of a Full Member shall be similar to the procedure prescribed above in relation to a cancellation of membership.
- 1.40 Any request by the Full Member concerned for a review by the General Meetings shall be treated in the same manner as a submission referred to in Regulation 15. The Full Member who made the original submission for cancellation of the membership of the Full Member concerned shall be entitled to receive all the relevant documents and to address the General Meeting, and the Full Member concerned shall be entitled to speak in reply.

## **2. REPRESENTATION ON COUNCIL**

### ***Representation of Full Members on Council***

- 2.1 The representation of Full Members on Council through the Groups as referred to in Article 40(a) and (b) and Schedule A of the Articles of Association shall reflect the importance and the activity in the sport of sailing in different Regions of the World.
- 2.1.1 World Sailing shall publish from time to time its policy with regard to the representation on Council of the two genders and shall circulate Member National Authorities with the policy at the start of the nomination process.
- 2.2 To enable the distribution of seats of representatives of Full Members on Council in accordance with the principle laid down in Regulation 2.1, the following system shall be used:
- (a) There shall be six Regions from which representatives of Full Members shall be appointed to Council, based on the numbers of members (individuals) associated or affiliated with the Full Members in each Region. The Regions are:
    - (i) Africa,
    - (ii) Asia,
    - (iii) Oceania,
    - (iv) Europe,
    - (v) North America and the Caribbean,
    - (vi) Central and South America.
  - (b) Within each Region one or more Groups of Full Members from within that Region shall be formed. Each Group shall have at least one and, except for an exceptional Group representing an unusually large number of sailors, not more than three representatives on the Council, based on the number of members (individuals) associated or affiliated with the Full Members in that Region. The

total number of Groups per Region shall not exceed the number of seats of that Region on the Council.

- (c) In exceptional cases a Full Member from within one Region can join a Group from within another Region. Any application for such re-allocation should be made by the Full Member to World Sailing in writing.
- 2.3 Groups of Full Members as described in Regulation 2.2(b) shall be formed on the basis of the following criteria (in order of priority):
- (a) geography and racing co-operation;
  - (b) language;
  - (c) regional games;
  - (d) ethnic makeup;
  - (e) balance between large and small nations in a Group;
  - (f) economic interaction and co-operation; and
  - (g) any specific request of a Full Member made in writing.
- 2.4 Every four years, the representation of Full Members on Council through the Groups as mentioned in Article 40(a) and (b) and Schedule A of the Articles of Association shall be reviewed by the Constitution Committee and any changes considered necessary shall be presented to the Council and the ordinary meeting of the General Assembly for their approval.
- 2.4.1 At any other time on the initiative of the Board or the Constitution Committee itself, the representation of the Full Members on Council through the groups as mentioned in Regulation 2.1 may be reviewed by the Constitution Committee and any changes considered necessary shall be presented to the Council to be dealt with in accordance with Article 40(b).
- 2.4.2 If the provisions of Schedule A are changed by Council pursuant to Article 40(b) in such a way that there are changes in the number of Groups or the number of Council members assigned to any Groups, nominations by the Groups of Full Members to reflect the changes in Schedule A shall be notified to the Chief Executive Officer in the manner provided for in Article 40(c) for the next meeting of Council after Council has voted such changes in Schedule A.
- 2.4.3 Any changes to Schedule A which require the type of changes referred to in Regulation 2.3 pursuant to Regulations 2.1 to 2.3 shall be made at the next Council meeting after the meeting which made the changes and the term of the Council members so affected shall be changed accordingly as provided in Article 40(c).
- 2.5 In conducting a review of the Groups, the Constitution Committee shall proceed as follows:
- (a) the relevant information from each Full Member shall be accumulated by means of a written questionnaire;
  - (b) the number of seats representing Full Members on Council shall be re-allocated according to Regulation 2.2(a);
  - (c) the maximum number of Groups per Region shall be determined, and if necessary, recommendations for re-allocation of Full Members to Groups shall be drawn up;
  - (d) Full Members concerned shall be asked to express themselves concerning their possible re-allocation to Groups; and

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- (e) if the above mentioned actions result in any necessary changes, they shall be presented to the Council and the next ordinary meeting of the General Assembly for approval.

### 3. COUNCIL RULES OF PROCEDURE

#### 3.1 Agenda

3.1.1 The agenda for Council meetings shall be settled by the President and shall include the following items:

- (a) apologies and declarations of interest;
- (b) minutes of the previous meeting and matters arising;
- (c) report on financial matters;
- (d) submissions, in accordance with Regulation 15;
- (e) committee reports and recommendations, including reports and recommendations from sub-committees, except per Regulation 6.9.6(d) the Special Regulations Sub-committee whose final approval comes from the Oceanic and Offshore Committee, on matters that:
  - (i) relate primarily to the sub-committee and not the parent committee;
  - (ii) have been endorsed by the chairman of the parent committee; and
- (f) any other business.

3.1.2 Without restricting the power of Council to debate any matter it considers appropriate at any time, in normal circumstances the Mid-Year Meeting and other meetings of Council except the Annual Meeting shall be for Council to debate and vote on policy, and urgent matters.

3.1.3 The Annual Meeting shall be for all other matters.

#### 3.2 Minutes

3.2.1 Minutes of each meeting shall be prepared by the Chief Executive Officer, whose draft shall be approved by the Chairman of the meeting. After such approval the draft will be circulated to all members of Council present at the meeting within three weeks of the meeting except in exceptional circumstances. Members of Council may propose amendments to any entry in the minutes which they do not consider constitute a fair and true representation of what took place at the meeting. The Chairman shall consider their objections but his decision as to the contents of the minutes to be published shall be final.

3.2.2 Council members wishing to propose amendments to the draft shall send them to the Chief Executive Officer within two weeks from the date the draft minutes were circulated to Council.

3.2.3 Once the Council minutes have been considered by Council and published, further amendments may only be proposed by a Council member and shall be put on the next Council agenda for consideration.

3.2.4 Except when a ballot is secret as provided in Article 46, any Full Member and any member of Council may request within 28 days of the publication of the Council Minutes that a list of the names be published of Council Members who voted and how they voted on an issue specified in the request. That list shall be published by the Chief Executive Officer within 14 days of the request being made and shall be attached to the minute dealing with the issue concerned.

- 3.3 Rules of Debate
  - 3.3.1 Motions shall be proposed to the Council based on the submissions and recommendations received. Any matter proposed to the Council shall require to be seconded. The proposer will open the debate. At the end of this introduction, there will be an opportunity for questions to clarify any doubtful points.
  - 3.3.2 Members of Council will then be called upon to speak in turn. They shall address their remarks to the chair. Other members shall not interrupt. No member shall speak until called upon by the chair. Members, other than the proposer, will not normally be entitled to make more than one speech in each debate. There will be no fixed time limit but speeches are to be kept short.
  - 3.3.3 When all members who wish to do so have spoken, the proposer will be given a chance to reply.
  - 3.3.4 The Chairman shall state the final motion to be put to the vote.
  - 3.3.5 The matter will then be voted on. A vote by members of the Council shall be made and in the case of a tie in votes, the Chairman shall have a second or casting vote.
  - 3.3.6 Article 46 of the Constitution deals with ballots.
  - 3.3.7 Apart from minor amendments, which may be accepted at the proposer's discretion, a matter will be passed, rejected or deferred. When a matter is deferred, the Council shall determine to which Committee the matter is deferred and the timeframe for the matter to be re-presented.
- 3.4 Attendance at Council Meetings
  - 3.4.1 Committee Chairmen who cannot attend a meeting should arrange to be represented by a deputy, who shall normally be the Vice-Chairman.
  - 3.4.2 A Council Member shall notify the Chief Executive Officer if he/she is unable to attend a Council meeting and may appoint an alternate in accordance Article 54 of the Constitution.
- 3.5 Financial or other interests
  - 3.5.1 The Board shall establish the World Sailing conflicts of interest policy. Members of Council (including all Board members) shall declare any interests to the Chief Executive Officer in accordance with the policy. The Chief Executive Officer shall maintain a register of interests and will publish it on the World Sailing website on a quarterly basis.
  - 3.5.2 In a debate on any matter in which a member of the Council has an interest which should be declared in accordance with World Sailing's conflict of interest policy, the member shall advise the Chairman and the Chief Executive Officer of that fact, and of the exact nature of the interest, if practicable in advance of the Council meeting, or otherwise at the earliest reasonable opportunity in the course of the debate. Notification of the reasons of the said interest shall be reported to the Council unless there are compelling grounds why such reasons should remain confidential. According to the exact nature of the interest, the Chairman or Council may require the member concerned to leave the meeting for the whole or part of the debate. The Chairman may require the member to abstain from voting. The declaration and any decision by the Chairman shall be minuted.
- 3.6 Indemnity
  - 3.6.1 World Sailing will maintain a professional indemnity insurance policy to cover members of its Council when acting in an official capacity.

3.7 General

3.7.1 In the event that these rules of procedure do not cover a particular situation or interpretation, the Chairman shall refer to general rules of procedure currently used in England.

**PART II – Committees, Commission and Advisory Boards**

**4. ELECTION OF PRESIDENT AND VICE-PRESIDENTS**

4.1 When there are more candidates for election as President or as Vice-Presidents than there are places available, members of the General Assembly shall be provided with ballot papers listing alphabetically the names of all candidates nominated in accordance with Article 74 and certified to be eligible by the Election Committee in accordance with Article 76(a).

4.2 Election of the office of President

- (a) In an election for the office of President, a candidate must be elected by more than 50% of the votes and, if there are more than two candidates or a tie vote between two candidates, successive ballots may be necessary:
  - (i) the first ballot shall be taken and the members shall be directed to vote for one candidate only. The ballots shall be counted and the candidate with over 50% of the votes shall be declared the elected;
  - (ii) if no candidate receives more than 50% of the votes then a runoff vote will be held between the top two candidates. In the event there is a tie vote between the candidates in the second position, the runoff vote will be between the first candidate and those tied for second place;
  - (iii) in the runoff election, the candidate receiving more than 50% of the votes shall be declared the winner. If no candidate receives more than 50% of the vote, subsequent runoff elections will be held dropping out the person with the least number of votes until a candidate receiving more than 50% of the vote is declared elected.
- (b) A ballot marked for more than one candidate shall be treated as an invalid ballot.

4.3 Election for Vice-Presidents

- (a) At least two Vice-Presidents of each gender shall be elected. However if there are fewer than two candidates of one gender, the number of Vice-Presidents of the other gender shall be increased accordingly.
- (b) The ballot paper for the election of Vice-Presidents shall list all candidates and shall identify male and female candidates.
- (c) Members of the General Assembly shall vote in one ballot for their preferred seven candidates.

To be valid, a completed ballot paper shall have seven votes, including votes for at least two candidates of each gender. This requirement will be varied in accordance with Regulation 4.3(a) if there are fewer than two candidates of a gender

- (d) Counting the votes

Within candidates of the same gender, the two candidates receiving the most votes shall be elected (Stage 1). The remaining three Vice-Presidents shall be elected from all the candidates on the basis of total votes received (Stage 2). If



there are fewer than two candidates of a gender, the number of candidates to be elected at Stage 1 shall be reduced accordingly and Stage 2 increased accordingly.

- (e) Breaking Ties:
  - (i) When there is a tie that needs to be broken, a separate run-off ballot shall be held between the tied candidates to break it. When a tie involves more than two candidates, and a run-off ballot only partially breaks that tie, another run-off ballot shall be held between those who are still tied.
  - (ii) When all candidates remain tied after a run-off ballot, a toss of a coin (or other game of chance) shall be used to break the tie.

4.4 All voting shall be by secret ballot.

4.5 The Election Committee shall require candidates for election to provide information for publication about their candidacy in such form as the Election Committee may from time to time require (which may include a manifesto and/or standard questionnaire concerning the candidates' experience, expertise and policies). Failure to provide such information shall not disqualify a candidate from election, but the Election Committee may publish a notice that the candidate has not complied with its requirements.

## 5. APPOINTMENT OF COMMITTEE MEMBERS

### 5.1 Nominations

- (a) Except in the case of the Audit Committee, nominations of candidates for membership of Committees and Sub-committees may be made by Member National Authorities.
- (b) The Audit Committee shall be appointed by the Board but no employee of World Sailing or its subsidiary and associated companies shall be appointed. In making the appointment the Board will take into account the need for experience in matters of finance and/or investment.
- (c) Nominations for the Para World Sailing Committee may only be made by Member National Authorities, who, in the assessment of that Committee, have disabled sailing programmes

5.1.1 In addition to provide for special representation required for organizations of sailors which are not directly represented through the process set out in Regulation 5.1 or for required specialty knowledge the following additional nominations may be made:

- (a) World Sailing Classes Committee
  - (i) An ICA Member may appoint one member to the World Sailing Classes Committee. The ICA Members which have specific fleets for disabled sailing may appoint a second member to the World Sailing Classes committee to represent the interests of disabled sailing. The names of these members shall be advised to the Executive Office in writing not less than fourteen days prior to any meeting of the World Sailing Classes Committee. There shall be only one vote per class association so represented.
  - (ii) The Chairman and Vice-Chairman of the World Sailing Classes Committee shall be elected by the World Sailing Classes Committee at the meeting held during the session of an ordinary meeting of the General Assembly or at any other time should a vacancy arise.
  - (iii) The Women referred to in Article 36.1(g) may select a women's representative for membership of the World Sailing Classes Committee. The woman selected for this position shall be drawn from the women referred to in Article 36.1(g).

## REGULATIONS

- (iv) The World Sailing Classes Committee may nominate candidates for membership of the Equipment, Events, International Measurers Sub-committee, Equipment Rules Sub-committee and Windsurfing and kiteboarding Committees.
- (b) Race Officials Committee

The Chairman of the Race Officials Committee may nominate candidates for membership in the Race Officials Committee and the International Judges, International Umpires, Race Management and International Measurers Sub-committees.
- (c) Development and Regions Committee & Regional Games Sub-committee
  - (i) The Development and Regions Committee shall include one representative of each continent, nominated by the World Sailing Affiliate Continental Member, except that if a continent does not have such a member, the nomination is decided by the Member National Authorities of that continent.
  - (ii) Membership of the Regional Games Subcommittee shall represent Regional Games organizations as defined from time to time by the Board.
  - (iii) The Member National Authorities represented as defined according to Regulation 5.1.1(c)(ii) may collectively nominate candidates for membership in the Regional Games Sub-committee, however only one nominee for each Regional Games Organization may be recommended by the Board to the Council as provided by Regulation 5.2.1. The Member National Authorities from a particular Regional Games Organization shall agree on their representative to be nominated. The process of such nomination is to be decided by the collective Member National Authority members of the particular organization.
  - (iv) Member National Authorities who are members of more than one Regional Games Organization as defined according to Regulation 5.1.1(c)(ii) may participate in the selection of candidates in any of the organizations of which they are a member.
  - (v) The foregoing provisions do not prevent additional members being nominated for the Development and Regions Committee and the Regional Games Sub-committee by the process in Regulation 5.1.

### **Nomination Process**

- 5.1.2 All individuals nominated to a World Sailing committee, sub-committee, commission or working party must sign, prior to their nomination being accepted, the following 'release waiver' as set out in on the 'Committee Nomination Form':

*"In consideration of my appointment or election to the Board, Council or any World Sailing committee, sub-committee, commission or working party (collectively, World Sailing committee'), and the payment of £1.00, the receipt and sufficiency of which is hereby acknowledged, I assign and release to World Sailing Limited any copyright or other rights I may have in Rules, Regulations, Class Rules, manuals, publications, or derivatives of any of these, to which I have contributed in my capacity as a member of an World Sailing committee.*

*I will comply with the Constitution, Regulations, Code of Ethics and policies of World Sailing.*

*I will comply with the World Sailing conflict of interest policy and I will freely and promptly declare the full extent of any interests in accordance with the policy and the Regulations."*

The forgoing assignment and release is irrevocable, and intended to be without restriction as to time or geography.

- 5.1.3 By signing the 'Committee Nomination Form' individuals also accept that the Federation may store their personal data electronically for use by World Sailing Limited and its subsidiaries.
- 5.1.4 All individuals nominated to a World Sailing committee must be able to communicate using e-mail.
- 5.1.5 Subject to Regulation 5.1.8, all nominations for membership of committees shall be received by the Chief Executive Officer not later than 1200 hours UTC 1 August in the year of the General Assembly save that nominations from the World Sailing Classes Committee shall be received not later than the day before an ordinary meeting of the General Assembly.
- 5.1.6 A Member National Authority may nominate an individual who is neither a national nor resident of the nominating country, but before doing so shall obtain the consent of the individual's Member National Authority.
- 5.1.7 Nominating Member National Authorities must pay all the respective travel/accommodation cost for the Committee Member to attend World Sailing meetings or, as may be arranged between the Member National Authority and the delegate.
- 5.1.8 If in the opinion of the Board the nominations received under Regulation 5.1 do not include sufficient members of each gender to enable the Board to meet the guidelines in Regulation 5.2.1(c) and (d), then the Board may authorise a further period of nominations from Member National Authorities for the gender in which there is a shortfall. The names of such additional nominees shall be added to those listed under Regulation 5.2.

### ***Appointment Process***

- 5.2 The Board shall, four days before a General Assembly, publish a list of all those nominated for appointment as members of committees.
- 5.2.1 The Board shall, subject to any specific provisions in the Regulations relating to a particular committee and so far as is practicable, follow the following guidelines:
  - (a) first consideration should be given to persons for their expertise rather than geographical location;
  - (b) preference shall be given to those nominations from Member National Authorities whose nominations, taken together with other nominations from their Council group, include at least 25% of each gender;
  - (c) not less than 25% of the members of each committee should be drawn from each gender;
  - (d) not less than 20% of the chairmen and vice-chairmen of all committees should be drawn from each gender;
  - (e) not more than two persons from any one Member National Authority should be included on any committee;
  - (f) there should not be a set number of members of any committee, but ordinarily each committee shall not exceed eighteen (including any ex officio members);
  - (g) there should not be a maximum period of time for any individual to sit on a particular committee; and
  - (h) consideration should be given to the relevant sailing experience of nominees.

## REGULATIONS

- 5.2.2 Following the General Assembly, the committees shall be appointed in the following manner:
- (a) within 60 days of the General Assembly, the new Board shall publish the proposed members of the committees (including the chairman and vice-chairman of each committee) and that list shall be circulated to Council;
  - (b) within 10 days of the circulation of the list to Council, any member of Council may propose an addition or deletion to the list provided that:
    - (i) any proposed name to be added must have been originally nominated in accordance with Regulation 5.1;
    - (ii) any proposal must be in writing and be received by the Chief Executive Officer within the 10 day period;
    - (iii) the proposal must be supported by at least two other Council members from two other Council groups;
  - (c) following the deadline for the receipt of amendments, the Council shall vote on whether or not to approve the Board's nominations and any amendments proposed;
  - (d) if the Council rejects the nominations of the Board, the Board shall submit a revised list within 14 days and the process above shall be repeated; and
  - (e) if by the first day of February following the General Assembly (or such later date determined by the President) the Council has not approved or rejected the list, the list shall be deemed approved by the Council.

### ***Vacancies in Committee Membership***

- 5.3 A vacancy in a committee or sub-committee caused by resignation, lengthy inability to attend, incapacity or death may be filled at any Council meeting. The notification of the Chief Executive Officer referred to in Article 54 may be made at any time up to six weeks before the start of the next Council meeting.
- 5.3.1 The Chief Executive Officer shall prepare a list of those duly nominated to that committee or sub-committee at the last General Assembly, who are still willing to serve. The Chief Executive Officer shall provide that list to the Board and to Council. The Board shall choose from it a suitable nominee to fill each vacancy using the criteria listed in Regulation 5.2.1 and shall recommend the names of such candidates to Council.
- 5.3.2 The Council may approve the candidate or candidates submitted to fill the vacancy or may substitute the names of other nominees on the list.

### ***Responsibility of Committee Members***

- 5.4 Under Article 5.1, once appointed, a committee member becomes automatically an 'World Sailing Member' and therefore a member of the Federation. The obligations of Articles 6 to 9 therefore apply. Committee members will also understand that he or she has been appointed in a voluntary capacity.
- 5.4.1 Any work undertaken in his or her capacity as a committee member shall belong to the Federation in accordance with Regulation 5.1.2.
- 5.4.2 A committee member will respect and keep confidential any information which he or she receives as a result of being a member of the Federation, at least until that information becomes public.
- 5.4.3 Any input by a committee member to the work of the Federation should be offered in the interests of the sport worldwide and, therefore, not nationally biased.

- 5.4.4 A committee member is expected to be at all properly scheduled meetings. Should two or more consecutive meetings be missed, the Board will review his or her membership.
- 5.4.5 A committee member is responsible for his or her own medical/travel insurance.
- 5.4.6 A committee member's appointment will be withdrawn if he or she is no longer a member of his/her respective Member National Authority, or a constituent member of a Member National Authority.
- 5.4.7 When it is brought to the attention of the Board that a committee chairman or vice-chairman is not fulfilling his or her obligations as chairman or vice-chairman the Board may make a recommendation to Council.

### ***Sub-committees and Working Parties***

- 5.5 A Committee may have one or more sub-committees appointed in accordance with Regulations 5.1, 5.1.1, 5.1.5 and Article 42.
- 5.5.1 Working parties
- (a) A Committee may appoint working parties to deal with particular subjects.
  - (b) The appointing committee shall assign members of the committee to the working party, but may include any other person where it needs specific expertise.
  - (c) Council may appoint a joint working party from two or more committees with the consent of the Chairmen of those Committees.
  - (d) The appointing Committee shall select the working party for a set project or period. Unless dismissed earlier, membership of working parties automatically finishes in line with the term of appointment of the appointing committee.
  - (e) Working parties shall work under a standard terms of reference as follows:
    - (i) members of the working party may work by e-mail;
    - (ii) where meetings are necessary, working parties will use the offices of the Executive Office;
    - (iii) at the first meeting of the appointing committee after the working party's appointment, the members will present a defined set of objectives for their work; and
    - (iv) the working party will present a record of its work at each subsequent meeting of the appointing committee.
- 5.5.2 Sub-committee and working parties shall not be entitled to financial or extra-ordinary assistance from the Executive Office without prior approval by the Board.

### ***Committee Terms of Office***

- 5.6 The ordinary term of office for a committee member shall be four years from 1 February following the last ordinary General Assembly.

## **6 COMMITTEES**

### **Audit Committee**

- 6.1 Audit Committee

#### ***Constitution of the committee***

- 6.1.1 The Audit Committee shall consist of at least four members. The majority of members shall be financially literate and at least one member shall have an accounting or financial background. The members shall include:

## REGULATIONS

- (a) a Chairman who shall be appointed by the Board and will not be a member of the Board;
  - (b) the Vice President responsible for finance;
  - (c) one Vice President; and
  - (d) one other member who may be a member of Council but not a member of the Board.
- 6.1.2 The Committee shall meet at least twice in every year and the quorum shall be two (one of whom shall not be a member of the Board).
- 6.1.2.1 The President, the Chief Executive Officer and the external auditor shall attend meetings when invited by the Committee. Other members of the Board may be invited to attend all or part of the Committee's meetings.
- 6.1.2.2 The Committee shall meet with the external auditor at least once a year without management present.
- 6.1.3 The Committee shall have authority from the Board to:
- (a) investigate any activity of World Sailing and its subsidiaries within its functions and responsibilities;
  - (b) seek any information it requires from any employee of World Sailing or its subsidiaries and all employees shall be directed to cooperate with any request made by the Committee acting within its terms of reference; and
  - (c) obtain outside legal or other independent professional advice as it requires. Such advisors may attend meetings as the Committee considers advisable.

### ***Terms of reference***

#### 6.1.4 Responsibilities

The duties of the Committee are as follows:

- (a) ensure that appropriate financial reporting and internal control processes are in place and monitor those processes so that that the Board is properly and regularly informed on financial matters;
- (b) recommend to the Board the appointment, tenure and remuneration of the external auditor;
- (c) assess the independent of the external auditor;
- (d) review the external auditor's annual audit plan and reports;
- (e) review the draft annual financial reports for compliance with relevant laws and regulations and recommend approval to the Board;
- (f) review the findings of the external auditor and ensure recommendations are actioned by management;
- (g) review the effectiveness of internal controls and their application;
- (h) review the financial management;
- (i) review the risk management plan;
- (j) review the management policies and processes to ensure their suitability to achieve compliance with risk management policy, codes of conduct and any statutory and regulatory requirements;
- (k) supervise any special investigations requested by the Board on matters relevant to the Committee's role and responsibilities; and
- (l) examine any other matters referred to it by the Board.

### 6.1.5 Reporting Procedures

- (a) The Committee shall, after each meeting, report the Committee's findings and recommendations to the Board.
- (b) The Committee shall conduct a review of its objectives and activities every two years.
- (c) The Committee will prepare an annual report to the Board on all matters relevant to the Committee's role and responsibilities.
- (d) The Chairman shall attend Council meetings and the Annual General Meeting and shall answer questions, through the President, on the Audit Committee's activities and their responsibilities.

### **Constitution Committee**

#### 6.2 Constitution Committee

##### ***Constituting the committee***

- 6.2.1 The Constitution Committee has been established by the Council pursuant to Article 42.
- 6.2.2 The Constitution 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 42.

##### ***Terms of reference***

- 6.2.3 The Constitution Committee shall:
  - (a) review the structure, Constitution, Regulations of the Federation and recommend such changes to Council as may be necessary;
  - (b) review the terms of reference of committees, when appropriate;
  - (c) review all submissions affecting the Constitution and Regulations;
  - (d) recommend the groupings of Member National Authorities and the assignment of Members to appropriate Groups;
  - (e) recommend the subscription categories into which each Member National Authority should fall, having regard to the active sailing and racing in the country represented by the Member National Authority and the latest Member National Authority Questionnaire issued by the Chief Executive Officer;
  - (f) review items on the agendas of the Council and General Assembly dealing with political matters;
  - (g) advise, in conjunction with counsel for the Federation, the President and the Council in the event of a proceedings under Article 14 of the Constitution;
  - (h) provide liaison with any committees or working parties dealing with matters affecting the Constitution and Regulations;
  - (i) be the sole body responsible for interpreting the Constitution and Regulations of World Sailing and ensure that World Sailing operates consistently within its Constitution and Regulations.

**Development and Regions Committee and Sub-committee**

6.3.1 Development and Regions Committee

***Constituting the committee***

6.3.1.1 The Development and Regions Committee has been established by the Council pursuant to Article 42.

6.3.1.2 The Development and Regions 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 42.

***Terms of reference***

6.3. 1.3 The Development and Regions Committee shall:

- (a) ensure that the World Sailing Development Plan is consistent with the World Sailing Strategic Plan;
- (b) recommend to the Council the World Sailing Development Plan, agree priorities and monitor progress;
- (c) oversee and report to Council on the implementation of the World Sailing Development Plan;
- (d) advise Council on strategic and regional development issues, and recommend associated budget requirements and policy;
- (e) be responsible for the appointment and removal of \*World Sailing nominated experts to run World Sailing technical courses for coaches ;
- (f) consult with other World Sailing Committees and other organisations on issues relevant to regional development.

*\*The list of World Sailing nominated experts can be found in the Training and Development section of the Yearbook.*

**Regional Games Sub-committee**

6.3.2 Regional Games Sub-committee

***Constituting the committee***

6.3.2.1 The Regional Games Sub-committee has been established as a sub-committee of the Development and Regions Committee by the Council pursuant to Article 42.

6.3.2.2 The Regional Games Sub-committee shall consist of a Chairman, Vice-Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

***Terms of Reference***

6.3.2.3 The Regional Games Sub-committee shall:

- (a) encourage and promote:
  - (i) sailing at any games that already include sailing in their sports programme;
  - (ii) the inclusion of sailing on the sports programme in all major regional games and as many other games as is feasible;



- (iii) the inclusion of para sailing in regional games and regional para games.
- (b) use the inclusion of sailing and para sailing in regional games and regional para games to promote the sport of sailing generally throughout the various regions;
- (c) use the technical and instructional resources of the World Sailing to maintain and improve the standard of competitive sailing and the standards of technical supervision at regional games to a level that these events could serve as qualifying events for the Olympics and Paralympics;
- (d) provide guidance on the format and programme of the regional games sailing events and regional sailing championships;
- (e) encourage and promote the organization of regional sailing championships in addition to the regional games;
- (f) encourage particularly the full participation of women and youth in all regional games sailing events.

### **Para World Sailing Committee**

6.4 Para World Sailing Committee

6.4.1 The Para World Sailing Committee has been established by Council pursuant to Article 42.

6.4.2 The Para World Sailing Committee shall consist of a Chairman, a Vice-Chairman and not more than eight members that shall be appointed by Council from time to time.

6.4.3 Regulation 5.1(c) applies to the nomination of members of the Committee.

6.4.4 Not used.

### ***Terms of reference***

6.4.5 The Para World Sailing Committee shall:

- (a) recommend to Council the policy (and implementing actions) including the selection of events and equipment for the Paralympic Sailing programme;
- (b) recommend to Council the policy (and implementing actions) to be used in the Para World Sailing Championships and other Para World Sailing events;
- (c) develop and monitor the Para World Sailing Ranking System;
- (d) liaise directly with World Sailing staff on International Paralympic Committee matters;
- (e) monitor the activities of Paralympic sailors and assist World Sailing and its committees in the administration of the Para World Sailing classification programme, classifier instruction and evaluation, and to make recommendations to the Race Officials Committee on the appointment and administration of International Classifiers;
- (f) promote, assess and support programmes for Paralympic sailing run by Member National Authorities;
- (g) decide the criteria for and advise upon the development of equipment, aids and adaptations for Para Sailing and Paralympic Sailing formats ;
- (h) liaise with all other relevant World Sailing committees as necessary or appropriate to ensure consistency across World Sailing processes and activities with Para Sailing and Paralympic Sailing and
- (i) appoint the Para World Sailing Committee representatives to the Equipment Committee, the Equipment Rules Sub-committee and the Regional Games Sub-committee.

**Equipment Committee and Sub-committees**

6.5 Equipment Committee

***Constituting the committee***

6.5.1 The Equipment Committee has been established by the Council pursuant to Article 42.

6.5.2 The Equipment Committee shall consist of:

- (a) 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 42.  
  
In appointing committee members the following experience and competencies shall be properly represented: centreboard boats, keelboats, multihulls, offshore, windsurfing and kiteboarding;
- (b) In addition, specialist expertise will be represented as follows:
  - (i) a representative of the Equipment Rules Sub-committee – normally the Chairman;
  - (ii) a representative of the Special Regulations Sub-committee – normally the Chairman;
  - (iii) a representative of the Oceanic and Offshore Committee;
  - (iv) a representative of the World Sailing Classes Committee;
  - (v) a representative of the Racing Rules Committee.
  - (vi) a representative of the Para World Sailing Committee.

6.5.3 The Chairman of the Equipment Committee may, for the purposes of liaison, appoint himself/herself or another member of the Committee as an ex-officio, non-voting member of the Race Officials Committee.

***Terms of reference***

6.5.4 The Equipment Committee shall:

- (a) be responsible for recommending to Council planning and policy recommendations on equipment matters;
- (b) consider submissions on equipment matters and make recommendations thereon to Council;
- (c) be responsible for recommending equipment policy with regard to the Olympic Sailing Competition and at World Sailing Events, conducting equipment trials or other evaluation, and making recommendations to Council on any change or evolution of Olympic Equipment, in accordance with the strategy and timescales in Regulation 23;
- (d) review applications by classes for World Sailing status and make recommendations thereon to Council;
- (e) maintain a liaison with and be responsible for the supervision of the constitutions of World Sailing Classes and to develop the concept of these classes to help them promote world sailing;
- (f) periodically review the World Sailing Classes and make recommendations where thought appropriate for the withdrawal of World Sailing status;
- (g) liaise with other World Sailing committees on matters affecting equipment;
- (h) formulate, revise and approve the Equipment Rules of Sailing of behalf of Council, in accordance with Regulation 29;

- (i) consider and decide submissions that propose or suggest changes in the Equipment Rules of Sailing in accordance with Regulation 29;
- (j) consider recommendations from and decisions of other committees that might affect the Equipment Rules of Sailing;
- (k) approve all authoritative interpretations made by World Sailing of the Equipment Rules of Sailing; and
- (l) approve World Sailing Equipment Rules Questions and Answers.

### 6.5.5 Equipment\_Rules Sub-committee

#### **Constituting the committee**

- 6.5.5.1 Equipment Rules Sub-committee has been established as a Sub-committee of the Equipment Committee by the Council pursuant to Article 42. In appointing committee members the following experience and competencies shall be properly represented: centreboard boats, keelboats, multihulls, offshore and windsurfing.
- 6.5.5.2 The Equipment Rules Sub-committee shall consist of:
  - (a) 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 42.
  - (b) In addition, specialist expertise will be represented as follows:
    - (i) a representative of the International Measurers Sub-Committee;
    - (ii) a representative of the Para World Sailing Committee;
    - (iii) a representative of the Special Regulations Sub-committee;
    - (iv) a representative of the World Sailing Classes Committee;
    - (v) a representative of the Racing Rules Committee.
- 6.5.5.3 The Chairman of the Equipment Rules Sub-committee may, for the purposes of liaison, appoint himself/herself or another member of the Sub-committee as an ex-officio, non-voting member of the International Measurers Sub-committee.
- 6.5.5.4 The Chairman of the Equipment Rules Sub-committee may appoint the members and chairman of the ERS Working Party.

If the Chairmen of the Equipment Rules Sub-committee and Equipment Committee deem it appropriate, the Equipment Rules Sub-committee as a whole may perform the tasks of the ERS Working Party. For discussion of submissions and proposals with regard to *The Equipment Rules of Sailing*, the Sub-committee – upon the approval of the Chairman of the Equipment Committee – may temporarily co-opt any other person where it needs specific expertise.

#### **Terms of reference**

- 6.5.5.5 The Equipment\_Rules Sub-committee shall:
  - (a) establish, maintain and publish the policies for the approval process of proposed class rules changes referred to in Regulation 10.11.4;
  - (b) review class rules change applications referred to it in accordance with Regulation 10.11.5;
  - (c) give interpretations of class rules of World Sailing Classes in accordance with Regulation 10.12;
  - (d) formulate, revise and publish *The Equipment Rules of Sailing* (ERS) every four years after approval by Council, in accordance with Regulations 29.1 and 29.2;

- (e) approve and publish interpretations of the ERS submitted in accordance with Regulation 29.3;
- (f) keep under constant review:
  - (i) the World Sailing Guide to Equipment Control;
  - (ii) the World Sailing Standard Class Rules;
  - (iii) World Sailing Event Equipment Regulations.
- (g) keep building processes under review and through inspection of licensed builder's premises maintain standards of construction;
- (h) liaise with relevant World Sailing committees in all matters affecting equipment control, and with World Sailing Technical Department to support the management of effective equipment control schemes by World Sailing Classes

*Equipment Rules of Sailing Administration: See Section 2, Regulation 29*

### **Events Committee and Sub-committees**

#### 6.6 Events Committee

##### ***Constituting the committee***

- 6.6.1 The Events Committee has been established by the Council pursuant to Article 42.
- 6.6.2 The Events 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 42.

##### ***Terms of reference***

- 6.6.3 The Events Committee shall:
  - (a) every four years, at the meeting immediately after the Olympic Games, provide to Council a review of the Olympic Sailing Competition, and identify possible opportunities for change to World Sailing's Olympic strategy, or to Olympic Sailing Events or Equipment;
  - (b) recommend to Council any change to Olympic Events, and any change or evolution of Olympic Equipment, in accordance with the strategy and timescales in Regulation 23.1
  - (c) in conjunction with the President and Chief Executive Officer recommend to Council the format of courses to be sailed at the Olympic Sailing Competition;
  - (d) recommend to Council the policy (and implementing actions) to be used in World Sailing Events and other major international events, including the Olympic Qualification system and events;
  - (e) recommend to Council the policy (and implementing actions) to be used concerning the World Sailing Calendar and World Sailing Ranking Lists;
  - (f) in matters concerning equipment, Olympic or otherwise, liaise with the Equipment Committee.
- 6.6.4 The Chairman of the Events Committee shall appoint the chairman and members of the Sail Ranking Working Party. This working party shall:
  - (a) monitor the World Sailing Ranking System;
  - (b) make recommendations to the Events Committee on how to administer, control, promote and develop the World Sailing Rankings; and
  - (c) decide on the grading of events for the World Sailing Rankings System.

6.6.5 Team Racing Sub-committee

***Constituting the committee***

6.6.5.1 The Team Racing Sub-committee has been established as a Sub-committee of the Events Committee by the Council pursuant to Article 42.

6.6.5.2 The Team Racing Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

***Terms of reference***

6.6.5.3 The Team Racing Sub-committee shall:

- (a) be responsible for the planning and approval for the conduct of the World Sailing Team Racing World Championship;
- (b) review and maintain the conditions and requirements for the selection of countries and venues to host the Team Racing World Championship;
- (c) liaise with the Chief Executive Officer on matters regarding finance, sponsorship and the contractual arrangements with the host Member National Authority, organizers and suppliers of equipment
- (d) be responsible for developing and implementing strategies concerning the equipment to be used in the World Sailing Team Racing World Championship;
- (e) be responsible for promoting the World Sailing Team Racing World Championship as the premier Team Racing event in order to encourage as many worldwide countries as possible to participate;
- (f) keep under constant review the Championship Guidelines and other relevant information to maintain and improve the quality and standards of the Team Racing World Championship;
- (g) make recommendations to the Events Committee on the promotion and co-ordination of team race sailing throughout the world; and
- (h) monitor and develop all technical aspects of team race sailing organization in conjunction with relevant World Sailing Committees and make any necessary recommendations to the Events Committee.

6.6.5.4 Team Racing Definition:

Team Racing is a discipline of sailing. Team Racing and Team Sailing have the same meaning. A team race consists of two or more boats sailing as a team against the same number of boats from an opposing team. The boats used by the competitors are of the same class and should be equalized to the highest possible standard.

6.6.6 Youth Events Sub-committee

***Constituting the committee***

6.6.6.1 The Youth Events Sub-committee has been established as a Sub-committee of the Events Committee by the Council pursuant to Article 42.

6.6.6.2 The Youth Events Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

***Terms of reference***

6.6.6.3 The Youth Events Sub-committee shall:

## REGULATIONS

- (a) recommend to the Events Committee the policy (and implementing actions) for World Sailing and other major international youth sailing events (excluding match and team racing events);
- (b) be responsible for promoting the Youth Sailing World Championships as the premier youth sailing event in order to encourage as many countries as possible to participate
- (c) keep under constant review the Youth Sailing World Championships Guidelines and other relevant information to maintain and improve the quality and standards of the World Sailing Youth Sailing World Championship.
- (d) review and maintain the conditions and requirements for the selection of countries and venues to host the Youth Sailing World Championship;
- (e) approve the arrangements and oversee the implementation of the Youth Sailing World Championships each year
- (f) liaise with the Chief Executive Officer on matters regarding finance, sponsorship and the contractual arrangements with the host Member National Authority, organizers and suppliers of equipment to the Youth Sailing World Championships;
- (g) be responsible for developing and implementing strategies concerning the equipment to be used in the Youth Sailing World Championship and other major international youth fleet racing events; and
- (h) liaise with the Development and Regions Committee over the integration of World Sailing's Emerging Nations Programme, and other development programmes with youth sailing events.

### 6.6.7 Match Racing Sub-committee

#### ***Constituting the committee***

6.6.7.1 The Match Racing Sub-committee has been established as a sub-committee of the Events Committee by the Council pursuant to Article 42.

6.6.7.2 The Match Racing Sub-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 42.

#### ***Terms of reference***

6.6.7.3 The Match Racing Sub-committee shall:

- (a) promote and co-ordinate match racing throughout the world;
- (b) be responsible for planning, promoting and approving the arrangement for the World Championships of Match Racing and the World Sailing Nations Cup and, in liaison with the World Match Racing Tour Advisory Committee, the World Match Racing Tour;
- (c) with the recommendation of the Match Race Rankings Working Party administer, promote and control the World Match Race Ranking System;
- (d) monitor and develop all technical aspects of match racing organization in conjunction with relevant World Sailing Committees.
- (e) liaise with the Events Committee regarding Olympic Match Racing;
- (f) through its Match Racing Rankings Working Party and the Chief Executive Officer maintain a close liaison with sailors, organizers, classes and Member National Authorities concerning World Match Race Rankings and qualification issues.

- 6.6.8 The Chairman of the Match Racing Sub-committee shall appoint the chairman and members of the Match Race Ranking Working Party. This working party shall:
- (a) monitor the Match Race Ranking System;
  - (b) make recommendations to the Match Racing Sub-committee on how to administer, control, promote and develop the Match Race Rankings; and
  - (c) decide on the grading of events for the Match Race Ranking System.

### **World Sailing Classes Committee and Sub-committee**

#### 6.7 World Sailing Classes Committee

##### ***Constituting the committee***

- 6.7.1 The World Sailing Classes Committee has been established by the Council pursuant to Article 42.
- 6.7.2 The World Sailing Classes Committee shall consist of a Chairman, a Vice-Chairman and one member that shall be appointed by each of the World Sailing Classes from time to time.

##### ***Terms of reference***

- 6.7.3 The World Sailing Classes Committee shall:
- (a) maintain a close liaison with all World Sailing Classes and sailors;
  - (b) promote the welfare and growth of World Sailing Classes;
  - (c) debate issues, excluding class rule matters, from World Sailing class associations and make recommendations thereon;
  - (d) debate other matters that may be relevant to World Sailing Classes' interests;
  - (e) review all relevant agenda items and comment to appropriate committees of the Council;
  - (f) propose members to the Equipment Committee, Events Committee, Equipment Rules Sub-committee and International Measurers Sub-committee. The member proposed to the Events Committee shall be a representative from an Olympic class.

#### 6.7.4 Olympic Classes Sub-committee

##### ***Constituting the committee***

- 6.7.4.1 The Olympic Classes Sub-committee has been established as a sub-committee of the World Sailing Classes Committee by the Council pursuant to Article 42.
- 6.7.4.2 The Olympic Classes Sub-committee shall consist of members appointed from time to time by the Classes selected as equipment for the next Olympic Sailing Competition. Each Class may appoint one member. The Chairman and Vice-Chairman shall be selected from the members by the Sub-committee.
- 6.7.4.3 In addition, the Olympic Classes Sub-committee shall include members appointed from time to time by Classes selected as equipment for subsequent Olympic Sailing Competitions. Each Class may appoint one member.

##### ***Terms of reference***

- 6.7.4.4 The Olympic Classes Sub-committee shall:
- (a) maintain a close liaison with the Olympic Classes and it's sailors;
  - (b) promote the welfare and growth of the Olympic Classes;

- (c) debate issues, other than class rules, raised by the Olympic Classes and make recommendations thereon to the World Sailing Classes Committee;
- (d) debate other matters that may be relevant to the Olympic Classes' interests;
- (e) review all relevant agenda items and comment to appropriate committees of the Council.

6.7.4.5 Committee members shall only vote on matters that relate to the Olympic Games of which the Class they represent are part of.

6.8 Not used.

### **Oceanic and Offshore Committee and Sub-committee**

6.9 Oceanic and Offshore Committee

#### ***Constituting the committee***

6.9.1 The Oceanic and Offshore Committee has been established by the Council pursuant to Article 42.

6.9.2 The Oceanic and Offshore Committee shall consist of a Chairman, a Vice-Chairman, the Chairmen of its sub-committees and not more than 14 other members that shall be appointed by the Council from time to time as provided by Article 42. Members shall have expertise in Oceanic or Offshore racing, and shall have relevant experience and current involvement in such racing or its administration. The Chairmen of the International Regulations and Sailor Categorization Commissions shall also be members of the committee.

6.9.3 The Committee shall have the following Sub-committees, namely the Special Regulations Sub-committee.

6.9.4 The Chairman of the Committee shall appoint a group of the committee's members to work with the Executive Office as the Oceanic Panel.

6.9.5 The Chairman shall appoint the members of groups or working parties to liaise with Offshore Classes, rating systems and cruising groups and clubs.

#### ***Terms of Reference***

6.9.6 The Committee shall:

- (a) be responsible to Council for planning and policy recommendations on Oceanic and Offshore matters.
- (b) promote Oceanic and Offshore racing and cruising throughout the world.
- (c) monitor safety experience in Oceanic and Offshore racing and cruising.
- (d) on behalf of the Council adopt and publish the World Sailing Special Regulations.
- (e) set criteria for designation as International or Recognised Rating Systems and Offshore Classes, review applications and make recommendations on them to Council. Promote dual-purpose cruiser/racer boats in competition.
- (f) promote and maintain a calendar of Oceanic and Offshore events and races within the overall World Sailing Calendar, and assist organisers to achieve an orderly schedule.
- (g) monitor the activities of all elements of Oceanic and Offshore racing, conducted in one design or level rating classes of boats, as well as under handicap or rating systems, and report to Council making any appropriate recommendations.

6.9.7 Not used.



6.9.8 Special Regulations Sub-committee

***Constituting the committee***

6.9.8.1 The Special Regulations Sub-committee has been established as a Sub-committee of the Oceanic and Offshore Committee by the Council pursuant to Article 42.

6.9.8.2 The Special Regulations Sub-committee shall comprise as follows:

- (a) Chairman and not more than eight members that shall be appointed by the Council from time to time as provided by Article 42; and
- (b) a representative of the Offshore Racing Congress.

***Terms of reference***

6.9.8.3 The Special Regulations Sub-committee shall:

- (a) be responsible for the maintenance, revision and changes to the World Sailing Offshore Special Regulations governing offshore racing, under licence from ORC Ltd. Such changes be biennial with revised editions published in January of each even year, except that matters of an urgent nature affecting safety may be dealt with by changes to the Regulations on a shorter time scale;
- (b) monitor developments in offshore racing relative to the standards of safety and seaworthiness.

**Race Officials Committee and Sub-committees**

6.10 Race Officials Committee

***Constituting the committee***

6.10.1 The Race Officials Committee has been established by the Council pursuant to Article 42.

6.10.2 The Race Officials Committee shall consist of a Chairman, a Vice-Chairman, the Chairmen of its Sub-committees and the number of other members that shall be appointed by the Council from time to time as provided by Article 42.

6.10.3 The Race Officials Committee shall have the following Sub-committees: International Judges, International Umpires, International Measurers and Race Management Sub-committee as provided in Regulations 6.10.7, 6.10.8, 6.10.9 and 6.10.10.

6.10.4 The Chairman of the Race Officials Committee shall, together with the Chairman of the Racing Rules Committee, appoint the members of the Racing Rules Question and Answer Panel and the chairman of the panel.

6.10.5 The Chairman of the Race Officials Committee may, for the purposes of communication and cooperation, appoint himself/herself or another member of the Committee or its Sub-committees as an ex-officio, non-voting member of the Racing Rules Committee. Such appointee shall, if not already a member of the Race Officials Committee, be an ex-officio, non-voting member of that Committee.

***Terms of Reference***

6.10.6 The Race Officials Committee shall:

- (a) be responsible for the education and certification of World Sailing Race Officials to the highest calibre for the sport of sailing;
- (b) maintain an oversight management of its four Sub-committees: the International Judges, the International Umpires, the Race Management and the International Measurers Sub-committee and liaise with committees responsible for any other World Sailing Race Official disciplines;

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- (c) approve policies for the conduct and processes of World Sailing Race Officials recommended by the responsible committees and Sub-committees;
- (d) (working together with the Racing Rules Committee) publish on the World Sailing website the World Sailing Racing Rules Questions and Answers;
- (e) develop a relationship with organizations that have resources and World Sailing Associations and make recommendations to the Council on matters relating to the training and certification of World Sailing Race Officials;
- (f) liaise with such other World Sailing committees as may be beneficial for achieving Committee goals;
- (g) develop and maintain a register of conflict of interest declarations from World Sailing Race Officials, and determine whether or not there is a conflict of interest in response to a request for clarification from World Sailing Race Officials;
- (h) in conjunction with the Board deal with reports about the conduct and competence of World Sailing Race Officials and make commendations and administer sanctions where appropriate.

### 6.10.7 International Judges Sub-committee

#### ***Constituting the committee***

6.10.7.1 The International Judges Sub-committee, which shall administer the International Judges' programme, has been established by the Council as a Sub-committee of the Race Officials Committee pursuant to Article 42.

6.10.7.2 The International Judges Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

#### ***Terms of reference***

6.10.7.3 The International Judges Sub-committee shall:

- (a) administer the International Judges' programme;
- (b) recommend to the Race Officials Committee the appointment of International Judges in accordance with these Regulations;
- (c) disseminate information to and communicate with International Judges and Member National Authorities;
- (d) be responsible for the instruction and evaluation of International Judges and candidates to become International Judges, which shall include:
  - (i) the development and conduct of seminars to train and qualify International Judges and candidates to become International Judges; and
  - (ii) the formulation of the examinations which applicants must pass to qualify as International Judges and, if required, the establishment of the criteria for a performance assessment and its administration;
- (e) assist Member National Authorities in training and in developing national judges programmes;
- (f) recommend policies regarding the conduct of International Judges and International Juries;
- (g) administer programmes to promote uniform application and consistent interpretation of the Racing Rules and other World Sailing documents by International Judges;

- (h) propose rule changes and submit interpretations of the Racing Rules to the Racing Rules Committee, the Race Officials Committee and other appropriate bodies;
- (i) develop and administer a procedure for the grouping and classification of International Judges according to their abilities and to place them in groups based on agreed criteria;
- (j) update International Judges Sub-committee documents, such as the Judging Manual, the International Judge application form and International Judges' Reference Form;
- (k) address questions from International Judges;
- (l) deal with such matters as any World Sailing committee may request.

*International Judges Programme Administration: See Part VI, Regulation 31*

### 6.10.8 International Measurers Sub-committee

#### **Constituting the committee**

6.10.8.1 The International Measurers Sub-committee, which shall be responsible for administering the International Measurers' programme, has been established by the Council as a Sub-committee of the Race Officials Committee pursuant to Article 42.

6.10.8.2 The International Measurers Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

#### **Terms of reference**

6.10.8.3 The International Measurers Sub-committee shall:

- (a) administer the International Measurers' programme including the review and maintenance of high standards of equipment inspection and uniform application of World Sailing standards by International Measurers at events;
- (b) recommend to the Race Officials Committee the appointment of International Measurers in accordance with these Regulations;
- (c) disseminate information to and communicate with International Measurers and Member National Authorities;
- (d) be responsible with the relevant classes for the instruction and evaluation of International Measurers and candidates to become an International Measurer, which shall include:
  - (i) the development and conduct of seminars, related manuals and materials to train and qualify International Measurers and candidates to become International Measurers; and
  - (ii) the formulation of the examinations which applicants must pass to qualify as International Measurers and, if required, the establishment of the criteria for a performance assessment and its administration;
- (e) assist Member National Authorities in training and in developing national measurer / equipment inspector programmes;
- (f) recommend policies regarding the conduct of International Measurers;
- (g) administer programmes to promote uniform application and consistent interpretation of the Racing Rules of Sailing and other World Sailing documents by International Measurers;

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- (h) propose rule changes and submit interpretations of the Racing Rules and the Equipment Rules of Sailing to the Racing Rules Committee, the Race Officials Committee and the Equipment Control Sub-committee and other appropriate bodies;
- (i) develop and administer a procedure for the grouping and classification of International Measurers according to their abilities and to place them in groups based on agreed criteria;
- (j) update International Measurers Sub-committee documents, such as the Championship Equipment Inspection Report, the International Measurers Manual and the International Measurer application form and comment to the relevant committee on any World Sailing document;
- (k) consider and recommend equipment inspection policies for the Olympic Sailing Competition and World Sailing Events, in consultation with the Equipment Committee;
- (l) address questions from International Measurers;
- (m) deal with such matters as any World Sailing committee may request.;
- (n) liaise with the Para World Sailing Committee on technical issues regarding equipment adaptations.

*International Measurers Programme Administration: See Part VI, Regulation 31*

### 6.10.9 International Umpires Sub-committee

#### **Constituting the committee**

6.10.9.1 The International Umpires Sub-committee, which shall administer the International Umpires' programme, has been established by the Council as a Sub-committee of the Race Officials Committee pursuant to Article 42.

6.10.9.2 The International Umpires Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

#### **Terms of reference**

6.10.9.3 The International Umpires Sub-committee shall:

- (a) administer the International Umpires' programme;
- (b) recommend to the Race Officials Committee the appointment of International Umpires in accordance with these Regulations;
- (c) disseminate information to and communicate with International Umpires and Member National Authorities;
- (d) be responsible for the instruction and evaluation of International Umpires and candidates to become International Umpires, which shall include:
  - (i) the development and conduct of seminars to train and qualify International Umpires and candidates to become International Umpires; and
  - (ii) the formulation of the examinations and establishment of the criteria for the performance assessment which applicants must pass to qualify as International Umpires;
- (e) assist Member National Authorities in training and in developing national umpires programmes;
- (f) recommend policies regarding the conduct of International Umpires;

- (g) administer programmes to promote uniform application and consistent interpretation of the Racing Rules and other World Sailing documents by International Umpires;
- (h) propose rule changes and submit interpretations of the Racing Rules and calls for match racing, team racing and umpired fleet racing to the Racing Rules Committee;
- (i) develop and administer a procedure for the grouping and classification of International Umpires according to their abilities and to place them in groups based on agreed criteria;
- (j) update International Umpires Sub-committee documents, such as the Umpiring and Match Racing Manual, the Umpiring and Team Racing Manual, Umpiring and Fleet Racing Manual, Performance Assessment forms and the International Umpire application form;
- (k) address questions from International Umpires;
- (l) deal with such matters as any World Sailing committee may request.

*International Umpires Programme Administration: See Part VI, Regulation 31*

### 6.10.10 Race Management Sub-committee

#### **Constituting the committee**

6.10.10.1 The Race Management Sub-committee, which shall administer the International Race Officers' programme has been established by the Council as a Sub-committee of the Race Officials Committee pursuant to Article 42.

6.10.10.2 The Race Management Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.

#### **Terms of reference**

6.10.10.3 The Race Management Sub-committee shall:

- (a) administer the International Race Officers' programme;
- (b) recommend to the Race Officials Committee the appointment of International Race Officers in accordance with these Regulations;
- (c) disseminate information to and communicate with International Race Officers and Member National Authorities;
- (d) be responsible for the instruction and evaluation of International Race Officers and candidates to become an International Race Officer, which shall include:
  - (i) the development and conduct of seminars to train and qualify International Race Officers and candidates to become International Race Officers; and
  - (ii) the formulation of the examinations which applicants must pass to qualify as International Race Officers and, if required, the establishment of the criteria for a performance assessment and its administration;
- (e) assist Member National Authorities in training and in developing national Race Officers programmes;
- (f) recommend policies regarding the conduct of International Race Officers;
- (g) administer programmes to promote uniform application and consistent interpretation of the Racing Rules and other World Sailing documents by International Race Officers;

## REGULATIONS

- (h) propose rule changes and submit interpretations of the Racing Rules to the Racing Rules Committee, the Race Officials Committee and other appropriate bodies;
- (i) recommend to the Racing Rules Committee standards for the Notice of Race Guide, and the Sailing Instructions Guide to achieve a high and uniform standard;
- (j) update International Race Officers Sub-committee documents, such as the Umpiring and Match Racing Manual, Performance Assessment forms and the International Race Officer application form;
- (k) develop and administer a procedure for the grouping and classification of International Race Officers according to their abilities and to place them in groups based on agreed criteria;
- (l) work towards standardization and improvement of sailing instructions;
- (m) consider and propose race management policies for the Olympic Sailing Competition and World Sailing Events;
- (n) address questions from International Race Officers;
- (o) deal with such matters as any World Sailing committee may request.

*Race Management Programme Administration: See Part VI, Regulation 31*

### **Racing Rules Committee**

#### 6.11 Racing Rules Committee

##### ***Constituting the Committee; Other Appointments***

- 6.11.1 The Racing Rules Committee has been established by the Council pursuant to Article 42.
- 6.11.2 The Racing Rules 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 42. Members should have thorough knowledge of the Racing Rules and extensive experience as competitors or as race officials.
- 6.11.3 The Chairman of the Racing Rules Committee shall appoint the members and chairmen of the Racing Rules Committee working parties as needed to fulfil the terms of reference of the Racing Rules Committee.6.11.4 The Chairman of the Racing Rules Committee shall, together with the Chairman of the Race Officials Committee, appoint the members of the Racing Rules Q&A Panel and the chairman of the panel.
- 6.11.5 The Chairman of the Racing Rules Committee shall appoint the Racing Rules Committee representatives to the Equipment Committee and the Equipment Rules Sub-Committee.
- 6.11.6 The Chairman of the Racing Rules Committee may, for the purposes of communication and cooperation, appoint himself/herself or another member of the Committee as an ex-officio, non-voting member of the Race Officials Committee.

##### ***Terms of Reference***

- 6.11.7 The Racing Rules Committee shall:
  - (a) formulate, revise and approve Racing Rules, cases and calls on behalf of Council, in accordance with Regulation 28.;
  - (b) consider and decide submissions that propose or suggest changes in the Racing Rules, cases and calls in accordance with Regulation 28;

- (c) consider recommendations from and decisions of other committees that might affect the Racing Rules;
- (d) include in the Racing Rules the following:
  - (i) the authority given to national authorities, organizing authorities, race committees, protest committees, umpires, technical committees, and other race officials in the conducting of races;
  - (ii) procedures to be used when conducting races;
  - (iii) the responsibilities of boats, competitors, support persons, and boat owners before, during and after racing;
  - (iv) rules that apply when boats meet;
  - (v) methods of dealing with breaches of rules (as defined in the RRS) and the imposition of penalties;
  - (vi) other disciplinary measures;
  - (vii) provisions for appealing decisions of protest committees; and
  - (viii) references to appropriate regulations, including the Eligibility, Advertising, Anti-Doping, Betting & Anti-Corruption, Disciplinary, Appeals and Review Codes.
- (e) approve all authoritative interpretations made by World Sailing of the Racing Rules (including cases and calls) and reviewing all other educational material published by World Sailing concerning the Racing Rules;
- (f) (working together with the Race Officials Committee) approve World Sailing Racing Rules Questions and Answers;
- (g) publish on the World Sailing website any World Sailing cases, calls and rapid response calls;
- (h) communicate and cooperate with other committees on matters related to the Racing Rules;
- (i) work for continued improvement of rule observance;
- (j) work for standardization and improvement of notices of race and sailing instructions;
- (k) consider and debate other subjects related to the Racing Rules; and
- (l) formulate and approve the Introductory Rules for Racing.

*Racing Rules Administration - See Part VI, Regulation 28.*

### **7. COMMITTEE RULES OF PROCEDURE**

#### **7.1 Meetings**

- 7.1.1 All World Sailing committees and sub-committees shall meet at least once a year. Commissions and working parties shall meet as required and in accordance with their terms of reference. Additional meetings may take place by electronic means if appropriate. In this Regulation, where the context so permits, references to committees shall include sub-committees, commissions and working parties.
- 7.1.2 Committees shall meet to discuss matters within their terms of reference and shall delegate to such sub-committees or working parties as may be determined in accordance with the Regulations all matters within the terms of reference of those sub-committees.
- 7.1.3 Committee chairmen shall report twice yearly to Council, if not in attendance at a meeting of Council then in writing.

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### 7.2 Agenda

7.2.1 The agenda for Committee meetings shall, so far as is possible, comprise the following items:

- (a) apologies.
- (b) minutes of the previous meeting and matters arising;
- (c) submissions that are allocated to it as 'reporting committee' or 'other committee';
- (d) work in progress;
- (e) other issues within the Committee's terms of reference; and
- (f) any other business.

7.2.2 The agenda for Committee meetings shall be closed at such time as shall be determined by the Chief Executive Officer, which shall normally be four weeks before the meeting. The Committee Chairman and Chief Executive Officer shall prepare the Agenda with the Chief Executive Officer having final authorisation for publication. Committee Members may propose items for the agenda to the Chairman, but his decision as to what items shall be included shall be final.

7.2.3 Supporting and other position papers relevant to any agenda item or submission should be circulated a minimum of two weeks in advance of the start of the meeting.

### 7.3 Minutes

7.3.1 Minutes of each meeting shall be prepared by the Chief Executive Officer, whose draft shall be approved by the Chairman of the meeting. After such approval the draft will be circulated to all Committee Members present at the meeting within three weeks of the meeting except in exceptional circumstances. Committee Members may propose amendments to any entry in the minutes which they do not consider constitutes a fair and true representation of what took place at the meeting. The Chairman of the meeting shall consider their proposals but his decision as to the contents of the minutes to be published shall be final at that stage and shall be circulated.

7.3.2 Committee Members still wishing to propose amendments shall send them to the Chief Executive Officer within two weeks from the date they were circulated. The proposed amendments shall be put on the agenda of the next Committee meeting for consideration.

7.3.3 Any notes of the occurrences at meetings made by or on behalf of the Chief Executive Officer whether electronic or otherwise shall be retained by him until the end of the next meeting of the Committee and the Chief Executive Officer shall disclose them to any Committee Member who wishes to propose amendments in accordance with Regulation 7.3.2.

### 7.4 Committee Decisions

7.4.1 Except where a Committee is empowered by its terms of reference to make decisions on its own authority, the function of a Committee is to advise Council as to the action Council should take.

### 7.5 Rules of Debate

7.5.1 In debate members of the Committee may speak in turn. They shall address their remarks to the chair. Other members shall not interrupt. No member shall speak until called upon by the chair. Members will not normally be expected to make more than one speech in each debate. There will be no fixed time limit but speeches are to be kept short.

7.5.2 The Chairman shall state the final motion to be put to the vote.



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- 7.5.3 The matter will then be voted on. A vote by members of the Committee shall be made and in the case of a tie in votes, the Chairman of the meeting shall have a second or casting vote.
- 7.5.4 At the request of a Committee Member the minutes shall detail the names of the Committee Members who voted for or against, or abstained from, the motion except when Regulation 7.5.5 has been invoked.
- 7.5.5 At the request of a Committee Member, and if duly seconded and passed, a vote may be taken by secret ballot.
- 7.6 Attendance at Committee Meetings
- 7.6.1 In the event that the Chairman cannot attend a meeting, the Vice-Chairman shall automatically take the chair. If the Vice-Chairman is not available, it shall be the responsibility of the President to appoint an alternate.
- 7.6.2 Committee Members shall notify the Chief Executive Officer if they are unable to attend a Committee Meeting. If a Committee Member does not attend two consecutive Committee Meetings without proper reason, then his/her Committee membership will be reviewed in accordance with Regulation 5.4.4.
- 7.6.3 In the case of a member of a committee or a sub-committee being unable to attend a meeting, the appointment of alternates may only be made with the approval of the Board or the President. In the case of a vacancy in a committee or sub-committee caused by resignation, lengthy inability to attend however caused, or incapacity, the Chairman of such committee or sub-committee shall advise the Chief Executive Officer of the vacancy which may be filled in accordance with the provisions of Regulation 5.3.
- 7.6.4 The quorum for meetings of a Committee is one third of the number of members of that Committee, except the Board for which the quorum is one half of its members entitled to vote and if a meeting takes place by electronic means (see Regulation 7.1.1) any decision shall be determined by the votes of the majority of members who respond within the timescale prescribed by the Chairman of that Committee which shall be not less than seven days.
- 7.7 Financial or other interests
- 7.7.1 In a debate on any matter in which a member of the Committee has a personal vested interest, whether financial or otherwise, the member shall advise the Chairman of that fact, and of the exact nature of the interest, if practicable in advance of the Committee meeting, or otherwise at the earliest reasonable opportunity in the course of the debate. Notification of the reasons of the said interest shall be reported to the Committee unless there are compelling grounds why such reasons should remain confidential. According to the exact nature of the interest, the Chairman or the Committee may require the member concerned to leave the meeting for the whole or part of the debate. The Chairman may require the member to abstain from voting. The declaration and any decision by the Chairman shall be minuted.
- 7.7.2 Regulation 3.5.1 applies to all committee members.

## 8. COMMISSIONS - GENERALLY

- 8.1 Commissions are specialized bodies created to advise on specific areas of professional or technical expertise. Although a commission may be created for a temporary period this would not normally be for an anticipated period of less than eighteen months.
- 8.2 Subject to Regulations 8.9, 8.14 and 8.15, the appointment and removal of members of commissions is the responsibility of the Board (including the appointment of a chairman and vice-chairman).

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- 8.3 The Board may recommend to Council for its approval the creation of a commission for a temporary or permanent period and a duration to be specified.
- 8.4 The purposes of the Commission shall be expressed by terms of reference. On acceptance by Council of the Board's recommendation for the establishment of the commission and its terms of reference, the Commission is created either for a specified or indefinite period.
- 8.5 A commission shall report as set out in its terms of reference. Where a commission reports to the Board, the report shall be confidential until such time as the Board determines otherwise.
- 8.5.1 Regulation 7.7 applies to all commission members.
- 8.5.2 The quorum for meetings of a commission is one third of the number of members of that commission and, if a meeting takes place by electronic means, any decision shall be determined by the votes of the majority of members who respond within the timescale prescribed by the chairman (which shall be not less than seven days).

### **Medical Commission**

- 8.6 Medical Commission

#### ***Constituting the Commission***

- 8.6.1 The Medical Commission has been established to provide medical advice on sailing matters.

#### ***Terms of Reference***

- 8.6.2 The Medical Commission shall:
- (a) inform and advise the Board in respect of the implications and implementation of World Anti-Doping Code, and all its provisions;
  - (b) ensure that such annual changes as are made to the World Anti-Doping Code List of Prohibited Substances and Methods are published and made known to Member National Authorities, so that these may be disseminated to competitive sailors worldwide;
  - (c) advise and assist the Board in the practical enforcement of the World Anti-Doping Code;
  - (d) in accordance with the procedures in the World Anti-Doping Code International Standard for Therapeutic Use Exemptions, be the Therapeutic Use Exemption Committee (TUEC) appointed to:
    - (i) consider and process, via the Executive Office, requests from competitors for dispensation for TUE and issue such Certifications of Approval;
    - (ii) report to WADA, through the ADAMs system, the granting of all TUES;
  - (e) consider and advise the Board on medical matters affecting all branches of sailing served by World Sailing;
  - (f) if requested by the Board, make investigations into aspects of sailing which have or may have an effect upon the physical or mental health of sailors.

### **International Regulations Commission**

- 8.7 International Regulations Commission

#### ***Constituting the Commission***

- 8.7.1 The International Regulations Commission has been established to provide advice on matters related to the regulation of recreational boats or craft by government actions or otherwise.

### ***Terms of Reference***

- 8.7.2 The Commission shall report to the Board and the Oceanic and Offshore Committee.

- 8.7.3 The Commission shall:

- (a) monitor any legislation or actions by international or national institutions and national Governments or other similar bodies which affect the navigation, manning, construction, equipment, safety and use of recreational craft or the environment and take (in conjunction with National Authorities and other bodies representative of the users of all types of recreational craft) appropriate action in regard thereto;
- (b) represent the interest of World Sailing, its Member National Authorities and all users with IMO and other international or national Institutions which concern navigation, manning, construction, equipment, safety and use of recreational craft in conjunction with, if appropriate, National Authorities and other bodies representative of the users of all types of recreational craft;
- (c) liaise with relevant World Sailing committees in all matters affected by its work; and
- (d) request Member National Authorities to report annually:
  - (i) whether the conditions for the free exercise of sailing have been changed;
  - (ii) the actions that should be taken to improve the situation.

### **Sustainability Commission**

- 8.8 Sustainability Commission

#### ***Constituting the Commission***

- 8.8.1 The Sustainability Commission has been established to advise World Sailing on the development of its sustainability vision, strategy and practical implementation within the sport and support World Sailing's new position of leadership in the sustainable sport movement.

- 8.8.2 There shall be eight members of the Commission, at least six of whom shall be comprised as follows:

- (a) one person from the international academic community with expertise in oceanography;
- (b) one person from the international academic community with expertise in materials and marine engineering sustainability;
- (c) one person with expertise in event sustainability;
- (d) one person with leadership in the area of sustainability within sailing;
- (e) one person with experience of the organisation of high impact international sailing events; and
- (f) one current Olympic or professional competitor with experience of international events.

#### ***Terms of Reference***

- 8.8.3 The Sustainability Commission shall be responsible to the Board.

- 8.8.4 The Sustainability Commission shall:

## REGULATIONS

- (a) develop a long-term sustainability vision for World Sailing (“Vision 2030”);
- (b) develop a set of stretching but achievable sustainability goals and measures for the sport in order to realise the vision;
- (c) propose research projects that are undertaken in conjunction with World Sailing’s partners and academic institutions to validate and set appropriate sustainability targets for the sport
- (d) propose research projects that are undertaken in conjunction with World Sailing’s partners and academic institutions to identify specific solutions to meet World Sailing’s sustainability goals;
- (e) support the Executive Office as requested through the Chief Executive Officer with delivery of the World Sailing sustainability strategy;
- (f) contribute to the planning and delivery of the annual Sustainability Forum at the World Sailing conference;
- (g) contribute and review the World Sailing annual sustainability report; and
- (h) act as World Sailing ambassadors across the sport in all matters related to sustainability, actively promoting the vision and work of the sport.

### **Athletes’ Commission**

#### 8.9 The Athletes’ Commission

##### ***Constituting the Commission***

8.9.1 The Athletes’ Commission is a non-political consultative body that offers advice and assistance to World Sailing on matters and issues of relevance to Olympic and Paralympic sailors, and acts as a link between active Olympic and Paralympic sailors and World Sailing.

8.9.2 Members of the Athletes’ Commission shall be decided as follows:

- (a) the Athletes’ Commission shall comprise nine members; the term of membership shall be eight years;
- (b) there shall be a maximum of one member from any Olympic or Paralympic sailing event;
- (c) five members shall retire, and five new members shall join, following elections to be held at each Olympic and Paralympic Sailing Competition;
- (d) only Olympians from the current or immediately previous Olympic Sailing Competition shall be eligible to become members representing Olympic sailors;
- (e) three new members shall be elected by the sailors participating at each Olympic Sailing Competition. One member shall be elected in accordance with Regulation 8.9.2(j) and one further sailor shall then be appointed by the President to assist a good balance between regions, genders and Events;
- (f) in the event of a resignation, a replacement member shall be elected by the sailors from the previous Olympic or Paralympic Sailing Competition. However, if the resignation occurs in the 12 month period prior to the next Olympic or Paralympic Sailing Competition, a replacement member shall be elected by the sailors participating at that event instead;
- (g) candidates for membership shall pledge to represent all Olympic and Paralympic sailors;
- (h) members shall elect a Chairman and Vice-Chairman from among their members to serve in that role for four years at their first meeting following the Olympics and Paralympics;

- (i) The President may, at the request of the Chairman of the Commission, appoint as additional honorary members former Olympians or Paralympians whose expertise or experience will be of value to the Commission in the execution of its responsibilities.
- (j) One member shall be elected by and from the sailors who participated in the 2017 Para World Sailing Championships. That member will serve until the next scheduled elections to the Commission on the occasion of the 2020 Olympic Sailing Competition (Regulation 8.9.2(a) does not apply). At that time, one member will then join the Commission following an election at the Paralympic Sailing Competition. Only Paralympians from the current or immediately previous Paralympic Sailing Competition shall be eligible to become members representing Paralympic sailors.
- (k) Until sailing is re-included in the Paralympic Games, any references in this Regulation to the "Paralympic Sailing Competition" shall mean the Para World Sailing Championships in the same year of the election and references to "Paralympians" shall mean sailors who had competed in at least two Para World Sailing Championships.

### ***Terms of Reference***

8.9.3 The Athletes' Commission shall be responsible to the Board.

8.9.4 The Athletes' Commission shall:

- (a) present the Olympic and Paralympic athletes' points of view to the Board through recommendations and proposals;
- (b) promote respect of the rights of athletes within the sport and draw up recommendations to that effect;
- (c) promote high standards of sportsmanship and ethical performance when competing and participating;
- (d) reflect the views of the Olympic and Paralympic athletes competing and participating at the highest level and establish relationships to promote feedback to the Board, and other committees and working groups, on matters concerning Olympic athletes; and
- (e) liaise with the Board on World Sailing Events to help World Sailing respond to the needs of the Olympic athletes.

8.9.5 The Commission may appoint a full voting member to the Coaches Commission, Development & Regions Committee, Events Committee, Equipment Committee, Olympic Classes Sub-committee, Para World Sailing Committee, Race Officials Committee and Racing Rules Committee. The appointed member must be a member of the Athletes' Commission and may be changed by the Commission from time to time. If the appointed member is the Chairman of the Commission, then he or she shall not have a vote.

### **Sailor Categorization Commission**

8.10 Sailor Categorization Commission

#### ***Constituting the Commission***

8.10.1 The Sailor Categorization Commission has been established to provide technical advice on Regulation 22, the World Sailing Sailor Categorization Code.

#### ***Terms of Reference***

8.10.2 The Sailor Categorization Commission shall:

## REGULATIONS

- (a) inform and advise the Board in respect of the implications and implementation of the World Sailing Sailor Categorization Code, and all its provisions;
- (b) shall present proposed changes to the World Sailing Sailor Categorization Code to the Board for approval;
- (c) shall ensure approved changes to the World Sailing Sailor Categorization Code are published and made known to Member National Authorities, so that these may be disseminated to competitive sailors worldwide;
- (d) liaise with events and classes that use the World Sailing Sailor Categorization Code;
- (e) consider and process and manage, via the World Sailing website, applications and appeals from competitors for Categorization and to assign such certifications of Categorization group;
- (f) liaise with the Oceanic and Offshore Committee and other World Sailing committees to ensure the correct application of the Categorization Code;
- (g) maintain a list of sailors and their assigned Categorization group on the World Sailing website;
- (h) be convened annually, when necessary, in order to consider any issues or proposed changes to the World Sailing Categorization Code; and
- (i) publish and maintain up to date on the World Sailing website a set of Frequently Asked Questions (FAQs) to assist sailors in understanding the Code and its interpretations. It may be changed at any time.

### **Coaches Commission**

#### 8.11 Coaches Commission

##### ***Constituting the Commission***

8.11.1 The Coaches Commission has been established by the Board to advise on coaching in the sport in accordance with Regulation 8.11.2.

##### ***Terms of Reference***

8.11.2 The Coaches Commission shall:

- (a) maintain a close liaison with coaches in the sport;
- (b) debate coaching issues and make recommendations thereon to the Board;
- (c) Inform and advise the Board in respect of the implications and implementation of an World Sailing Coaches' Code of Conduct, and all its provisions;
- (d) shall present and consider proposed changes to the World Sailing Coaches' Code of Conduct to the Board for approval;
- (e) inform and advise the Board in respect of the implications and implementation of educational material for coaches; and
- (f) debate other matters that may be relevant to the coaches' interest;
- (g) develop educational materials for coaches.

### **Judicial Board**

#### 8.13 Judicial Board

**Note:** *The Judicial Board is authorized by, and its functions and procedures are provided for in Articles 77 - 81. It does not therefore operate under a delegation of power from the Council. This is appropriate because it exercises quasi-judicial functions.*

**Ethics Commission**

8.14 Ethics Commission

***Constituting the Commission***

- 8.14.1 The Ethics Commission has been established by Council for the purpose set out in Regulation 8.14.8.
- 8.14.2 Regulation 8.2 does not apply to the appointment or removal of members of the Commission. Council shall appoint the members of the Commission on the nomination of the Board. There shall be at least seven members of the Commission, including at least two members of the Constitution Committee. Council shall appoint the Chairman and Vice-Chairman of the Commission on the nomination of the Board.
- 8.14.3 Notwithstanding Regulation 8.2, a member of the Commission may be removed by Council.
- 8.14.4 A member of the Commission shall not hear any case before the Judicial Board concerning an investigation carried out by the Ethics Commission.
- 8.14.5 Not used.

***Terms of reference***

- 8.14.6 The Commission shall report to the Board, except where any issue or report concerns a member of the Board, in which case the Commission shall report to Council.
- 8.14.7 The Commission may adopt its own rules of procedure to govern its meetings and operations.
- 8.14.8 The Commission shall:
- (a) promote ethical behaviour within World Sailing and the sport of sailing generally;
  - (b) keep the World Sailing Code of Ethics under review and propose any amendments it may consider necessary;
  - (c) carry out investigations and adjudicate on complaints submitted under the World Sailing Code of Ethics;
  - (d) advise World Sailing and its members on the proper application of the Code of Ethics (including by issuing guidance);
  - (e) provide confidential guidance on request concerning a questions of ethics; and
  - (f) appoint and remove Ethics Officers.

**9. WOMEN'S FORUM*****Constituting the Forum***

- 9.1 The Women's Forum has been established by the Council pursuant to its power of delegation.
- 9.2 The membership of the Women's Forum shall consist of a Chairman who shall be the women's representative on Council from time to time, a Vice-Chairman, and all women who are from time to time members of World Sailing committees, sub-committees and commissions.
- 9.3 Reserved for future use
- 9.4 Reserved for future use
- 9.5 Reserved for future use

### ***Objectives***

- 9.6 The objective of the Women's Forum is to encourage and increase participation by women in all aspects of sailing and sailing administration by facilitating open discussion, and the sharing of information, on issues relating to women in sailing, including issues arising from submissions, proposals and the agendas of World Sailing committees.



### PART III – Classes and Rating Systems

#### 10. WORLD SAILING CLASS ASSOCIATIONS

- 10.1 Classes which offer a high standard of international competitive sailing and satisfy the respective criteria set out below may be designated as a World Sailing Class Association.

##### ***Obtaining designation as a World Sailing Class Association***

- 10.2 To be designated as a World Sailing Class Association, a class shall be recommended for designation by the Equipment Committee, and for Offshore Racing Classes also by the Oceanic and Offshore Committee to the Council and must receive a majority vote of Council.
- 10.2.1 In order to be so designated a class must be able to meet the following criteria, detailed in an application to the Chief Executive Officer, for consideration by Council at the next scheduled meeting,
- (a) an active class/owners association;
  - (b) a constitution passed by a pre-existing class/owners association and approved by the Equipment Committee and the Constitution Committee containing at least:
    - (i) the name of the class,
    - (ii) provision for control by a class/owners association,
    - (iii) an elected board and executive committee,
    - (iv) an executive committee, including at least the executive officers, and
    - (v) a statement of the objectives of the class;
  - (c) a set of class rules in the World Sailing Standard Class Rules format, and adopting the Equipment Rules of Sailing, approved by the Equipment Committee. The Equipment Committee may approve an exemption to either requirement if in its opinion the class rules are satisfactory and well established;
  - (d) demonstrated, either by confirmation from the requisite number of Member National Authorities set out below or a list of registered boat owners, that it is 'actively racing' with at least the following global distribution:

Category according to Hull Length	Designation as an World Sailing Class		Entitled to World Championship
	Boats per MNA	No. of MNAs	No. of Continents
Boats up to 6.0m	15	5	2
Boats >6.0m to 9.0m	7	4	2
Boats >9.0m to 12.0m	6	3	2
Boats >12.0m to 15.0m	4	3	2
Boats >15.0m	2	3	2

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- (e) the requirements of Regulation 10.2.1(d) may be waived by Council, upon recommendation of the Equipment Committee, when considering a class which serves a unique aspect of sailing.

For the purposes of these Regulations “continent” means any one of Europe, North America, South America, Asia, Africa and Oceania.

- (f) paid an application fee as established by Council from time to time;
- (g) its constitution and class rules available on the World Sailing website or with a link from the World Sailing website.

10.3 There shall be an executed agreement between World Sailing Limited, the class/owners association and where relevant the trade mark, trade Name and the copyright owner. This agreement shall include at a minimum the following matters:

- (a) define, if any, the ownership of the copyright, trade name and trade mark and establish the rights granted and the responsibilities, obligations and restrictions that apply to the use of such rights generally and among the parties to the agreement;
- (b) where a licensed builder system is to be adopted, establish the procedure for granting licences and the control of the licensed builders;
- (c) agree on the amount of the World Sailing fee for each boat which is based on 0.4% on the first £20,000 then 0.2% on the next £70,000 and 0.1% on the amount above £90,000 of the average retail price of a complete new boat without sails as a guideline for negotiation;
- (d) define the method of issuing and using World Sailing plaques, if any, sail numbers, measurement forms, measurement certificates, changes to class rules and any other documentation affecting the ownership and the use of the boat; and
- (e) provide that the Class organization and members of the class shall act in accordance with the World Sailing Constitution, Rules and Regulations.

### ***World Championships for World Sailing Classes***

10.4 To maintain the right to hold a World Championship, a class that holds a world championship shall:

- (a) register the dates for next year’s major championships (world and continental) by 1 August each year with World Sailing. No alteration in the championship dates are to be allowed after the annual World Sailing meeting without the approval of World Sailing, the host Member National Authority and the class/owners association;
- (b) obtain the approval of the Member National Authority governing the proposed venue of its ensuing world championships;
- (c) appoint an international jury for the world championships unless otherwise agreed with World Sailing;
- (d) appoint an International Measurer to the technical committee for the world championships unless otherwise agreed with World Sailing;
- (e) meet or exceed the following participation levels for two of the last three World Championships (except that for multihull boats up to 6.0m, the required number of entries is 25):

## REGULATIONS

Category according to Hull Length or weight	Number of Entries			Number of Countries	Number of Continents
	<i>Gender open and men's only world championships</i>	<i>Women's, boy's and mixed World Championships</i>	<i>Girls and mixed Youth World Championships</i>		
Boats up to 6.0m	30	20	15	5	2
Boats >6.0m to 9.0m	25	17	13	4	2
Boats >9.0m to 12.0m and <2000 kg	20	13	10	3	2
Boats >12.0m and >2000 kg	12	8	6	3	2
Boats >12.0m and <7500kg	10	5	4	3	2
Boats >7500 to 16000kg	8	5	4	3	2
Boats <16000kg	6	4	3	3	2

If a Class has failed to meet this requirement for two of their last three World Championships, it may only call its next such event a World Championships and award World Champion titles if the participation levels at that event meet this requirement.

Before World Sailing rescinds any right to host a world championship, the Class shall be given notice in writing and shall be offered the right to appeal any decision to Council.

- (f) send a report on the class world championship(s) to the Executive Office as soon as possible after the championship but no later than the 1 February annual report, including information required by World Sailing. Failure of a class to submit this report may result in World Sailing review the Class's right to hold a world championship, notwithstanding other Regulations below. The information required by World Sailing shall include:
- (i) a full set of results for each awarded title, stating the nationality of each entry; and

- (ii) an evaluation on the event organization, the overall quality of the event, the venue and standards of racing.

### **Regulations on Administering World Sailing Classes**

- 10.5 To maintain its World Sailing designation, a World Sailing Class shall:
- (a) properly administer its affairs and maintain its objectives in accordance with its constitution, Class Rules, its agreement with World Sailing and these Regulations;
  - (b) submit changes to the Class constitution and measurement forms for review and comment by World Sailing;
  - (c) request World Sailing approval for changes to the, Class Rules, one-design specifications and Registration Schemes (if applicable) unless otherwise stated in the class agreement and ensure that these changes are published and distributed to the members of the class before the amendments come into effect;
  - (d) use the approved World Sailing Class Association logo in all Class Rules (it may also use the World Sailing Class Association logo in other class publications, advertising or promotions);
  - (e) not permit the organizers to amend, suspend or override the Class Rules in the notice of race or sailing instructions for Class events without the prior approval of World Sailing, a Class event being an event initiated and controlled by the Class/Owners Association without any alteration to the Class Rules;
  - (f) ensure that its equipment control procedures properly maintain the objectives of the class rules and shall:
    - (i) appoint a technical and/or equipment control committee;
    - (ii) appoint a technical representative who is a member of the class technical/equipment control committee and authorized to discuss class technical matters with World Sailing;
    - (iii) have at least one World Sailing recognized class International Measurer (see Regulation 31.1(d)). This Regulation 10.5(f)(iii) applies:
      - (i) For new World Sailing Classes, 24 months after designation as a World Sailing Class Association;
      - (ii) For existing World Sailing Classes, not before 31 December 2022. Regulation 10.5(f)(iii)(b) ceases on 1 January 2023;
    - (iv) keep all International Measurers approved for the class informed with respect to class rule changes and interpretations;
    - (v) organise regular class equipment inspection seminars to train class equipment inspectors with the class International Measurers as instructors; and
    - (vi) require class International Measurers to measure prototypes of moulded production boats before approval of new moulds.
  - (g) use its best efforts to ensure that the national association is affiliated to the relevant National Authority. Class/owners associations must:
    - (i) require that the boat owner(s) and/or the sailor(s), as prescribed by the relevant Class Rules, shall be members of their relevant national class association, if any, before racing, and
    - (ii) annually charge, or cause their relevant national class associations to charge, as appropriate, the boat owner(s) and/or the sailor(s) only in

accordance with the relevant Class Rules or regulation(s) of that World Sailing Class.

- (h) when a licensed builder system is adopted, gain the approval of World Sailing and the relevant Member National Authority before appointing licensed builders.
- (i) require that all new boats shall have paid a class fee to World Sailing in accordance with the requirements agreed with World Sailing, such payment to be evidenced by affixing a World Sailing plaque to the boats or such other methods of evidencing the payment as shall be agreed by World Sailing;
- (j) require that the organizing authority agrees to reject or cancel any entry if such evidence is not provided;
- (k) send an annual report including information required by World Sailing, by 1 February each year. Failure to file a complete annual report shall automatically result in a review of the World Sailing recognition of that class. The information required by World Sailing shall include:
  - (i) Class representatives, including the technical representative and the members of the technical and/or equipment committee;
  - (ii) list of licensed builders (if applicable) and number of boats built;
  - (iii) awarded World, and Continental, Champion titles and
  - (iv) a declaration that the class representative is not aware of any incident reportable under Regulation 38 – Safety Reporting, that has not already been reported to World Sailing through the website incident reporting portal.
- (m) if an Olympic Class, comply with the following requirements for world or continental championships:
  - (i) publish the qualifying rules for the championship not less than one year before the start of the championship (or as stated in the notice of race, event manual or championships rules);
  - (ii) agree with the respective MNA on the list of national sailors before completion of the entry process (the international class association shall liaise with the national class association);
  - (iii) if the MNA and international class association cannot resolve any dispute through negotiations, either body may refer the matter to the Board which shall make a final decision binding on both bodies;
  - (iv) the above procedure applies only to a championship in which entries are restricted and which is not age restricted and has the same gender restrictions as the corresponding Olympic Games event (e.g. not youth, masters or open gender events); and
  - (v) the above procedure is subject to any national laws or regulations.

### ***Class Rule Changes***

- 10.11 World Sailing Class Associations shall change their Class Rules in accordance with the following procedures (unless otherwise approved by World Sailing and provided for in the agreement defined in Regulation 10.3):
  - 10.11.1 Before applying to World Sailing for approval, the class/owners association is encouraged to consult with the Chief Executive Officer who shall respond in a timely manner and shall have approved the changes in accordance with its constitution and its class rules.
  - 10.11.2 Then the class/owners association shall apply for approval of the changes in writing to the Chief Executive Officer and the application shall include:

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- (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; and
  - (d) the date when the changes are to take effect.
- 10.11.3 When the application is received by the Chief Executive Officer, in the case of changes not relating to a modification of the Advertising Code, he shall consider it as soon as practicable.
- 10.11.4 The Chief Executive Officer may in consultation with the Equipment Rules Sub-Committee approve or reject the changes using processes determined by the Equipment Rules Sub-committee or return them to the class/owners association with comments for revision. However before rejecting them the Chief Executive Officer shall report back to the class/owners association, who shall be entitled to comment on such views within thirty days of such report. Any such comments shall be considered before a final decision is made.
- 10.11.5 If an application is rejected the class/owners association may request that the application is referred to the Equipment Rules Sub-committee for further review. If the Equipment Rules Sub-committee reject the application the class/owners association may require that the application is referred to Council for review. Council's decision shall be final
- 10.11.6 Once a change has been approved, World Sailing shall notify the class/owners association, all Member National Authorities, all International Measurers and all licensed builders. The class/owners association shall inform its members.
- 10.11.7 The Chief Executive Officer shall present a report of the changes approved each month to the Equipment Rules Sub-committee and a report to the Equipment Committee on the changes approved since the previous Equipment Committee meeting.
- 10.11.8 Class Rules shall not modify the Advertising Code. In the case of an application for prohibited or limiting advertising in accordance with Regulation 20.5.1 the procedure required above shall apply except that the Board shall take the place of the Chief Executive Officer and the Equipment Rules Sub-committee.
- 10.11.9 Changes to manufacturing/building specification shall be handled as per Class Rule changes except that for equipment with a confidential building specification the change shall be handled by the Chief Executive Officer after consultation with the Chairman of the Equipment Rules Sub-committee (or if he is conflicted, another committee member).

### ***Class Rule Interpretations***

- 10.12 World Sailing Class Association rule interpretations shall be made in accordance with the following procedures unless otherwise provided for in the agreement defined in Regulation 10.3. Any alternative procedure shall be approved by World Sailing. Such interpretative changes shall not be used to change an existing rule. The Class shall immediately advise World Sailing of any interpretations issued.
- 10.12.1 World Sailing may only make interpretations in accordance with the following procedures:
- (a) requests for an interpretation may be made to World Sailing from the following sources only: Member National Authorities, World Sailing class/owners association, copyright owners, trade name and trade mark owners, manufacturers of World Sailing Class Associations and International Measurers;

- (b) an interpretation shall only clarify an existing class rule and shall not change the class rules;
- (c) a request received by World Sailing from one of those sources shall be acknowledged and immediately sent to the class/owners association;
- (d) the validity of the interpretation or any alternative interpretation shall be decided by a panel formed by the Chairman or Vice-Chairman of the Equipment Rules Sub-committee, the technical representative of the class/owners association and a nominated member of the World Sailing technical staff;
- (e) interpretations of the Class Rules made by the Sub-committee shall be distributed by World Sailing as provided in Regulation 10.11.6; and
- (f) rule interpretations shall have the status of a class rule and, unless otherwise sanctioned in the Agreement, shall remain valid for a maximum period of 2 years or until superseded by a Class Rule change or modification carried out following the procedures of this Regulation.

### ***Review of World Sailing Class Association Status***

10.13 World Sailing Class Associations shall be subject to regular review by the Equipment Committee (at least once every three years).

10.13.1 In the review the Equipment Committee shall establish whether or not:

- (a) the World Sailing Class Association / Owners Association has fulfilled its agreement with World Sailing, properly administering its affairs and maintained the agreed objectives, and whether the original reasons for granting World Sailing Class Association Status still apply; and either
- (b) the class is actively racing pursuant to the relevant requirements of Regulation 10.2.1(d) (The recommended guidelines to 'actively racing' is considered to be at least the same number of registered boats as required for the new classes in that category seeking designated status); or
- (c) is continuing to provide a significant contribution to the development of the sport, e.g. technical innovation; and
- (d) that the class rules continue to support the objectives of the class and provide a reasonable framework for the technical control of the class.

10.13.2 If a Class fails to meet the above criteria, on the recommendation of the Equipment Committee, the Class shall be reviewed by Council, and its status as a World Sailing Class may be withdrawn.

10.13.3 If a Class is to have its status reviewed by Council, the class/owners association shall be notified and entitled to representation at the Council meeting.

### ***Existing Agreements***

10.14 In the case of agreements between World Sailing and World Sailing Class Associations and licensed builders and trade mark, trade name and copyright owners in existence prior to 30 November 1993, nothing shall be deemed to change the effect or validity of such agreements until the agreements are amended or replaced between the relevant parties, except that the review of Classes shall be carried out in accordance with the provision of Regulation 10.13 herein and the World Sailing status may be withdrawn.

### ***Television Rights***

10.15 Media Rights granted to World Sailing Classes are detailed in Regulation 25.11.

10.16 When an World Sailing Class has been in arrears on all or part of its subscription, fees, dues or other payments due to the Federation or any of its subsidiary companies or any of their predecessors for a period of 30 days, upon certification of the same by the

Chief Executive Officer, World Sailing may suspend or cancel the World Sailing Class's right and the right of its members:

- (a) to participate in World Sailing events; or
- (b) to hold a world championship.

### **Fees**

10.17 Pursuant to Article 10, the Board shall set the annual class fees which World Sailing Class Associations shall pay. Such fees shall accrue from the date that the Class's application for World Sailing Class Association status is received at the Executive Office, but such accrued fees shall not be payable until the earlier of the date when the World Sailing status is granted or until the next annual class fees are payable.

10.17.1 Pursuant to Article 13, and as an alternative to the penalties for World Sailing Class Associations in arrears of payments due provided for in Article 13, the Board may suspend any or all of the rights of such Class to hold world championships or be selected for an World Sailing event.

## **11. WORLD SAILING CLASSIC CLASSES**

11.1 World Sailing Classic Class status is available to existing World Sailing classes of historical importance that have shown exceptional significance in sailing through competition or equipment development, and still maintain active international racing.

11.2 The Equipment Committee may recommend a Class that does not meet the requirements in 10.2.1(d) for Classic Class status based upon the contribution of the class as described in Regulation 11.1.

11.3 World Sailing Classic Classes are subject to all other rights and requirements of World Sailing Classes.

## **12. WORLD SAILING INTERNATIONAL OR RECOGNIZED RATING SYSTEMS**

### ***Obtaining Designation as an International or Recognized Rating System***

12.1 To be designated an international or recognized rating system, the applicant shall be recommended for designation by the Oceanic and Offshore Committee to Council and must receive a majority vote of Council.

12.2 In order to be so designated the rating system must have:

- (a) an active structure which represents the interests of the certificate holders;
- (b) the capability of operating and managing the rating system without financial assistance from World Sailing;
- (c) a constitution or similar document reviewed by the Oceanic and Offshore Committee and the Constitution Committee and approved by World Sailing. This document shall contain at least:
  - (i) the name of the rating system;
  - (ii) provision for control by the members;
  - (iii) an elected board and executive committee, including at least the executive officers; and
  - (iv) a statement of the objectives of the organization;
- (d) a set of rules detailing the operation of the rating system, reviewed by the Oceanic and Offshore Committee and agreed by World Sailing. Any changes to the rules of the rating system must be notified to World Sailing for inclusion in the relevant files and publication on the World Sailing website; and



- (e) met the requirements set out below by confirmation from the requisite number of Member National Authorities:
  - (i) in the case of international rating systems, the use of the rating system in events in which at least 25 yachts are actively racing with current valid certificates from each of six Member National Authorities on a minimum of three continents have participate;
  - (ii) in the case of recognized rating systems, the use of the rating system in events in which at least 25 yachts are actively racing with current valid certificates from each of six Member National Authorities have participated.

### 13. **ORC LIMITED (OFFSHORE RACING CONGRESS)**

- 13.1 World Sailing recognizes the ORC Ltd as the sole authority to manage and administer:
  - (a) the ORCi International Rating System
  - (b) the ORC Club International Rating System
  - (c) the IMS Rule and the IMS Regulations
  - (d) the IOR Rule
  - (e) additional measurement or rating rules or systems that the ORC may develop or administer now or in the future
  - (f) the ORC GP Rules and ORC GP Classes
  - (g) the ILC Rule and the ILC Classes
  - (h) ORC Classes established under ORC Rules or Systems
  - (i) championship rules for ORC Classes (being those listed under (f), (g) and (h) above);
  - (j) the ORCi International Rating System World Championship
  - (k) the biennial Offshore Team World Championship provided that each event is subject to approval by World Sailing. There shall be at least four teams representing four different nations or countries.
- 13.2 In addition to the classes authorized in 13.1 the ORC may organize classes utilizing its rules and submit them, pursuant to Regulations 10 & 25, through the Equipment Committee, to Council for approval as World Sailing/ORC Classes providing that:
  - (a) The Oceanic and Offshore Committee shall be consulted regarding such submissions and shall provide its recommendation to Council.
  - (b) Such classes, on Council approval, shall be known as World Sailing/ORC Classes and shall be subject to all obligations, rights, and privileges applying to other World Sailing Classes except that the ORC itself shall serve as the class/owners association.
  - (c) Not more than five World Sailing/ORC Classes shall exist at any time.
  - (d) the ORC are responsible for administration of their five nominated World Sailing/ORC classes.
  - (e) No boat shall be eligible to compete in the same year in more than one World Sailing/ORC Class.
  - (f) ORC shall pay World Sailing an annual fee, as established by the Board from time to time, for each World Sailing/ORC Class that holds a World Championship in that year (Regulation 10.3 shall not apply). This fee does not apply to a World Sailing World Sailing Offshore Team World Championship which utilizes World Sailing and/or World Sailing/ORC Class boats.

**PART IV – Administration**

**14. POLICY DECISIONS**

- 14.1 World Sailing shall publish and make accessible on its website, in a conspicuous place, as it does for the Constitution and Regulations, the policy decisions of Council referred to in Article 68(a).
- 14.2 This Regulation only applies to policy decisions made since November 2012.

**15. NOTICES AND SUBMISSIONS**

- 15.1 Submissions may be made by:
- Member National Authorities, World Sailing Class Associations, the Board, the Chairmen of Committees established by Council, the Chairman of the Athletes' Commission, International or Recognized Rating Systems, the Chairman of the Women's Forum and the President.
- 15.2 A notice, submission, proposal or nomination to World Sailing shall be addressed to the Chief Executive Officer at the address of the Executive Office and shall be delivered in writing by hand, post, fax or email, and be deemed to have been given or made on the date of receipt by the Executive Office
- 15.3 A submission from a Member National Authority shall be signed by the president, vice-president, chairman or secretary of that Member.
- 15.4 A submission from a World Sailing Class Association shall be signed by the president, chairman or secretary of the Class Association.
- 15.5. A submission or proposal shall first state its purpose or objective, set out the proposal, the current position, if any, identify any Article, Regulation or Rule considered to be affected and the reasons for the proposal.
- 15.5.1 In a proposal which is in the nature of a discussion paper which may lead to changes to, or which outlines changes that might be made to one or more Regulations then the proposal shall also list those Regulations which may be affected.
- 15.5.2 If a submission or proposal includes specific changes to any Article, Regulation or Rule, then:
- (a) if the change is to remove the whole Regulation, Article or Rule, it shall state the reference number of it; or
  - (b) if the change is to only part of the Regulation, Article or Rule, then the current Article, Regulation or Rule shall be set out in full; and
  - (c) in either case, the proposed changes shall include the exact wording to be inserted and/or deleted.
- 15.5.3 For the purposes of this Regulation 'Rule' shall mean any rule within the Racing Rules of Sailing or the Equipment Rules of Sailing.
- 15.6 Submissions or proposals must be received at the Executive Office in respect of:
- (a) the Annual World Sailing Meeting, by 1200 hours UTC on 1 August except class rule change submissions, which shall be received by 1200 hours UTC on 1 September.
  - (b) the Mid-Year meeting or other meetings, not less than eight weeks before the meeting at which it is considered. Only urgent submissions may be considered at a Mid-Year meeting. The Board shall determine whether a submission is urgent. (The provisions of this section do not apply to submissions or proposals brought forward under Regulation 15.8 and 23.1.2);

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- 15.6.1 Notwithstanding Regulation 15.6 above, submissions made by the Board arising out of their September meeting shall not be late submissions provided they are included in the November Conference mailing.
- 15.7 A late submission may only be considered upon the approval of the President or in his absence of one of the Vice-Presidents and then only when he considers that a matter of urgency is involved.
- 15.8 Any other late submission shall be placed on the agenda for the next available meeting of the General Assembly, Council, or Committee (as the case might be), if the person or body which made the submission so requests.
- 15.9 Council shall not resolve any matter or substance unless it is based upon a submission which has been received in accordance with these regulations or is otherwise on the agenda of a committee or sub-committee of the Council.
- 15.10 All submissions or proposals complying with Regulation 15 shall be placed on the agendas of the appropriate committees.
- 15.11 The procedure for deciding on submissions as received will be as follows:
- (a) during their meeting the 'reporting committee' shall allow representatives from those responsible for the submission to speak to it;
  - (b) those submissions which affect Regulations and Articles will be included on the agenda of the Constitution Committee who will be required to give their input on any such changes;
  - (c) before the Council meeting, the World Sailing staff will prepare a 'recommendations paper' detailing the recommendations on each submission from the reporting committee and the opinions from the 'other committees'. The Chairman of each committee will be asked to authenticate that the 'recommendation paper' shows an accurate record of the committee's discussion on submissions allocated to their committee;
  - (d) in making recommendations on submissions, committees may not recommend a substantial change;
  - (e) the chairman of the reporting committee for a submission will be invited to give their verbal recommendation to Council on the submission;
  - (f) the opinions of 'other committees' will be received in writing as part of the 'recommendations paper'.
- 15.12 The procedure for deciding on submissions as received and summarized as in Regulation 15.13 will be as follows:
- (a) recommendations that are either pending from previous committee meetings or new items deemed urgent and requiring an immediate Council decision may be presented to Council;
  - (b) Council may decide to make a decision on such recommendations or defer the matter to the next Council meeting;
  - (c) any recommendations from the Constitution Committee which bring about a change to the Regulations may be deferred to the following Mid-Year or Annual meeting by Council.
- 15.13 Submissions to change or add a Regulation which are approved by Council without changes to the text as recommended to the Council by the Constitution Committee shall be effective on the date of approval unless a later date is stated in Council's decision.

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- 15.13.1 In the event that Council's decision changes the text as recommended to the Council by the Constitution Committee, the Regulation shall not be effective until such text shall have been approved by the Constitution Committee for its recommendation.
- 15.13.2 The effective date of the reviewed text shall be when the Chairman of the Constitution Committee certifies in writing that the changes to the text have been approved either:
- (a) by those members (being not less than five) of the Constitution Committee present at a Council meeting or after discussion by e-mail or other electronic means present at a Council Meeting.
  - (b) by the Constitution Committee after discussion by e-mail or other electronic means which shall if possible be within 28 days of the relevant meeting.
- 15.14 The Chief Executive Officer shall keep a register of addresses of all members of the World Sailing, the members of the Council and members of the Committees. Notices from the World Sailing shall be deemed to be properly delivered if dispatched by post, fax or email to the appropriate registered address. Notices to be given by the Chief Executive Officer shall be dispatched not less than twenty one days before the meeting to which they relate, provided that under exceptional circumstances failure to dispatch a notice in proper time shall not invalidate such notice or preclude the subject matter of such notice being placed on an agenda and resolved, if the General Assembly, Council or Committee (as the case might be) so decides.
- 15.15 All notices and circulars sent to Members shall be sent to the members of Council for information.
- 16. INTERPRETATION OF CONSTITUTION BY CONSTITUTION COMMITTEE**
- 16.1 The interpretation of the World Sailing Constitution, including any ancillary documents, and Regulations shall be the sole responsibility of the Constitution Committee.
- 16.2 Any Member National Authority, Class, Director or Committee Chairman or Vice-Chairman may submit a request in writing for an interpretation of the Constitution or Regulations. Such requests shall be sent to the Chief Executive Officer who shall send them to the Chairman and the Vice-Chairman of the Constitution Committee promptly. Such requests shall be considered by the Constitution Committee and a written opinion on the interpretation of the Constitution and/or the Regulations in the context of the circumstances of the request shall be provided to the requestor.
- 16.3 Any other member of a Member National Authority, Class, Committee or Subcommittee may submit such a request through a Member National Authority, Class, Officer or Committee Chairman or Vice-Chairman as seems appropriate. Any such body or person through which a request is submitted is bound to forward it to the Chief Executive Officer promptly but may state that the body or the person does not have an interest in the outcome of the request. Otherwise it may provide its own opinion on the request.
- 16.4 Before considering any such request, the Constitution Committee shall:
- (a) provide a copy of the request to any committee(s) whose terms of reference are substantively and directly relevant to the request;
  - (b) permit the committee(s) reasonable time to comment, having regard to when the Constitution Committee would expect or be expected to issue that interpretation
- 16.5 Notwithstanding Regulation 16.2 above, where there is an urgency in obtaining an opinion the Chairman of the Constitution Committee may issue a provisional interpretation either orally or in writing, but if orally it shall be confirmed in writing as soon as possible. Such provisional interpretation shall be submitted to the Constitution Committee as soon as it reasonably can be. Such provisional interpretation shall be

confirmed unless sixty per cent or more of the Constitution Committee vote against confirmation.

- 16.6 The existence of an urgency shall be in the sole discretion of the Chairman of the Constitution Committee. The Chairman may delegate the giving of an opinion to the Vice-Chairman or other legally trained member of the Constitution Committee. Such written opinions, when duly confirmed, shall be posted on the World Sailing Website and may be distributed in any other manner.

### **17. APPLICATION OF ENGLISH LAW**

- 17.1 Any disputes relating to the validity or construction of the World Sailing Constitution or Regulations or any other rules or regulations made thereunder (together, the 'World Sailing Regulations'), and any disputes relating to the application of the World Sailing Regulations or the exercise of powers thereunder, shall be subject to the exclusive jurisdiction of the courts of England and Wales and their principles, and shall be governed by English law, excluding English choice of law principles.
- 17.2 For specific events, after consultation with the Chairman of the Constitution Committee, the Board may waive the whole or part of a regulation, provided that such waiver is reported to Council at the next meeting.
- 17.3 Except in exceptional circumstances and with the approval of the Board, all references in the Regulations to specific amounts of money shall be expressed in Pounds Sterling. In the event that it is inappropriate to use Pounds Sterling in a given instance, the next choice shall be Euros.

### **18. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

World Sailing Full Members, World Sailing Members, World Sailing Race Officials, World Sailing Representatives and competitors shall not resort to any court or tribunal until exhaustion of all administrative remedies.

**SECTION 2 - EVENTS AND COMPETITION RULES**

19. **ELIGIBILITY CODE (see Appendix 3)**
20. **ADVERTISING CODE (see Appendix 1)**
21. **ANTI-DOPING CODE (see Appendix 2)**
22. **WORLD SAILING SAILOR CATEGORIZATION CODE (see Appendix 4)**
23. **OLYMPIC SAILING COMPETITION**

***Events and Equipment***

## 23.1 Events and Equipment

- 23.1.1 World Sailing's vision for the Olympic Sailing Competition is that it is a pinnacle event, every 4 years, that showcases the skills and diversity of the best sailors from all parts of the world. Olympic Events, Equipment and formats are chosen to present the sport of sailing as a challenging but accessible and rewarding sport for participants from all countries, and as an engaging experience for spectators and remote audiences.
- 23.1.2 In choosing its Olympic Events and Equipment, World Sailing shall seek to ensure that each Event at the Olympic Sailing Competition is, and will be likely to remain, the pinnacle Event for that discipline or area of sailing. In addition, the Olympic Events and Equipment taken together shall meet the requirements and objectives of the IOC and to:
  - (a) demonstrate the diversity of skills required to race various types of boats, and minimise the overlap between Events;
  - (b) place an emphasis on athlete skill rather than equipment development, and limit the impact of equipment on performance;
  - (c) demand a high level of athletic ability as well as excellent sailing skills;
  - (d) be attractive and accessible to young athletes from all continents, and of different size and weight, with a clear pathway from World Sailing Youth to Olympic Events and Equipment;
  - (e) maximise the participation of the world's best sailors and showcase the diversity of the sport;
  - (f) provide an effective platform for promotion of the sport, and elite sailors, between Olympics;
  - (g) progress towards an equal number of Events for men and women to participate in;
  - (h) avoid unnecessary or excessive equipment costs, development costs, measurement costs, coaching costs, race organisation and race official costs, and television and other media costs;
  - (i) offer continuity of Events and evolution of Equipment to give MNAs and sailors a dependable pathway into Olympic competition with continuity of investment;
  - (j) provide suitable Events and Equipment for Regional Games and other regattas;
  - (k) minimise environmental impact.
- 23.1.3 The Olympic Events and Equipment are defined in Regulation 23.1.4. Any change to Regulation 23.1.4 shall be made according to the process below (subject to the provisions of Regulation 23.1.6) and the associated voting process and submission requirements are specified in Regulation 23.1.8:

- (a) The ten Olympic Events and Equipment in Regulation 23.1.4 are selected for the 2020 Olympic Sailing Competition. Equipment evolution shall be permitted and shall be decided in accordance with Regulation 23.1.3(d). World Sailing may propose additional Olympic Events(s) using the voting process for each Event as set out in Regulation 23.1.8(d) – (f) as applicable.
- (b) Council shall decide by 31 December of the year of the Olympic Games which of the Events selected for the next Olympic Sailing Competition (in four years' time) to review for possible change for the Olympic Sailing Competition in eight years' time. There shall be a minimum of four such Events. All Events and their associated Equipment which are not selected for review shall be included in the Olympics in eight years' time.
- (c) For each Event it is reviewing under Regulation 23.1.3(b), Council shall decide by 31 December of the following year either:
  - (i) to retain the Event and retain the current Equipment; or
  - (ii) to retain the Event and evolve the current Equipment; or
  - (iii) to retain the Event and select new Equipment; or
  - (iv) to select a new Event and select new Equipment.
- (d) For its decisions under 23.1.3(c), if Council decides:
  - (i) to evolve the current Equipment, it shall at the same time specify where evolution is required;
  - (ii) to select new Equipment, it shall at the same time decide the criteria for the selection of new Equipment;
  - (iii) to select a new Event, it shall at the same time select what that new Event shall be.
- (e) New Equipment shall only be selected following Equipment trials or other evaluation against the specified criteria, and shall be selected no later than 31 December of the year five years before the Olympic Games.
- (f) World Sailing may at any time require evolution of selected Equipment and shall liaise with the Class organisation and manufacturers before so deciding. Any such evolution shall be decided no later than 31 December of the year five years before the Olympic Sailing Competition.

### 23.1.4 Olympic Events and Equipment:

#### 2020 Olympic Events and Equipment

Men's Windsurfer - RS:X

Women's Windsurfer - RS:X

Men's One Person Dinghy - Laser

Women's One Person Dinghy - Laser Radial

Heavyweight Men's One Person Dinghy - Finn

Men's Skiff - 49er

Women's Skiff – 49erFX

Men's Two Person Dinghy - 470

Women's Two Person Dinghy - 470

Mixed Two Person Multihull – Nacra 17

#### 2024 Olympic Events and Equipment

Men's Windsurfer – iQFoil

Women's Windsurfer – iQFoil

Mixed Kite – IKA Formula Kite

Men's One Person Dinghy - Laser

Women's One Person Dinghy - Laser Radial

Mixed Two Person Keelboat Offshore -  
Mixed Two Person Dinghy - 470  
Men's Skiff - 49er  
Women's Skiff – 49erFX  
Mixed Two Person Multihull – Nacra 17

- 23.1.5 Olympic Equipment contracts shall be agreed between World Sailing and the appropriate Classes and / or manufacturers by 1 May in the year four years before the Olympic Sailing Competition. The contract shall require the Class to be a World Sailing Class at the first opportunity thereafter, and, in any event, prior to the Olympic Games, and to remain a World Sailing Class while it remains Olympic Equipment. In the event that World Sailing is unable to agree the contract for particular Equipment, Council shall decide alternative Equipment in November of the year four years before the Olympic Sailing Competition from a list of Equipment options provided by the Board.
- 23.1.6 Council may only change a decision already made with regard to selection of an Olympic Event or Equipment if:
- (a) Regulation 23.1.9 applies; or
  - (b) at least 75% of votes cast are in favour of a motion to change that specific Olympic Event or Equipment selection. In such an event, the timescales in regulation 23.1.3 shall not apply, and any subsequent voting process shall ensure that an Event or Equipment is de-selected, or new Event or Equipment is selected, only after a vote of more than 50% of votes cast in favour of the decision.
- 23.1.7 World Sailing shall review its Event and Equipment choices for the Youth World Championships, and for the Youth Olympic Games, following any change of Olympic Events or Equipment, to ensure that there remains a clear, pathway for Member National Authorities and sailors from youth to Olympic.
- 23.1.8 Olympic Event and Equipment Voting Processes
- (a) Committees voting on a recommendation to Council shall use the appropriate process defined below. Council may vote to accept the recommendation of a reporting committee. If Council does not so do, it shall then use the appropriate process defined below to make its decision(s).
  - (b) For a decision under Regulation 23.1.3(b), there shall be a single ballot paper listing the ten Events and associated Equipment selected for the next Olympics. Each voting member of the committee (or Council) shall mark an X against those whose inclusion in the Olympics after next he or she wishes to be reviewed. Members shall vote for a minimum of 4 Events (there is no maximum number of Events). The Event receiving the most votes shall be subject to review. The Events receiving the second, third and fourth most votes, and any Event receiving more than 50% of the votes cast (excluding abstentions), shall also be subject to review.
    - (i) When there is a tie that needs to be broken, a separate run-off ballot shall be held between the tied Events to break it. When a tie involves more than two Events, and a run-off ballot only partially breaks that tie, another run-off ballot shall be held between those who are still tied.
    - (ii) When all tied Events remain tied after a run-off ballot, the chairman of the meeting shall have a casting vote.
  - (c) Decisions under Regulation 23.1.3(c) shall be made based on submissions, with the option to retain the current Event and Equipment also available. To be valid, a submission shall propose, for all Events that are being reviewed, the choice of Event, and whether:



- (i) the current Equipment is to be retained;
  - (ii) the current Equipment is to be evolved (in which case it shall summarise that evolution); or
  - (iii) new Equipment is to be chosen following trials (in which case it shall summarise the main criteria for the selection of new Equipment).
- (d) Voting for decisions under Regulation 23.1.3(c) shall be a two-stage process as follows:
- Stage 1: any submission must be proposed and seconded by a member of the committee (or if the submission is before Council by a member of Council). A member may propose or second more than one submission. If a submission is not so proposed and seconded it is deemed rejected.
- Stage 2: which selects either one submission from those that have been proposed and seconded in Stage 1, or selects to retain the current Events and Equipment (see Regulation 23.1.8(e)).
- (e) The Stage 2 procedure is as follows:
- (i) Each voting member of the committee (or Council) shall cast one vote for his or her preferred option from those Stage 2 options which have not so far been rejected.
  - (ii) If an option receives more than 50% of votes cast (excluding abstentions), it is selected and the voting process is concluded.
  - (iii) If no option receives more than 50% of votes cast, then any option that has received zero votes, and of the remaining options, the one receiving the fewest votes, are rejected.
  - (iv) The procedure in (i), (ii) and (iii) above shall then be repeated with the remaining options.
  - (v) After each round of voting, the rejected option, but not the number of votes, shall be declared. The totals of all votes in all rounds shall be declared at the end of the process.
  - (vi) In the event of a tie that needs to be broken in step (iii) above, it shall be broken as follows:
    1. the tie is broken in favour of the option that received more votes in the previous round of Stage 2;
    2. if this fails to break the tie, or it is the first round of Stage 2, then a run-off ballot shall be held.
    3. if a tie between more than two options is only partially broken by (a) or (b), the tie break process continues between the options that are still tied.
    4. if a run-off ballot fails to break a tie, the chairman of the meeting shall have a casting vote.
- (f) Decisions under Regulation 23.1.3(e) shall be made separately for each Event for which a change of Equipment is being considered using the "Stage 2" procedure in (e) above. The Equipment options available for selection shall be only the Equipment options that participated in the Equipment trials or other evaluation prescribed in Regulation 23.1.3(e).

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- 23.1.9 Notwithstanding any other Regulation, for the Mixed Two Person Keelboat Offshore Event at the 2024 Olympic Sailing Competition:
- (a) no later than 31 December 2020, Council shall approve the criteria that Equipment usable for qualification shall meet. A list with examples of equipment which meet the criteria will be provided at that time.
  - (b) no later than 31 December 2020, Council shall approve an additional set of criteria that Equipment for the Olympic Event shall meet;
  - (c) no later than 31 December 2023, Council shall select the Equipment for the Event using the criteria approved under Regulation 23.1.9(b).
- 23.1.10 The Board may decide from time to time the descriptive names of the Olympic Events having received the recommendation of the Events Committee. The Board shall consult the relevant Olympic class association(s) before making any decision. In deciding on the names, the Board shall have regard to:
- (a) event naming standards used at the Olympic Games;
  - (b) common sailing parlance and the history of the Event;
  - (c) the marketability of the proposed name, in particular to international broadcast audiences; and
  - (d) the vision and objectives of World Sailing for the Olympic Games.

For the avoidance of doubt, the power of the Board to decide or change a descriptive name does not change or alter the Events or Equipment chosen for the Olympic Sailing Competition nor the decision-making process set out in Regulation 23.

### ***Olympic Entries***

- 23.2 Olympic entries shall only be approved from Members of the World Sailing. If applications for membership are received between the meetings of World Sailing, these may be approved provided that the Board and the World Sailing's legal advisers are satisfied that the application follows the World Sailing's normal guidelines. These applications shall be reported to the Council at its next meeting.
- 23.2.1 Entries for Olympic Qualification Events shall only be accepted from Full or Associate Members.

### ***Olympic Jury***

- 23.3.1 The Board shall appoint the Chairman and Vice-Chairman of the Olympic Jury after having considered the recommendations of the Event Appointment Working Party, the Chairman of the Race Officials Committee, and the Chairman of the Racing Rules Committee. No recommendation from a person with a conflict of interest shall be considered.
- 23.3.2 The Board shall appoint the other members of the Olympic Jury in consultation with the Chairmen of the Event Appointment Working Party, the Race Officials Committee and the Racing Rules Committee, subject to the following guidelines:
- (a) Procedure for Appointment
    - (1) If any of the persons listed in this Regulation has a conflict of interest, the remaining persons shall make a recommendation on that appointment. Once decided, the conflicted person can participate in the remainder of the appointments.
    - (2) The Chairman and Vice-Chairman of the Olympic Jury shall be consulted for their proposals.

- (a) Criteria for Appointment
  - (1) all members of the Jury shall be International Judges;
  - (2) there shall not be more than two members from any one National Authority; and
  - (3) at least one member shall be from the nation organizing the Olympic Sailing Competition and at least one member shall be from the nation organizing the subsequent Olympic Sailing Competition.

### ***Other Olympic Decisions***

- 23.4 All decisions concerning the format, qualification system, and quotas for the 2024 and later Olympic Sailing Competitions shall be decided no later than 31 May in the year following the previous Olympic Sailing Competition. The Board may change this deadline to a later date in order to comply with any schedule or requirements from the IOC.

### ***Olympic Media Rights***

- 23.5 Media Rights in respect of the Olympic Sailing Competition are the property of the International Olympic Committee and all monies derived from these rights allocated to World Sailing is the property of World Sailing.

### ***Re-evaluations of Equipment for Olympic Events***

- 23.6.1 In addition to the review processes in Regulation 23.1, the Board shall carry out re-evaluations of the equipment selected for Olympic Events. The purpose of re-evaluation under this Regulation is to ensure that:
- (a) competing equipment and competing manufacturers of existing equipment can bid to be selected for Olympic Events and therefore access the market on a fair and objective basis;
  - (b) reduce the risk of monopolies;
  - (c) manufacturers do not become complacent, remain price-competitive, produce high-quality equipment, and do not abuse their market positions.
- 23.6.2 Equipment selected for each Olympic Event shall be subject to re-evaluation at least every eight years (i.e. two Olympic cycles). However, the Board may set a shorter transitional timetable for initial re-evaluations following the adoption of this Regulation. The Board may amend the date of the subsequent re-evaluations in order to ensure that re-evaluations are carried out in line with any other reviews undertaken under Regulation 23.1.
- 23.6.3 The Board shall ensure that the re-evaluation procedures:
- (a) allow classes and manufacturers of other equipment suitable for the Event in question to tender for its use in the Event;
  - (b) use criteria which are open, fair and non-discriminatory;
  - (c) use criteria which are approved by the Equipment Committee and published publicly as part of the 'invitation to tender'; and
  - (d) are approved by Council prior to publication.
- 23.6.4 Following the outcome of re-evaluation, the Board shall make a recommendation to Council to:
- (a) retain the current Equipment;
  - (b) evolve the current Equipment; or
  - (c) select new Equipment.

The Board may also make any other recommendations to Council as it considers are necessary to secure compliance with Regulation 23.6.1. or any legal requirements on World Sailing.

### ***Appointment of Technical Delegates***

*Please refer to Regulation 25.9.8 and 25.9.9*

## **24. WORLD SAILING EVENTS**

### ***Selection of Classes for World Sailing Events***

- 24.1 A World Sailing event shall be an event for which World Sailing selects the venue.
- 24.2 Only World Sailing Classes shall be selected for World Sailing events.
  - 24.2.1 Notwithstanding Regulation 24.2, Council may approve a non-World Sailing Class boat for World Sailing match racing and team racing events other than Olympic events.
  - 24.2.2 Notwithstanding Regulation 24.2, Council may approve the selection of a non-World Sailing Class boat that has been recommended as a result of a World Sailing equipment evaluation.

### ***Sailing World Championships***

- 24.3 The name of the Championship shall be the Sailing World Championships (“the Championships”). If there is a title sponsor, the title sponsor name may be inserted in the Championships’ title, as approved by the Board.
  - 24.3.1 Only the events and equipment included in the next Olympic Sailing Competition and the next Paralympic Sailing Competition (if and when applicable) shall be included in the programme of the Championships.
  - 24.3.2 The Championships shall be the class world championship of the Olympic Classes.
  - 24.3.3 The format of the Championships shall be decided by World Sailing.
  - 24.3.4 The organizing authority for a Sailing World Championship may, with World Sailing approval, also include events using potential future Olympic or Paralympic equipment or disciplines.

### ***World Cup Final***

- 24.4 The name of the event will be the World Cup Final.
  - 24.4.1 The World Cup Final will be an annual event for the events and equipment included in the next Olympic Sailing Competition.
  - 24.4.2 World Sailing will decide the format and qualification system of the World Cup Final. Subject to the requirements for Olympic test events if the World Cup Final is also a test event, qualification for the World Cup Final will be primarily determined by the World Sailing Rankings.

### ***Youth Sailing World Championships***

- 24.5 The name of the Championship shall be the Youth Sailing World Championships (“the Championships”). If there is a title sponsor, the sponsor name may be inserted elsewhere in the Championships’ name, as approved by the Board.
  - 24.5.1 The Championship shall be held annually. It shall start either on the second Saturday of July or the second Saturday of December of the year of the Championships, and shall finish eight days later.
  - 24.5.2 To be eligible to participate in the Championships, competitors shall be under the age of 19 years on 31 December of the year of the Championship.

24.5.3 The following events, classes and equipment shall be included in the programme of the Championships:

- (a) Male One Person Dinghy – Laser Radial  
Female One Person Dinghy – Laser Radial  
Male/Mixed Two Person Dinghy - 420  
Female Two Person Dinghy - 420  
Male Windsurfer – RS:X (8.5m rig) or Techno 293 Plus (8.5m rig)  
Female Windsurfer – RS:X (8.5m rig) or Techno 293 Plus (8.5m rig)  
Male Skiff – 29er  
Female Skiff – 29er  
Mixed Multihull – Nacra 15  
Mixed Kite – Formula Kite
- (b) Except for the Mixed Kite event, Equipment shall be provided for the competitors, free of charge.
- (c) When an event or equipment of the Championships is changed:
  - (i) the decision will be implemented as soon as practical; and
  - (ii) pursuant to Regulation 24.2.2, no class shall remain on the approved list for more than four years without obtaining World Sailing Class status.
- (d) Classes listed in this Regulation shall not hold a world or youth continental championship that clashes with the dates of the Championships.

24.5.4 The decision process and timelines for the Host Member National Authority for the Championships are:

- (a) the venue shall be decided by 1 November three years before the Championships; and
- (b) the contract between World Sailing and the organizers and the Host Member National Authority shall be signed by 1 December three years before the Championships not less than two years before the Championships.

24.6 Para World Sailing

World Sailing may hold Para World Sailing Championships as follows; subject to approval under Regulation 25.1:

- (a) Para Sailing World Championships may be held in up to a total of six disciplines ;
- (b) World Sailing shall select the World Championships from the following disability event disciplines:
  - (iii) One-Person Keelboat Open;
  - (iv) Two-Person Keelboat Open;
  - (v) Three-Person Keelboat Open;
  - (vi) Multihull Open;
  - (vii) One-Person Non-Technical Open;
  - (viii) Vision impaired (with sighted guides) Open;
  - (ix) Vision impaired (without sighted guides) Open;,,
  - (x) Intellectually Disability (One Person and Two Person);
  - (xi) Hearing Impaired

- (c) All Para World Sailing disciplines may be granted the right to hold the following annual World Championships:
  - (i) Age unrestricted World Championships with may either a World Championship title open to any gender, or one male World Championship title and one female World Championship title, and;
  - (ii) An additional Youth World Championship titles with age defined by World Sailing Regulation 24.5.2; or
  - (iii) An additional World Championships based on Disability Type or Para Classification.
- (d) Regulation 10.4(b) does not apply to Para World Sailing Championships;
- (e) World Sailing may recognize classes of boats or equipment as suitable for sailing by sailors with a disability, in accordance with standards to be adopted by World Sailing; and
- (f) Para World Sailing Championships authorized in this Regulation shall be held in equipment recognized by World Sailing as provided in Regulation 24.6(e).

### **25. WORLD SAILING AND OTHER EVENTS**

#### ***World Sailing approval of World Championships and other Events***

- 25.1 World Sailing approval is required for any event that is described as a World Championship, uses the word "World" in the title of the event, or any of the promoters, organizers or any other organization officially connected with the event, represents or holds out in any way that the event is a World Championship or does the foregoing in such a way that the event is reasonably perceived to be a World Championship.
- 25.2 World Sailing Classes
- 25.2.1 Each World Sailing Class that meets the World Championships requirements in Regulation 10.2.1(d) is automatically granted the right, subject to notification requirements of Regulation 25.7, to hold the following annual World Championships. Regulation 10.4 defines how this right is maintained or rescinded.
- (a) Age unrestricted World Championships which may be either:
    - (i) one World Championship title open to any gender, or
    - (ii) one male World Championship title and one female World Championship title, and
    - (iii) one mixed World Championship title, where mixed crews are so defined by the class.
  - (b) Youth World Championships (where youth crews are so defined by the class) which may be either:
    - (i) one Youth World Championship title open to any gender, or
    - (ii) one boy's World Championship title and one girl's World Championship title, and
    - (iii) one mixed Youth World Championship title, where mixed crews are so defined by the class.

(c) One further World Championship title on the basis of age or discipline.

Fleets may compete together. If fleets compete together, the number of participating entries in each fleet shall meet or exceed the number of entries shown in the table in Regulation 10.4(b).

However, the above rights for a Class selected by World Sailing to be Equipment at the next Olympic Sailing Competition may be restricted or amended by the Olympic Classes Contract.

- 25.2.2 World Sailing Class Associations have the sole right to hold world and continental championships of their class, these being class events as defined in Regulation 10.5(f).
- 25.2.3 World Sailing Classes holding world and continental championships shall obtain the approval of the National Authority of the nation where the championships is to be hosted.
- 25.2.4 The title of the Championship should be: "*The xxx Class World Championship*" or "*The xxx Class <Name of Continent> Championship*", but other titles may be used. The title shall not include the term "*World Sailing*", "*International Sailing Federation*", "*Sailing*" or "*World Cup*".
- 25.3 Radio Sailing
- The International Radio Sailing Association may hold one annual World Championship per IRSA Class up to a maximum of three World Championships.
- 25.4 Reserved for future use
- 25.5 Rating Systems
- 25.5.1 A designation as an international rating system shall not automatically entitle the rating system to hold a world championship.
- 25.5.2 Rating systems not covered in Regulation 25.5 shall apply to World Sailing for approval to hold a world championship.
- 25.5.3 Qualification to hold a world championship shall include rating systems which are based on measurement and scientific formulation available to all certificate holders or World Sailing.
- 25.6 Other World Championships
- World Sailing may approve other events as World Championships upon written application made by a National Authority, Class Association or an organizing authority (as defined in RRS). Only World Sailing may approve any virtual or e-gaming World Championship and any other world championship rights granted under Regulation 25 shall not be used for such an event.
- 25.7 World Sailing Events Calendar
- 25.7.1 The dates for all world and continental championships shall be presented to World Sailing no later than 1 August for the following year including all championship titles to be awarded at the event.
- 25.7.2 Organizers of other events may, after receiving the approval of the relevant Member National Authority, apply no later than 1 August for publication of the event on the World Sailing International Events calendar for the following year.
- 25.7.3 By 1 October, World Sailing shall prepare a list of all world championships approved under Regulation 25.2, 25.3, 25.5, 25.6, 25.7, continental championships of World Sailing Classes, Major Events and Recognized Events and events submitted under Regulation 25.7.2.

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- 25.7.4 World Sailing is the authority to solve any disputes over clashes of dates in the international calendar. All Member National Authorities shall notify World Sailing of their International Events and proposed dates as soon as possible. Dates should be agreed with the Executive Office before 1 August of the preceding year to avoid possible clashes. In the event of a conflict in dates for events involving Classes selected by World Sailing to be equipment at the next Olympic Sailing Competition, the Board shall resolve the conflict.
- 25.7.5 The dates of ranked events for the Classes selected by World Sailing to be Equipment at the next Olympic Sailing Competition shall be presented to World Sailing in accordance with Regulation 27.1.1(a).
- 25.7.6 The event organiser shall use the World Sailing XML Regatta Reporting format (World Sailing XRR) at Olympic Class ranked events.

### ***Appointment of Race Officials in International Events***

- 25.8 World Sailing has the right to appoint race officials for the events which require them in order to ensure that for those events the race officials selected are fully trained and qualified for that event.
- 25.8.1 Except as provided in Regulations 10.5(n), 23.3 and 25.8, the right to appoint race officials is delegated to the organizing authority of the event.
- 25.8.2 The Board shall appoint an Event Appointments Working Party to make all World Sailing's race official and technical delegate appointments and approvals, with the exception of Olympic Juries and Technical Delegates when Regulations 23.3 and 25.9.1 apply. This working party shall consist of the following persons:
- (a) an experienced current or former World Sailing Race Official (as Chairman)
  - (b) two additional current or former experienced World Sailing Race Officials
  - (c) a World Sailing Vice President
  - (d) the World Sailing staff manager responsible for World Sailing Race Officials (non-voting)

The working party shall be appointed at the same time as the World Sailing committees for a four-year period in line with the World Sailing committee's term of appointment. The World Sailing Race Officials stated in (a) and (b) above should cover a range of race official disciplines, if possible and may be retired. Casual vacancies shall be filled in accordance with the above principles.

- 25.8.3 For appointments under Regulations 25.8.10 and 25.8.12 World Sailing shall appoint or approve only after consultation with:
- (a) any relevant World Sailing class/owners' association;
  - (b) for the Paralympic Sailing Competition and Para World Sailing Championships, the Para World Sailing Committee;
  - (c) for regional games, the relevant World Sailing Affiliate Continental Member; and
  - (d) the Member National Authority of the venue.
- 25.8.4 The Board may propose from time to time at its discretion to the Council the addition or deletion of events from the lists in Regulations 25.8.10 and 25.8.11. Upon the Council's approval of such a proposal, either as proposed or as amended, the lists in 25.8.10 and 25.8.11 shall be amended accordingly.
- 25.8.5 World Sailing shall publish a list of all appointments made under this Regulation no later than 30 June of each year and shall update the list no later than the end of each calendar year



- 25.8.6 When it is appropriate to remunerate race officials, World Sailing shall exercise the right to appoint the race officials selected for these events and set the fees to be paid to World Sailing for the services or shall negotiate the appropriate fees.

***Appointment or approval of World Sailing International Race Officials***

- 25.8.7 World Sailing shall not appoint or approve a jury chairman, World Sailing principal race officer, chief measurer/equipment inspector or chief umpire who is from the country of the organizing authority of the event.

- 25.8.8 When World Sailing exercises its right to appoint a chief umpire, jury chairman, chief measurer, course representative or principal race officer (race officer when one course area will be used) the appointee shall respectively be an International Umpire, International Judge, International Measurer or International Race Officer.

- 25.8.9 International Jury or International Umpire Team

- (a) When World Sailing appoints or approves the international jury it may, to the extent permitted by the Racing Rules of Sailing, in conjunction with the relevant class association and organizing authority, appoint / approve national judges
- (b) When World Sailing appoints or approves the umpire team, it may, in conjunction with the relevant organizing authority, appoint / approve national umpires to the extent consistent with guidelines adopted by the International Umpires Sub-committee.

- 25.8.10 World Sailing shall exercise the right to appoint the race officials for the following events:

America's Cup Series, America's Cup Challenger Series, America's Cup Defender Series, America's Cup Match but excluding measurers;

All World Sailing Events;  
World Championships of the Olympic Classes;  
Olympic and Paralympic Qualifying events;  
The Olympic Sailing Competition (see Regulations 23.3);  
The Paralympic Sailing Competition;  
The Youth Olympic Games;  
Regional Games.

- 25.8.11 World Sailing shall have the right to approve and/or appoint the race officials when deemed necessary for the following events otherwise not covered by the Regulations above:

Global and Trans-Oceanic Ocean Races;  
World Sailing Rankings graded Events;  
Professional Windsurfers Association Events (PWA)  
Volvo Ocean Race  
World Championships of non-Olympic World Sailing Classes, when agreed with World Sailing as detailed in Regulation 10.5(n)

- 25.8.12 Major and Recognized Events

- (a) Major Events are as follows:

America's Cup Series, America's Cup Challenger Series, America's Cup Defender Series, America's Cup Match  
Global Ocean Races  
Grade 1 Match Racing Events  
All events organized by or on behalf of World Sailing  
Events of the Olympic Classes (at the discretion of the Board)  
World Championships of the Olympic and Paralympic Classes

Olympic and Paralympic Qualifying Events  
The Olympic Sailing Competition  
The Paralympic Sailing Competition  
Professional Windsurfers Association Events (PWA)  
Global and Trans-Oceanic Races  
Regional Games  
Volvo Ocean Race

(b) Recognized Events are as follows:

Events of the Olympic Classes not covered under (a) (at the discretion of the Board)  
World Championships of non-Olympic World Sailing Classes, unless otherwise agreed with World Sailing, as detailed in Regulation 10.5(n)  
Special Olympics

25.8.13 Under RRS N1.7, World Sailing may in limited circumstances authorise an international jury consisting of a total of only three members. An event organizing authority may apply to World Sailing for such an authorization. World Sailing shall consider the following factors:

- (a) whether the relevant Member National Authority has given its written approval;
- (b) the number of hearings there have been at previous events;
- (c) the type of boat and the event requirements for on-the-water activity;
- (d) the qualifications, experience and nationality of the proposed members of the international jury;
- (e) whether World Sailing has given authorization previously; and
- (f) any other information World Sailing considers relevant.

The decision in respect of authorization shall be determined jointly by the Chairman of the Race Officials Committee, the Chairman of the International Judge Sub-committee and the Chief Executive Officer. World Sailing may impose conditions on any authorization.

### ***Appointment of Technical Delegate in International Events***

25.9 World Sailing shall appoint World Sailing Technical Delegates for all World Sailing Events' and Regional Games events. The Chairman of the Regional Games Sub-committee shall be consulted on the appointment of World Sailing Technical Delegates to Regional Games events.

25.9.1 The Board shall appoint World Sailing Technical Delegates to the Olympic Sailing Competition and Paralympic Sailing Competition.

25.9.2 The appointment of technical delegates to events organized outside the World Sailing Events, Regional Games and Olympic Sailing Competition and Paralympic Sailing Competition will be left to the Member National Authority of the country in which the event is being held.

25.9.3 The World Sailing Technical Delegate should be appointed as soon as possible after the confirmation of sailing's inclusion in the specific regional games. A list of World Sailing appointed Technical Delegates will be maintained on the World Sailing website.

25.9.4 World Sailing Technical Delegates appointed to regional games shall only be those certified by World Sailing as an World Sailing International Race Officer, International Judge or International Technical Delegate

- 25.9.5 World Sailing shall not appoint or approve an World Sailing Technical Delegate, other than World Sailing staff, who is from the country of the organizing authority of the event. All World Sailing Technical Delegates will report to and through the Board.
- 25.9.6 The World Sailing Technical Delegate will be appointed subject to the following guideline as to their qualifications:
- (a) an intimate knowledge of the World Sailing Rules and Regulations;
  - (b) experience of event organization;
  - (c) skills in diplomacy;
  - (d) the ability to work with all people connected with the event (competitors, officials, media etc.); and
  - (e) the geographic location of the appointed delegate in respect of funding available from World Sailing and other sources to enable he/she to undertake the role.
- 25.9.7 The responsibilities of the World Sailing Technical Delegate will include:
- (a) assisting event organisers in the development and planning of the event;
  - (b) giving advice regarding the notice of race and sailing instructions before the event;
  - (c) approving any alterations to the sailing instructions and other rules relating to the event;
  - (d) co-ordinating the World Sailing Course Representatives and the Race Officers (appointed by the event organising committee) where such officials have been appointed;
  - (e) carrying out such other functions as the Board may decide; and
  - (f) submitting a report to the World Sailing if visits are made.
- 25.9.8 At least two World Sailing Technical Delegates will be appointed for each of the Olympic Sailing Competition and Paralympic Sailing Competition, subject to the following guidelines:
- (a) one World Sailing Technical Delegate will be an International Technical Delegate;
  - (b) one World Sailing Technical Delegate will be a World Sailing staff appointee;
  - (c) the World Sailing Technical Delegates will be appointed no later than three years before the start of the Olympic or Paralympic Sailing Competition.
- 25.9.9 The Board may require that World Sailing appoints Technical Delegates to the Olympic and Paralympic qualification events if in the Board's opinion it is necessary to do so.

### ***Commercial Rights***

- 25.10.1 World Sailing exclusively owns and controls all commercial rights in and to the World Sailing Events, such commercial rights to include, without limitation and in each case on a worldwide basis, all:
- (a) audio, visual and audio-visual and data rights (in every medium, whether or not existing as at the date of these Regulations);
  - (b) sponsorship, advertising, merchandising, marketing and other forms of rights of association;
  - (c) ticketing, hospitality and other concession rights; and

- (d) other rights to commercialise the World Sailing Events (including without limitation any so-called "event rights" and any right to authorise the taking of bets on the World Sailing Events).

25.10.2 World Sailing shall be entitled to exploit the commercial rights in such manner as it considers appropriate, including granting licences in respect of the same (or part thereof) to relevant Member National Authority or other third party(ies) from time to time.

### **Media Rights**

#### 25.11 Definition

For the purpose of this Regulation, Media Rights shall mean:

- (a) the right to communicate or interact via the Internet, or other system with information including, but not limited to, statistics, rules, bulletins, calendars, news, and results; and
- (b) the right to transmit thereon audio-visual and/or audio-visual live and/or delayed coverage of an event.

Notwithstanding the generality of the foregoing, the term 'Media Rights' includes any such rights to information which is stored, reproduced or transmitted in digital or analogue form or by digital or analogue methods or by use of any protocol.

#### 25.11.1 Ownership

World Sailing is the first owner of all media rights of any event using *The Racing Rules of Sailing*.

As detailed in Regulation 23.5, media rights in respect of the Olympic Sailing Competition are the property of the International Olympic Committee and all monies derived from these rights allocated to World Sailing are the property of the Federation.

#### 25.11.2 Licensing

No club, Class Association, organization, entity or person or any combination thereof, may negotiate or enter into or benefit from any agreement or transaction of any kind by which cash or other consideration is received for the grant of any media rights in respect of any such event except with the express written consent of World Sailing. No consent is required in respect of the following events:

- (a) World Sailing Class Association world championships and continental championships and other world championships approved by World Sailing  
Unless otherwise agreed with World Sailing, World Sailing Classes shall be automatically licensed by World Sailing, without fee, to such media rights for their World Sailing approved Class World Championships and Continental Championships, and other classes in respect of other World Championships approved by World Sailing.
- (b) National Events  
Member National Authorities shall be automatically licensed, without fee, to the media rights to such events held in the Member National Authority's country. The Member National Authority may sub-license such media rights to the Event Organizing Authority of the event.
- (c) An International Event taking place in one country:
  - (i) World Sailing Graded Events  
On application to World Sailing, the media rights may be licensed to the Member National Authority, without fee. The Member National Authority

may sub-licence the media rights to the event Organizing Authority of the event.

- (ii) Other Events  
Unless otherwise agreed with World Sailing, on application to World Sailing, the media rights shall be licensed to the Member National Authority without fee. The Member National Authority may sub-licence the media rights to the Event Organizing Authority of the event.

- (d) Notwithstanding (a), (b) and (c), a fee may be charged only if such events regularly produce a significant amount of revenue.

- (e) An International Event taking place in more than one country:

On application to World Sailing, the media rights may be licensed to the Member National Authority of the event organizing authority. A fee may be charged. The Member National Authority may sub-licence the media rights to the event organizing authority.

- (f) Major Events/Events of Classes/World Sailing Events

On application to World Sailing, any media rights World Sailing may have for Major Events, Events of Classes and World Sailing Events, may be licensed to the event organizing authority or other organization at Board's discretion. No additional fee shall be charged. See Regulation 25.12.3.

**Event Fees**

**25.12 Grading and Advertising Fees**

- (a) For Major Events, Events of Classes and World Sailing Events World Sailing shall administer an Event Advertising System and/or Individual Advertising System (see Regulation 25.12.4).
- (b) For the Open Match Racing World Championships (MRWC) and Open Graded Match Racing Events, the following fees apply:

- (i) Grading Fees

MRWC	€1,500
Grade 1	€600
Grade 2	€300

- (ii) Advertising Fees

MRWC	€3,100
Grade 1	€750
Grade 2 - 5	€375 for events with:

Cash or cashable prizes, appearance payments, individual sponsorship payments by the event organizers or otherwise or other benefits of a similar nature totalling more than €15,500 or the equivalent.

The fee is regardless of the level of advertising.

- (iii) The above fees shall apply to Women's Match Racing events when the event offers 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.

- (c) The Board may adjust the fee under special circumstances.

**Payment for Umpires**

25.12.1 For Graded Match Racing Events, International Umpires shall be paid in accordance with this Regulation:

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- (a) The Board shall specify the fees payable from time to time and may specify different fees depending on the role of the umpire at the event (e.g. Chief Umpire, Deputy Chief Umpire etc.).
- (b) The fees shall be based on the number of racing days of an event, with an appropriate additional amount for travel and any other required days' attendance.
- (c) The fees payable for any event shall be the most recent that have been specified by the Board not less than 12 months before the start of the event.
- (d) Fees shall only be paid in relation to the following events:
  - (i) World Sailing Open Match Racing World Championships;
  - (ii) Open Grade 1 Events; and
  - (iii) Open Grade 2 to 5 Events and all Women's Match Racing 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.
- (e) When a Women's Grade 1 or 2 Match Racing event is combined with an Open Match Racing Grade 1 or 2 event then the fees payable shall be based on all race days of the combined event.

### **Approval Fees**

25.12.2 Excluding those events detailed under Regulation 25.12.1, the organizing authority of an event 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 €50,000 or the equivalent may be required to pay an approval fee.

- (a) National Events - The national authority of the venue may require such a fee.
- (b) International Events - (i.e. open to entries other than those from the national authority of the venue) or any event organized in more than one country the World Sailing shall require such a fee, as below:
  - 10% of prize money over €50,000
- (c) When there is prize money for a series of events, then Regulation 25.12.2 will apply to the series in addition to Regulation 25.12.1 applying to the individual events.

### **Media Right Fees**

25.12.3 See Regulation 25.11.2 and Regulation 25.12.4.

### **Major Events, Events of Classes and World Sailing Events**

25.12.4 Fees due to World Sailing from Major Events, Events of Classes and World Sailing Events (see Advertising Code, Regulation 20.2.3) in respect of Advertising and Approval Fees (Regulation 25.12 and 25.12.2) shall be negotiated as a single fee to cover all rights, including any Media Rights as defined by Regulation 25.11 owned by the World Sailing.

### **Non-Payment of Fees**

25.12.5 Where World Sailing has the right to appoint Race Officials and

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- (a) where fees in respect of an event are payable under Regulation 25.12 and have not been paid by the day before the day of the first scheduled race of the event; or
- (b) where fees are unpaid in respect of:
  - (i) other events organised by either the same organizing authority; or
  - (ii) other events organized or controlled by any body, organization or authority concerned with the current event,

World Sailing may instruct race officials appointed to the event to refrain from officiating in the event or to withdraw from it.

### 25.13 Regional Games

25.13.1 World Sailing shall encourage Member National Authorities, Continental Associations and other similar organizations to have sailing included in regional games where possible subject to the provisions of this Regulation 25.13.

25.13.2 World Sailing shall appoint the Technical Delegate for Regional Games as soon as possible after the event's dates and venue have been announced. The Organizing Authority shall prepare the notice of race, the sailing instructions and other race documents in close cooperation with the Technical Delegate and shall send them to World Sailing for approval. The notice of race shall be sent not less than eight months before the start of the games, the sailing instructions not less than one month. World Sailing shall publish the notice of race on its website or by such other means as it thinks fit and once published the provisions in the notice of race relating to the classes to race and the format of the races shall not be altered except with the consent in writing of World Sailing.

25.13.3 Unless otherwise approved by the Board after consultation with the Events Committee and Regional Games Sub-committee, where sailing is included in the regional games, the competition format, scoring, and race management procedures shall follow to the extent possible World Sailing policies and the competition format, scoring and race management procedures for the Olympic Sailing Competition.

25.13.4 The equipment for all regional games shall be chosen from the following classes

- Windsurfing: Funboard, Formula, Mistral, RS:X, iQFoil
- Kiteboarding: Formula Kite
- Single-Handed Dinghy: Finn, Laser, Laser Radial, Sunfish, Byte, Zoom, Europe
- Multi-Crewed Dinghy: 29er, 420, 470, Fireball, Flying Dutchman, Lightning, Snipe, 49er, 49erFX
- Keelboat: Etchells, Flying Fifteen, H-Boat, J-22, J-24, Soling, Yngling, Sonar,
- Multihull: Hobie 16, Hobie Tiger, Tornado, Nacra 17

However the Board may approve applications by regional games organizers for the use of other equipment or the introduction of events restricted to specific age groups.

## 26. FLAGS AND EMBLEMS

26.1. When flags or emblems purporting to identify National Authorities or their competitors are used at international yachting events, they shall be limited to:

- (a) a national flag or emblem, or a delegation flag or emblem where these differ from the national flag or emblem;
- (b) a flag or emblem approved by the IOC; or
- (c) a flag or emblem approved by the Board.

**27. WORLD RANKINGS - GRADING CRITERIA FOR GRADED EVENTS**

27.1 Olympic Class World Sailing Rankings

27.1.1 The World Sailing rankings for Olympic Class ranked events will be managed by the Events Committee Sail Ranking Working Party reporting to the Events Committee. The method of calculating the world rankings and the criteria for ranked events will be published on the World Sailing website. Any significant changes to the World Sailing rankings system will be reported to Council.

27.1.2 The Chairman of the Events Committee shall appoint the chairman and members of a Calendar Working Party. This working party shall make recommendations to the Events Committee to establish calendar planning windows for key Olympic Class events in line with the 2021 - 2028 Event Strategy and to finalize, manage and coordinate the World Sailing regatta calendar for those events. The planning windows and other relevant calendar information and requirements for event organizers will be published on the World Sailing website.

27.1.3 For an Olympic Class event to be a ranked event it must be held in the relevant planning window and otherwise comply with the requirements for ranked events as published on the World Sailing website not later than 12 months prior to the first day of the event.

27.2 World Sailing Match Race Rankings

27.2.1 Ranking Divisions

There shall be three divisions – Open, Women and Youth. The Women’s Division is limited to events which specify that all crew members, including the skipper, shall be women. The Youth Division is limited to events which specify that all crew members, including the skipper, shall be under 23 years old on 31 December of the year in which the event is held. All other events are Open. Points scored in Women’s events shall count only towards the Women’s ranking list. Points scored by an all women team and/or all youth team in an Open event shall count towards the Open list and the respective Women’s list or Youth list, without any adjustment.

27.2.2 Administration

(a) Application for Grading

The official World Sailing grading form is available for download from the World Sailing website.

The form shall be completed by the event organizer, endorsed by the relevant Member National Authority and received by the Executive Office at least four months prior to the event. This may be by electronic mail. An event grading will then be allocated by World Sailing.

World Sailing will publish the dates for WC events on or before 15 October the year before. All event organizers applying either for Grade 1 or Grade 2 are invited to submit their dates before 1 November the year before. World Sailing will then establish a calendar of events.

Events dates will be allocated in the following order:

- WC events;
- Grade 1 events;
- Grade 2 events.

If two event dates clash and there is no possibility for one or both to select alternative dates, World Sailing shall decide the matter in its sole discretion which may include downgrading one of them.



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The allocation of gradings by the Executive Office will be checked on a sample basis, as directed by the Chairman of the Match Racing Sub-committee. A report of event gradings will be made annually to the Match Race Committee.

(b) World Sailing Event Report

The organizers shall submit an World Sailing event report, including the results and other specified information, checked and signed by the Chief Umpire. The event report shall then be sent by fax or e-mail to the Executive Office. It shall be submitted within 5 days for events graded 3, 4 or 5, or within 24 hours for events graded 1 or 2.

(c) Re-grading of Events

Events may be re-graded retrospectively when there is clear reason to do so. An event applying to be up-graded retrospectively must satisfy World Sailing that it clearly meets all the criteria of the higher grading.

Application for upgrading shall be made at the time of submission of the results and be accompanied by an application form completed in full. The application form will be similar to the initial application form appropriate to the grade of event.

An event will only be downgraded when it fails to meet the criteria by a substantial margin, or when it does not comply with the administration requirements. Such a decision does not change the previous requirements as per Regulation 25.12.

When an event does not comply with World Sailing administrative procedures or fairness, the Match Race Rankings Sub-committee may recommend that World Sailing shall remove the event from the World Sailing calendar.

An event which failed to meet the criteria, regardless if the event was downgraded or not, may be granted a lower Grade when it applies for the next edition of that event.

(d) Invitations and acceptances

A skipper accepting an invitation but withdrawing within two months of the event may be reported by the organizer to the World Sailing. After review by World Sailing late withdrawals may receive a "zero" score, which must be counted for the competitor's ranking.

A "zero" score penalty after review by World Sailing may also apply to skippers who leave the event before the end of the event without the written approval from the organizing authority.

Invitations should be in writing and include the following statement:

*"Should you accept this invitation and later withdraw within two months of the event or leave the event before the end without the written approval from the OA, it is possible for a zero score to be applied to your Ranking points for that event by World Sailing."*

(e) Umpire Insurance

In signing the Grading Form, Events confirm that all umpires will be covered by comprehensive liability insurance in an amount of not less than £480,000 per occurrence covering legal liability in respect of personal injury and property damage. The cover should include (but not be limited to) liability directly or indirectly arising from the ownership, possession or use of any watercraft in connection with the umpire's duties.

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The organizing authority confirms with the signature on the grading form that it accepts responsibility to cover all expenses for the umpires and World Sailing if the event is postponed or cancelled.

(f) World Sailing Sailor ID

Results from Graded Match Race Events shall be sent to World Sailing with Skippers World Sailing Sailor ID's included. Skippers may register for World Sailing Sailor at: [www.sailing.org/isafsailor](http://www.sailing.org/isafsailor)

(g) Media Rights

World Sailing Graded Events may be licensed as detailed in Regulation 25.11.2(c).

### 27.2.3 Grading of Events

Event grading will normally be based on the following criteria, but will take into account the overall event package. During the transition from the previous criteria a reasonable time shall be allowed for events to comply. Percentage calculations shall be rounded up to the nearest whole number.

(a) Grade 5 – Open, Women and Youth

Any match racing event using boats of the same design.

When provided by the organizers each pair of boats shall be of equal performance.

The notice of race shall be based on the current World Sailing standard.

The sailing instructions shall be based on the current World Sailing standard.

Matches shall be umpired.

The maximum average crew weight limit for open events is 87.5 kg.

The weight limit for women's events may be either:

- (i) a maximum average crew weight limit of 68kg; or
- (ii) a maximum total crew weight limit of 'Y' (where  $Y = 68\text{kg} \times \text{the number of standard crew members for the boat (X)}$ ) and the organizing authority may permit the boat to be raced with X, X-1 or X+1 crew members.

(b) Grade 4 - Open, Women and Youth

Satisfies the criteria for a Grade 5 event and: -

The boats shall have a minimum crew of two.

There shall be a minimum of six skippers entered for the match racing.

There shall be a minimum of two days scheduled for racing.

(c) Grade 3 - Open, Women and Youth

Satisfies the criteria for a Grade 4 event and: -

The boats shall have a minimum crew of three.

There shall be a minimum of eight skippers entered for the match racing.

If the event is a principal national championships (Regulation 27.2.3(c)(i) & (ii)):

1. There shall be a minimum of four skippers from the host nation; and

2. The minimum number of skippers is four.

The boats shall have a minimum 5.9 m LOA

There shall be a minimum of four boats available throughout the event, except when a boat that was available at the start of the event is subject to major breakdown or damage.

The boats shall be capable of carrying spinnakers.

Acceptable Race Committee practices.

Acceptable Race Committee and umpire boats.

The event shall be one of the following:

Either:

## REGULATIONS

- (i) The principal national championship - only one per nation per year
- (ii) The principal youth national championship - one per nation per year
- (iii) An international event with a minimum of 30% of the skippers of a different nationality than the host nation, or
- (iv) an event, for countries whose Member National Authority is in Groups H to Q, where at least 30% of the skippers are either of a different nationality than that of the host nation, or are nationals of the host nation but have travelled more than 500 km from their ordinary place of residence to the event venue.

For national championships there shall be at least one International Umpire.

For events designated in Regulation 27.2.3(c)(iii) & (iv) there shall be at least two International Umpires.

- (d) Grade 1 and Grade 2 - Open, Women and Youth

Satisfies the criteria for a Grade 3 event and complies with the World Sailing Standard Guidelines for Grade 1 and Grade 2 Match Racing events as produced by the Match Racing Sub-committee in consultation with the Race Officials Committee. In addition, the event shall meet the following requirements (O = Open, W = Women):

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Description	Event Grade			
	2 - O	1 - O	2 - W 2 - Y	1 - W 1 - Y
<b>Competitors</b>				
Skippers - <b>only top 12</b> minimum total points (* and *** see below)	40	85	30	60
Skippers - max % from host MNA	60%	40%	60%	40%
Skippers - max % from same MNA except host.	40%	30%	40%	30%
Skippers - max % from host continent (except for Continental Championships)	100%	85%	100%	85%
Skippers – max % from host continent for Continental Championships	100%	100%	100%	100%
No of skippers to be invited from a qualifying event specified in the Notice of Race (max. grading of qualifying event is Grade 3)	1	2	1	2
<b>Boats General</b>				
Minimum number of boats (** See below)	6	6**	6	6**
Minimum overall length (metres)	6.8	6.8	5.9	5.9
<b>Boats - Provided by organizing authority</b>				
Breakdown/spare service on the water				
<b>Organization</b>				
Format scheduled to include round robins and knock out semi-finals and finals				
Quarter finals may be round robin (preferred) or knock-out				
Knock out rounds to be scheduled to be the first to win minimum number of races	2	3	2	3
Days of scheduled racing	3	4	3	4
Min. number of scheduled practice hours per competitor	2	2	2	2
Min. number of International Umpires - per match #	1	1	1	1
International Jury required	*R	Yes	*R	Yes

\* *Recommended*

\*\* *For Grade 1 and 2 events the minimum number of boats should be 50% of the number of skippers.*

\*\*\* *Skipper total points requirement for not apply for Grade 2 continental championships. Only Member National Authorities of that specific Continental Association may participate in such Grade 2 continental championships.*

\* **As World Sailing ranking list 4 months before the first day of the event:**

For each skipper ranked	1 - 10	20 points
For each skipper ranked	11 - 20	15 points
For each skipper ranked	21 - 30	11 points
For each skipper ranked	31 - 40	8 points
For each skipper ranked	41 - 50	6 points
For each skipper ranked	51 - 60	5 points
For each skipper ranked	61 - 70	4 points
For each skipper ranked	71 - 80	3 points
For each skipper ranked	81 - 90	2 points
For each skipper ranked	91 - 100	1 point

The ranking position of women and/or youth skippers on the World Sailing Women's Ranking List or Youth Ranking List shall be used for Open events when determining Skipper Points for the event.

(e) Grade - WC Open and Women

Meets all the criteria for an World Sailing World Championship and particularly the World Sailing Match Racing World Championship.

(f) Grade – World Sailing Nations Cup Open and Women

Meets the criteria for the World Sailing Nations Cup Regional or Grand Final. Regional Finals will score points equivalent to a Grade 2 event. Grand Finals will score points equivalent to a Grade 1 event.

(g) Requirement for an international jury

For match racing events where an international jury is required, World Sailing may in special circumstances waive this requirement by authorizing a protest committee for the event. An organizing authority may apply to World Sailing for such authorization at the same time as it applies for grading of the event. World Sailing shall consider the following factors:

- (i) the International Judges who are available for the event and their geographical distribution;
- (ii) the financial situation of the event, the budget available for race official travel costs and the estimated travel costs of the International Judges that are available;
- (iii) the qualifications, experience and nationality of the proposed members of the protest committee;
- (iv) whether World Sailing has given authorization previously; and
- (v) any other information World Sailing considers relevant.

The decision in respect of authorization shall be determined by the Chairman of the Race Officials Committee, the Chairman of the International Judges Subcommittee and the Chief Executive Officer. World Sailing may impose conditions on any authorization.

#### 27.2.4 Prize Money

Distribution of prize money shall be in accordance with World Sailing Standard Guidelines for Grade 1 and Grade 2 Match Racing events as produced by the Match Racing Sub-committee in consultation with the Race Officials Committee.

Appearance money is discouraged in favour of optimizing prize money.

## 28. RACING RULES ADMINISTRATION

### ***Adoption of and Changes to the Racing Rules***

28.1 In addition to Regulations 28.1.1 to 28.1.5, the Racing Rules Committee is responsible for advising and making recommendations to Council regarding the Racing Rules.

28.1.1 Racing Rules shall be adopted or changed only by the Racing Rules Committee or by Council acting in accordance with Regulation 28.2. Changes in the RRS shall take effect only every four years on 1 January of the year following the year in which the Olympic Sailing Competition is held. Regulations 28.1.2, 28.1.3, 28.1.4, 28.1.5 and 28.2.6 contain exceptions to this policy.

28.1.2 In exception to Regulation 28.1.1, any change to the RRS of clear necessity or pressing importance may be made effective for any designated date by a 75% vote cast in favour of the change by the Racing Rules Committee and with the approval of

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the Board. The Executive Office shall promptly report any action taken under this Regulation to all Member National Authorities.

- 28.1.3 In exception to Regulation 28.1.1, the Board, after consulting with the Chairman of the Racing Rules Committee, may, under RRS 86.2, approve changes to the Racing Rules for a specific international event, provided such changes are of clear necessity or pressing importance, or to develop or test proposal rules.
- 28.1.4 In exception to Regulations 28.1 and 28.2, the Council may, at any time and without consulting with the Racing Rules Committee, change the Regulations which are incorporated by reference into the Racing Rules (the Codes).
- 28.1.5 In exception to Regulation 28.1.1, the Racing Rules Committee may, at any time, for specific events or categories of event, approve or change:
  - (a) appendices that are not published in the RRS; or
  - (b) test rules.

### ***Procedure for Changing the Racing Rules***

- 28.2 Subject to Regulation 28.1, a revised edition of The Racing Rules of Sailing shall be published every four years, to take effect on 1 January of the year following the year in which the Olympic Sailing Competition is held.
  - 28.2.1 Under Regulations 6.1.1 and 28.11, the Racing Rules Committee is authorised to approve and change *The Racing Rules of Sailing* on behalf of Council unless:
    - (a) Regulations 28.1.2, 28.1.3, 28.1.4 or 28.1.5 apply; or
    - (b) a decision of the Committee to change the RRS is referred to Council by the Board, a committee chairman, a chairman of a commission or a member of Council. Any such referral shall be notified to the President in writing no later than the start of the Council meeting at the Annual Conference, or within 7 days of the decision being published (whichever is the earlier).
- All decisions of the Committee shall be reported promptly to Council.
- 28.2.2 Proposals for changes to the RRS shall be made by submission in accordance with Regulation 15.
  - 28.2.3 Only submissions and proposals considered by the Racing Rules Committee no later than its meeting in the year prior to the Olympic Sailing Competition may be accepted for the next edition of the RRS (unless Regulation 28.1.2 applies). However, previously accepted submissions or proposals may be edited, and appendices may be revised for consistency until 1 May of the year in which the Olympic Sailing Competition is held.
  - 28.2.4 The Racing Rules Committee shall approve the final RRS changes by 1 May of the year in which the Olympic Sailing Competition is held.
  - 28.2.5 A final, fully formatted copy of the revised edition of *The Racing Rules of Sailing*, with changes from the previous edition clearly identified for translators, shall be made available by the Executive Office to all Member National Authorities and World Sailing Class Associations by 30 June of the year in which the Olympic Sailing Competition is held.
  - 28.2.6 The Racing Rules in the new edition of *The Racing Rules of Sailing* shall come into effect worldwide on 1 January of the year following the year in which the Olympic Sailing Competition is held. However, if an event begins in the year of the Olympic Sailing Competition and continues past 31 December, the effective date may be postponed by the notice of race and sailing instructions.

***Interpretations of the Racing Rules***

- 28.3 Except when Regulation 28.4 applies, interpretations of the Racing Rules by World Sailing shall be made only through publication of cases in *The Case Book* or *The Call Books*. The cases are authoritative interpretations and explanations of the rules. The calls are authoritative interpretations and explanations of the rules for the relevant discipline.
- 28.3.1 The Racing Rules Committee shall decide submissions for Cases and Calls. Such decisions may be referred to Council as provided for in Regulation 28.2.1(b).
- 28.3.2 Submissions or proposals for cases and calls, in English and including any necessary diagrams, shall be received at the Executive Office before the deadline in Regulation 15.6. If a submission or proposal duplicates a published case or call, the submission or proposal shall state why the proposed case or call is preferable.
- 28.3.3 The following are guidelines for publishing cases in *The Case Book*:
- (a) a case shall significantly clarify an important meaning of a rule or increase the understanding of a complex rule;
  - (b) a case shall not duplicate one already published. When a case is an improvement on an existing case it shall be included and the existing case deleted.
- 28.3.4 The following are guidelines for publishing calls in *The Call Books*:
- (a) a call shall illustrate the application of the rules or procedures, including the rules in any relevant appendix or additional rules, in a situation regularly occurring in that discipline;
  - (b) a rule interpretation in a call shall be consistent with any cases that interpret the same rule;
  - (c) A call shall not duplicate one already published. When a call is an improvement on an existing call it shall be included and the existing call deleted.
- 28.3.5 Following publication of a new edition of *The Racing Rules of Sailing*, the Racing Rules Committee shall promptly review and revise all related documents (including *The Case Book* and *The Call Books*).
- 28.3.6 The Racing Rules Question and Answer Panel shall answer questions on the Racing Rules or race official procedures that are submitted to it by a World Sailing Race Official, a World Sailing Class Association or a Member National Authority. The Panel may decide an answer should be published. Questions and Answers published during a four-year rulebook cycle will normally be valid until 1 January in the year in which a revised rulebook is published.
- 28.3.7 Answers to questions provided by the Racing Rules Question and Answer Panel published on the World Sailing website are not authoritative interpretations and explanations of the Racing Rules. However, they are the carefully considered opinions of an experienced panel whose members have a thorough knowledge of the Racing Rules and extensive experience as competitors or as race officials.
- 28.3.8 The Racing Rules Committee shall review proposed rapid response calls from any World Sailing International Umpire or a Racing Rules Committee working party. The chief umpire or protest committee chairman at an event shall report new event calls published during the event to World Sailing.

***Approval of Interpretations of the Racing Rules***

- 28.4 Except for the publication of the World Sailing case and call books, World Sailing shall not issue an authoritative interpretation or explanation of the Racing Rules unless it is

first reviewed and approved by the Chairman of the Racing Rules Committee or a member of the committee designated by the Chairman.

### ***Appeals to World Sailing***

- 28.5 Except as expressly permitted by the Regulations, World Sailing shall not accept or decide an appeal concerning the Racing Rules from a decision of a Member National Authority.

### ***Introductory Rules for Racing***

- 28.6 The Racing Rules Committee is responsible for the formulation and revision of the Introductory Rules for Racing. The Introductory Rules for Racing are a simplified set of rules intended for use when training people new to racing.

## **29. EQUIPMENT RULES ADMINISTRATION**

### ***Adoption and Changes to the Equipment Rules of Sailing***

- 29.1 In addition to Regulation 29.1.1 to 29.1.2, the Equipment Committee is responsible for advising and making recommendations to the Council regarding *The Equipment Rules of Sailing* (ERS) and the various related subjects with which the ERS are concerned, which include but are not limited to certification control, certification and equipment inspection including sailing instructions concerning equipment inspection, and rules observance.
- 29.1.1 The Equipment Rules of Sailing shall be adopted or changed only by the Equipment Committee or by Council acting in accordance Regulation 29.2. Changes to the ERS shall be put into effect only every four years, effective as of 1 January of the year following the year in which the Olympic Sailing Competition is held. Regulation 29.1.2 contains exceptions to this policy.
- 29.1.2 In exception to Regulation 29.1.1, any change to the Equipment Rules of Sailing of clear necessity or pressing importance may be made effective for any designated date by a 75% vote cast in favour of the change by the Equipment Committee and with the approval of the Board. The Executive Office shall promptly report any action taken under this regulation to all Member National Authorities

### ***Procedure for changing the Equipment Rules of Sailing***

- 29.2 Subject to Regulation 29.1, a revised edition of the *The Equipment Rules of Sailing* shall be published every four years, to take effect on 1 January of the year following the year in which the Olympic Sailing Competition is held.
- 29.2.1 Under Regulations 6.5 and 29.1.1, the Equipment Committee is authorised to approve and change the Equipment Rules of Sailing on behalf of Council unless:
- (a) Regulation 29.1.2 applies;
  - (b) a decision of the Committee to change the ERS is referred to Council by the Board, a committee chairman, commission chairman or a member of Council. Any such referral shall be notified to the President in writing no later than the start of the Council meeting at the Annual Conference, or within 7 days of the decision being published (whichever is the earlier). All decisions of the Committee shall be promptly reported to Council.
- 29.2.2 Proposals for changes to the Equipment Rules of Sailing shall be made by submission in accordance with Regulation 15. i
- 29.2.3 The Equipment Committee shall approve the final Equipment Rules of Sailing changes by 1 May of the year in which the Olympic Sailing Competition is held.
- 29.2.4 A final, fully formatted copy of the revised edition of *The Equipment Rules of Sailing*,



with changes from the previous edition clearly identified for translators, shall be made available by the Executive Office to all Member National Authorities and World Sailing Class Associations by 30 June of the year in which the Olympic Sailing Competition is held.

- 29.2.5 The new edition of *The Equipment Rules of Sailing* shall come into effect worldwide on 1 January of the year following the year in which the Olympic Sailing Competition is held. However, if an event begins in the year of the Olympic Sailing Competition and continues past 31 December, the effective date may be postponed by the notice of race and sailing instructions.

### ***Interpretations of the Equipment Rules of Sailing***

- 29.3 Interpretations of *The Equipment Rules of Sailing* by World Sailing shall be made only through publication of cases in *The ERS Case Book*. The cases are authoritative interpretations and explanations of *The Equipment Rules of Sailing*.
- 29.3.1 The Equipment Rules Sub-committee shall study cases submitted in accordance with Regulation 15 and shall recommend to Council those that it approves for publication in *The ERS Case Book*. Any such recommendation shall be made through the Chairman of the Equipment Committee.
- 29.3.2 Submissions or proposals for cases in English and including any necessary diagrams, shall be received at the Executive Office before the deadline in Regulation 15.6. If a submission or proposal duplicates a published case, the submission or proposal shall state why the proposed case is preferable.
- 29.3.3 The following are guidelines for publishing cases in *The ERS Case Book*:
- (a) A case shall significantly clarify an important meaning of a rule or increase the understanding of a complex rule.
  - (b) A case shall not duplicate one already published. When a case is an improvement on an existing case it shall be included and the existing case deleted.
- 29.3.4 Where practical all interpretations shall be considered as possible changes to the ERS-
- 29.3.5 The Equipment Rules of Sailing Question and Answer Panel shall answer questions on the Equipment Rules of Sailing that are submitted to it by a class, a rating rule, a World Sailing Race Official, or a Member National Authority. The procedure that the panel will follow when answering such questions and the Questions and Answers that the panel decides to publish shall be posted on the Equipment Rules of Sailing Question and Answer Service page on the World Sailing website, and a link to that page shall appear on both the Equipment Rules, World Sailing Classes, Ratings and Handicap and the Race Officials pages. Questions and Answers published during a four-year rulebook cycle will normally be removed from the website no later than 1 January in the year in which a revised rulebook is published. The panel may propose that a published Question and Answer be added to *The ERS Case Book*.
- 29.3.6 Answers to questions provided by the Equipment Rules of Sailing Question and Answer Panel published on the World Sailing website are not authoritative interpretations and explanations of the Equipment Rules of Sailing. However, they are the carefully considered opinions of an experienced panel whose members have a thorough knowledge of the Equipment Rules of Sailing and extensive experience as competitors or as race officials.

### ***Approval of Interpretations of the Equipment Rules***

- 29.4 Except for the publication of *The ERS Case Book*, World Sailing shall not issue an authoritative interpretation or explanation of the Equipment Rules unless it is first

reviewed and approved by the Chairman of the Equipment Rules Sub-committee or a member of the committee designated by the Chairman.

### **30. SPECIAL REGULATIONS ADMINISTRATION**

#### **30.1 Adoption and changes to Special Regulations**

30.1.1 The ORC are the original authors of the Special Regulations and have licensed World Sailing to administer the same. The Special Regulations Sub-committee is responsible for advising on and making recommendations regarding the Special Regulations and all related subjects to which such regulations are concerned. Special Regulations shall be adopted or changed only by the Oceanic and Offshore Committee (on behalf of the Council) after considering recommendations from the Special Regulations Sub-committee.

30.1.2 In exception to Regulation 30.2.1 any change of clear necessity or pressing importance may be made effective on any designated date by 75% of the responding votes of both the Special Regulations Sub-committee and the Oceanic and Offshore Committee.

30.1.3 Further in exception to Regulations 30.1.1 and 30.2.1 the Chairmen of the Oceanic and Offshore Committee and Special Regulations Sub-committee may together approve exceptions to Special Regulations for special international events in exceptional and particular circumstances. The Executive Office shall report the action taken under this regulation at the time to the Oceanic and Offshore Committee and shall circulate details to Member National Authorities.

#### **30.2 Procedure for Changing Special Regulations**

30.2.1 Changes in the Special Regulations shall take effect only once every two years on 1 January of an even year, except as provided in Regulation 30.1.2.

30.2.2 Proposals for changes and formal submissions may be made by any member of the Special Regulations Sub-Committee, any member of the Oceanic and Offshore Committee (through the Chairman of the Oceanic and Offshore Committee), International or Recognized Rating Systems or any Member National Authority. Submissions and proposals should be lodged with the Executive Office at least six weeks before any meeting of the Special Regulations Sub-Committee, and shall then immediately be distributed to members thereof who shall, by e-mail and any other means that the Chairman thereof deems appropriate, convene working parties to consider the various proposals and submissions.

30.2.3 The Special Regulations Sub-committee shall at its meeting determine those submissions which it proposes to recommend to the Oceanic and Offshore Committee for approval together with the relevant date upon which such change shall become part of the Regulations. It shall further determine those proposed submissions which it recommends for rejection. The Sub-committee shall defer any submissions which either require amendment (unless of a minor nature) or further review and refer them to a working party either of the whole committee or such other working party as it determines, which shall report to the Oceanic and Offshore Committee with its recommendation within four months of the meeting at which such submission was deferred.

30.2.4 Those making proposals for discussion and submissions should, unless the change is of a minor nature, submit either an explanation or a paper giving the background and the necessity for such change. Where there are two or more proposals or submissions of a similar nature, the authors thereof shall be immediately advised thereof and be invited to co-ordinate with a view to agreeing a common submission or proposal prior to the next meeting of the Sub-committee.

#### **30.3 Interpretations to the Special Regulations**

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Interpretations to the Special Regulations by World Sailing shall be made only by the Chairman of the Special Regulations Sub-committee after consultation with Chairman of the Oceanic and Offshore Committee and such other members of the Sub-committee as they believe appropriate. At the next meeting following such interpretation, the same shall be reviewed by the Sub-committee and the Sub-committee shall consider whether any amendment to the Special Regulations is necessary or desirable to add clarity. The Sub-committee may also recommend revocation of any such interpretation.

**SECTION 3 - OFFICIALS**

**31. WORLD SAILING RACE OFFICIALS ADMINISTRATION**

- 31.1 The provisions of this Regulation affect all World Sailing Race Officials, who consist of:
- (a) International Classifiers
  - (b) International Expression Judges
  - (c) International Judges
  - (d) International Measurers
  - (e) International Race Officers
  - (f) International Technical Delegates
  - (g) International Umpires
- 31.2 For the purposes of this Regulation, including any supporting documentation, references to “principal events” shall mean those events described generally or designated as principal events by the Race Officials Committee and published on the World Sailing website. This Regulation shall not require World Sailing to list each individual event.
- 31.3 A candidate who
- (a) attends a World Sailing race official seminar,
  - (b) takes a World Sailing examination, or
  - (c) participates in any other World Sailing activity required for appointment
- agrees to be bound by the provisions of the World Sailing Regulations for a period of four years. Notice of this fact shall be given to the candidate in advance. For the purposes of Regulations 32, 34 and 35 they will be considered as WS Race Officials during that period.

***Term of Appointment***

- 31.4 The term of appointment for a World Sailing Race Official shall begin on the date of appointment by the Race Officials Committee and shall last until 31 December four years later.
- 31.5 World Sailing shall publish lists of World Sailing Race Officials and their designated Member National Authority in the World Sailing Yearbook.
- 31.6 If the Race Officials Committee defers consideration of an application, the four year term shall be calculated with reference to the date of the Race Officials Committee meeting at which the application was first considered.

***Applications for Appointment and Re-appointment***

- 31.7 A candidate for appointment shall:
- (a) meet the general qualifications for appointment as a World Sailing Race Official and the discipline-specific qualifications as published by World Sailing by 1 February each year; and
  - (b) send an application on the official form so that it is received by the Executive Office by 1 September (for applications for re-appointment the Race Officials Committee may extend this deadline for up to two weeks if there is a good reason to do so).

- 31.8 A candidate for first appointment shall be endorsed by his Member National Authority no later than the deadline for application. However, the Race Officials Committee may waive this requirement if the endorsement is unreasonably withheld or delayed by the Member National Authority. The candidate shall request any waiver within fourteen days of being notified that there is, or will be, no endorsement and shall provide the Committee with all relevant documentation.
- 31.9 World Sailing shall inform a Member National Authority of all applications for re-appointment received from its World Sailing Race Officials.
- 31.10 By applying for appointment or participating in a World Sailing activity required for appointment, a candidate or World Sailing Race Official agrees that, if aggrieved, he will resort only to the remedies referred to in these Regulations, and whether those remedies are exhausted or not, shall not resort to any court or other tribunal.
- 31.11 Where a candidate is required to have served at an event outside of his Group or Member National Authority the following provisions shall apply:
- (a) if the event is the Olympic Sailing Competition or an event listed in Regulation 25.8.10, it will qualify as such an event even if it has taken place inside his Group or Member National Authority; and
  - (b) if the candidate is from Groups A - H, the event shall be outside his Group, and if the candidate is from Groups I - Q, the event shall be outside his Member National Authority.

### **Examinations**

- 31.12 If a candidate for appointment must pass a World Sailing examination in order to be appointed, the following provisions shall apply:
- 31.12.1 A candidate shall have passed the examination in the four years prior to 14 October of the year of application.
- 31.12.2 If a candidate for re-appointment has not passed the examination prior to 14 October of the year of application, he may be re-appointed if all other conditions for re-appointment are met and:
- (a) the examination has been passed by 1 January in the following year; or
  - (b) the examination has been passed by 1 May but after 1 January in the following year. In this case, the Executive Office may omit or mark the candidate's name accordingly in the World Sailing Yearbook.
- If the examination is not passed by 1 May in the following year, the candidate will, unless there are special circumstances, have his appointment terminated by the Race Officials Committee but may re-apply in accordance with Regulation 31.15.
- 31.12.3 An examination pass may only be used once to qualify.
- 31.12.4 A candidate who does not pass an examination may retake it on the following conditions:
- (a) a candidate who fails an examination on the first attempt shall not retake the examination within six months of the first attempt, unless the Chairman of the relevant Sub-Committee (or the Chairman of the Race Officials Committee if there is no Sub-committee) is satisfied that there are special circumstances to permit the candidate to retake the examination earlier;
  - (b) a candidate who fails an examination on the second attempt shall not retake the examination within a period of two years, unless the Chairman of the relevant Sub-Committee (or the Chairman of the Race Officials Committee if there is no Sub-committee) has considered the candidate's individual case and is satisfied

that the candidate should be permitted an additional opportunity to retake the examination; and

- (c) a candidate who fails an examination on the third attempt shall wait a period of two years before retaking the examination, is not entitled to submit an application during that period, and shall then apply as a candidate for first appointment.

### **Appointments**

- 31.13 The Race Officials Committee shall decide whether to appoint a World Sailing Race Official after considering the recommendations of the following committee, sub-committee or working party that is responsible for the discipline concerned:
- (a) the Para Sailing Committee for International Classifiers;
  - (b) the Board or Regional Games Sub-committee (as appropriate) for International Technical Delegates;
  - (c) the World Sailing Classes Committee for International Expression Judges;
  - (d) the International Judges Sub-committee for International Judges;
  - (e) the International Measurers Sub-committee for International Measurers;
  - (f) the International Umpires Sub-committee for International Umpires; and
  - (g) the Race Management Sub-committee for International Race Officers.
- 31.14 When a committee, sub-committee or working party makes a recommendation on an application, and the Race Officials Committee makes a decision on it, each shall consider the following:
- (a) whether the candidate has complied with the general and additional requirements for the discipline;
  - (b) any comments received by means of regatta report forms;
  - (c) any other reports on the candidate's performance held by the Executive Office;
  - (d) the candidate's relevant experience in other disciplines; and
  - (e) any other information as it may consider relevant.
- 31.15 If a candidate does not meet all the requirements for appointment, the following provisions shall apply:
- 31.15.1 If a candidate for first appointment due to special circumstances (which cannot be medical in nature) does not meet the requirements for principal events, the Race Officials Committee may appoint the candidate for a full four year term.
- 31.15.2 If a candidate for re-appointment due to medical or other special circumstances does not meet all the requirements, the Race Officials Committee may:
- (a) re-appoint the candidate for a full four year term ; or
  - (b) extend the existing appointment for 12 months.
- 31.15.3 The Race Officials Committee may publish guidelines for the application of these exceptions, which may include applying them to groups of race officials.
- 31.16 A World Sailing Race Official whose appointment has ended within the last 12 months may re-apply and be considered as a candidate for re-appointment (that is having to meet the requirements for re-appointment and not first appointment). After 12 months, the Race Official must apply as a candidate for first appointment.
- 31.17 While appointed, an International Measurer shall not be employed by, nor act as a consultant to or regular official measurer at, a builder for his associated classes or Rating Systems.

### *Grouping*

- 31.18 The Race Officials Committee may develop and implement processes for the grouping of World Sailing Race Officials. The procedure for such processes shall be approved by the Board and shall be published on the World Sailing website.

### *Termination of Appointment and Appeals*

- 31.19 A candidate for appointment or a World Sailing Race Official may appeal against the decision of the Race Officials Committee regarding his application or termination of an appointment. There is no right of appeal against results of examinations, assessments or references.
- 31.20 Appeals shall be decided by the Judicial Board under its rules of procedure.

## **32. RACE OFFICIALS PERFORMANCE**

- 32.1 World Sailing shall use the following procedure when it receives a report alleging inadequate conduct or competence of a World Sailing Race Official.
- 32.2 To be considered under this Regulation, a report shall be in writing, and the submitter of the report shall accept that his identity is disclosed to the World Sailing Race Official concerned. A report may be submitted by a race official, competitor, technical delegate, Member National Authority or authorized member of the organizing authority or class association. However, the Chief Executive Officer may in his discretion decide that a report from another source is to be considered under this Regulation.
- 32.3 When World Sailing receives a report alleging inadequate conduct or competence of a World Sailing Race Official, it shall be considered by the Chief Executive Officer and if it needs further action it shall be referred to the Chairman of the Race Officials Committee and a Vice President who shall place it in one of the following three categories:
- (a) Category A: An insignificant report which is considered not to disclose any inadequate conduct or competence of the World Sailing Race Official concerned.
  - (b) Category B: A significant report which is considered to allege inadequate conduct or competence of the World Sailing Race Official concerned. A report will be categorized as Category B if it describes a level of competence or conduct clearly below the level required for appointment as an World Sailing Race Official in the relevant discipline.
  - (c) Category C: A significant report which is considered to allege inadequate conduct or competence so serious that it requires urgent action, which may include immediate suspension of the World Sailing Race Official concerned while the report is being investigated.
- 32.4 Where a report is categorized as Category A, no further action shall be taken.
- 32.5 Where a report or complaint is categorized as Category B, the World Sailing Race Official concerned shall receive an allegation based on the report. The Race Official can either accept the allegation or request an investigation. If the Race Official accepts the allegation, the Chairmen of the Race Officials Committee and all its Sub-committees shall make a decision in accordance with Regulation 32.9. If the Race Official requests an investigation, formal action by World Sailing shall be taken.
- 32.6 Where a report is categorized as Category C, formal action by World Sailing shall be taken. The Chairman of the Race Officials Committee and a Vice President may suspend the Race Official pending the formal action.
- 32.7 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

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members who will be members of the Race Officials Committee or its sub-committees and may include one member of other World Sailing committees, sub-committees, commissions or the Judicial Board, if appropriate.

- 32.8 The panel shall investigate the report and make a recommendation in accordance with Regulation 32.9. The panel may extend or vary the allegations based on information discovered during the investigation. The Race Official concerned shall be informed of the investigation at its inception and be supplied with the report and all relevant documents. He shall be entitled to answer the initial and any extended or varied allegations in writing within a reasonable time set by the panel. If sanctions are recommended they shall be specified. The Chairmen of the Race Officials Committee and all its Sub-committees shall review the recommendation and decide either to confirm it or that the sanction to be imposed shall be less than that recommended.
- 32.9 Recommendations and decisions under this Regulation may be that no further action is taken, that sanctions shall be imposed or that a report shall be made to the Chief Executive Officer under Regulation 35. The following are examples of sanctions that may be imposed:
- (a) a formal warning shall be given;
  - (b) a reprimand shall be given;
  - (c) the World Sailing Race Official shall not be appointed to or approved for events of a specified grade or type;
  - (d) the World Sailing Race Official shall be supervised when attending an event;
  - (e) the World Sailing Race Official shall attend a seminar before attending a further event;
  - (f) the World Sailing Race Official shall be re-assessed in his discipline, if assessment is a requirement before appointment in that discipline;
  - (g) the World Sailing Race Official shall take a test in the discipline concerned;
  - (h) the World Sailing Race Official shall be suspended from his appointment for a specified period of time followed by a re-evaluation prior to reinstatement or termination of appointment; or
  - (i) the appointment of the World Sailing Race Official shall be terminated.
- 32.10 When a decision is made under this Regulation, the Chairman of the Race Officials Committee shall report it to the Board.
- 32.11 If the recommendation is that the appointment be terminated, the matter shall be referred to the Board which shall be the only body with authority to terminate an appointment. The Board may also direct that the Race Official concerned is ineligible to be appointed as an World Sailing Race Official for such period of time as it thinks fit.
- 32.12 A Race Official may appeal against any sanction imposed under Regulation 32, except a report to the Chief Executive Officer under Regulation 35, to the World Sailing Judicial Board. Any appeal must be lodged in writing with the Chief Executive Officer within thirty days of being notified of a written decision under this Regulation. Appeals to the Judicial Board shall be governed by its rules of procedure. Until the determination of any appeal, the decision made under this Regulation shall remain in force.
- 32.13 The submitter of a report shall be informed of the actions taken by World Sailing, unless the Chairman of the Race Officials Committee decides that this is inappropriate. After a decision has become final, it shall be published by the Chief Executive Officer, unless the Chairman of the Race Officials Committee decides that this inappropriate to do so.



**33. DESIGNATED NATIONALITY OF WORLD SAILING RACE OFFICIALS**

- 33.1 This regulation applies to all World Sailing Race Officials.
- 33.2 The designated Member National Authority of a World Sailing Race Official shall be that of the country of his nationality unless provided otherwise in this regulation. If that country is not within the territory of a Member National Authority he shall not be entitled to be appointed as a World Sailing Race Official.
- 33.3 If a World Sailing Race Official is appointed as a World Sailing Race Official in more than one discipline, his designated Member National Authority shall be the same for each appointment at all times.
- 33.4 On first application:
- (a) a candidate who is a national of two or more countries; or
  - (b) a candidate who has been ordinarily resident in a country other than that of his nationality for three or more years; or
  - (c) a candidate who has been ordinarily resident for three or more years in a part of a country where that part is represented by a different Member National Authority to the rest of that country shall specify the Member National Authority which he wishes to be his designated Member National Authority.
- 33.5 A World Sailing Race Official may apply to change his designation in the same circumstances as those specified in Regulation 33.4. However if he intends to change on the ground set out in Regulation 33.4(a) he shall give to World Sailing three years' notice in writing; if he intends to change on the ground set out in Regulation 33.4(b) or (c) he shall give to World Sailing one year's notice in writing which may be given before the expiration of the required three years of ordinary residence.
- 33.6 World Sailing Race Officials shall comply with the requirements of their designated Member National Authority. A World Sailing Race Official who elects to change his designated Member National Authority shall comply with the requirements for World Sailing Race Officials of the new Member National Authority and shall attach to his application the written consent of the Member National Authority. However such consent shall not be unreasonably withheld or delayed by the Member National Authority.
- 33.7 If part of a country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country, and if that country becomes the territory of a Member National Authority, the designation of a World Sailing Race Official who acquires a new nationality as a result shall be changed to the new country. If the country does not become the territory of a Member National Authority, the World Sailing Race Official shall cease to be such unless he qualifies under Regulation 33.4(a), in which case the requirement as to notice shall be waived.
- 33.8 In all cases not expressly addressed in this regulation, the Board may make such designation as it considers the fairest in all the circumstances having considered any recommendations made by the Race Officials Committee.
- 33.9 A World Sailing Race Official may appeal to the Judicial Board against any decision of and in respect of any unreasonable delay by World Sailing or by a Member National Authority in which case the Race Officials Committee shall be a party to the appeal. If the Judicial Board considers that the appeal is justified, it shall refer the matter to the Board which shall act in accordance with Regulation 33.8.
- 33.10 The designated Member National Authority of each race official shall be printed in the World Sailing Yearbook.

### **34. CONFLICT OF INTEREST**

- 34.1 A conflict of interest exists when a World Sailing Race Official has, or reasonably appears to have, a personal or financial interest which could affect the official's ability to be impartial.
- 34.2 When a World Sailing Race Official is invited to serve at a regatta he/she shall consult the "Race Officials Committee Guidelines for Assessing a Conflict of Interest for Race Officials" as published on the World Sailing website and act in accordance with these guidelines, which may be to decline the invitation.
- 34.3 When the World Sailing Race Official has any doubt, on the action to take he/she shall promptly consult World Sailing, prior to accepting the invitation and be bound by its decision.
- 34.4 When, at an event, a World Sailing Race Official becomes aware of a conflict of interest, the official he/she shall disclose the potential conflict to the International Jury which shall take appropriate action in accordance with the "Race Officials Committee Guidelines for Assessing a Conflict of Interest for Race Officials" as published on the World Sailing website.
- 34.5 All World Sailing Race Officials appointed to the events listed in Regulations 25.8.10 and 25.8.11 shall declare any conflict of interest to the Chief Executive Officer and update their declaration when relevant. A conflict of interest declaration from a race official shall include the information necessary to assess in accordance with the "Race Officials Committee Guidelines for Assessing A Conflict of Interest for Race Officials" whether the race official in question has a conflict of interest in relation to a specific event.
- 34.6 The Race Officials Committee shall develop and maintain a register of conflict of interest declarations from World Sailing Race Officials. The information, contents and administration of the register shall be described by the Race Officials Committee, approved by the Board and be published on the World Sailing website.

**SECTION 4 - OTHER****35 MISCONDUCT AND DISCIPLINE (see Appendix 6)****36 ETHICS*****Establishing and amending the Code of Ethics***

- 36.1 There shall be a body of rules concerning the ethical behaviour and standards known as the World Sailing Code of Ethics ("the Code").
- 36.2 World Sailing and each of its members, any candidate for election to a World Sailing office or MNA office, members of its Council and its Committees, Commissions and working parties, World Sailing Race Officials, or any person, official or body subject to the World Sailing Constitution or World Sailing Regulations, all other World Sailing Representatives, Organising Committees of any World Sailing events and World Sailing Classes ("Parties") shall be bound by, respect and comply with the World Sailing Code of Ethics.
- 36.3 The Code shall be adopted by Council from time to time.

***Complaints under the Code***

- 36.4 Any complaint, allegation or report that a breach of the Code has been or may have been committed by a Party (a "Complaint") shall be submitted in writing to the Chief Executive Officer, who shall refer it to an Ethics Officer. Any Complaint received prior to 19 May 2019 which has already been referred to the Ethics Commission shall be governed by the Regulations in force immediately prior to that date (unless the Parties to the Complaint agree otherwise with the approval of the Commission).
- 36.5 An Ethics Officer is an official appointed by the Ethics Commission who is responsible for one or more of the following:
- (a) the investigation of Complaints;
  - (b) any decision to charge a Party with a breach of the Code;
  - (c) the prosecution of such cases before the Ethics Commission;
  - (d) any decision to appeal a decision of the Ethics Commission; and
  - (e) the prosecution of such appeals before an Independent Appeal Panel.

An Ethics Officer cannot be a World Sailing committee or commission member, World Sailing employee, World Sailing officer or World Sailing Race Official or Judicial Board member.

- 36.6 An Ethics Officer shall have the right to conduct interviews with any Party in furtherance of investigation of the Complaint (or any potential breach of the Code of Ethics brought to his attention during the investigation) subject as follows:
- (a) the date and time of interviews shall be determined by the Ethics Officer with reasonable allowances made for the Party's commitments and schedules;
  - (b) the Party has the right to be accompanied to an interview (including by counsel at his own cost);
  - (c) interviews will be recorded and recorded interviews shall be used for transcription and evidentiary purposes and thereafter will be retained by World Sailing for a minimum of 3 years in a secure place;
  - (d) the Party has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at his own cost); and

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- (e) a recording or a transcript of an interview shall be provided to the Party upon request within a reasonable time following its conclusion (at the Party's own cost).
- 36.7 All Parties and World Sailing must take all reasonable measures to assist an Ethics Officer in the collection of evidence. This includes attending interviews under Regulation 36.5. If an Ethics Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege or other legal entitlement) be under an obligation to provide it. Failure to comply with an Ethics Officer's request may be reported as Misconduct under Regulation 35.
- 36.8 Parties shall be determined to be immediately available at the most current postal or email address held by World Sailing or by a National Authority.
- 36.9 Any notice delivered to a Party shall be deemed to have been received by the Party on the date of delivery to such an address recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.
- 36.10 Following the investigation, the Ethics Officer shall:
- (a) take no further action; or
  - (b) issue a warning to any Party in the report, and thereafter take no further action; or
  - (c) charge any Party with a breach of the Code.
- 36.11 The decision of the Ethics Officer shall be communicated to the Party and the complainant at the first reasonable opportunity. A copy of the decision shall be sent to the Chairman of the Ethics Commission.
- 36.12 In the event that the Ethics Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Chairman of the Ethics Commission that a second Ethics Officer be appointed independently to investigate the complaint. If such a request is made the Chairman may, within 14 days of the request, appoint a second Ethics Officer to investigate and make a decision in accordance with Regulation 36.10. This process may only be applied once in relation to any complaint.

### ***Procedures relating to Charging***

- 36.13 If a charge is issued against a Party, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Ethics Commission, which shall:
- (a) state briefly the nature of the alleged breach;
  - (b) identify the provision(s) of the Code alleged to have been breached; and
  - (c) provide copies of documents or other material referred to in the charge.
- 36.14 A single charge may be issued against a Party in respect of more than one breach, but the charge shall state separately the nature of each alleged breach and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 36.15 Where the subject matter or facts relating to a charge or charges against one or more Party(s) are sufficiently linked (including, but not limited to, where a breach is alleged to have been committed at the same time or place or where there is common evidence), the Ethics Officer may consolidate the proceedings so that they are conducted together and determined at a joint hearing, subject to the Ethics Commission appointed deciding upon some alternative procedure.

***Hearing and Determination of the Charge***

- 36.16 Charge(s) shall be considered by and adjudicated upon by the Ethics Commission. Rules of Procedure published by the Commission shall apply to the conduct, determination and hearing of the charge and, in particular, may authorise a panel of at least three members of the Commission appointed by the Chairman to hear and adjudicate charges on behalf of the Commission (in which case Regulation 8.5.2 does not apply to such panel). Any challenge to the constitution of a panel shall be made in accordance with the time limits and procedure set out in the Rules of Procedure and shall be decided by the Chairman. There shall be no appeal against the decision of the Chairman.
- 36.17 The Ethics Commission may impose penalties set out in the Code following a proven charge of a breach of the Code. The Commission shall publish its decisions unless there is a good reason not to do so.

***Appeals against the decisions of the Commission***

- 36.18 The Ethics Officer or a Party hereby agree to respect and be bound by the decision of the Ethics Commission, subject only to the right of appeal set out below.
- 36.19 There is a right of appeal from a decision of Ethics Commission to the Judicial Board which shall be heard under Part G of Regulation 35 (except that the Judicial Board shall appoint an Independent Appeal Panel to hear and adjudicate on the appeal).

**37 BETTING AND ANTI-CORRUPTION CODE (see Appendix 5)****38 SAFETY REPORTING**

- 38.1 Member National Authorities, World Sailing Classes and Rating Systems shall report within 30 days to World Sailing any incident of which they become aware and which:
- (a) occurs at an event using the RRS;
  - (b) which falls within their jurisdiction; and
  - (c) falls within the scope of an incident reporting system established by the Board from time to time.
- 38.2 The bodies listed in Regulation 38.1 shall give all reasonable assistance to World Sailing if it conducts an investigation into an incident.

**39 LOCATION OF ANNUAL CONFERENCES & ANNUAL GENERAL MEETINGS**

- 39.1 The location of the Annual Conference and Annual General Meeting shall be determined by the Annual General Meeting held two years prior to the relevant year (except that the 2016 Annual General Meeting may determine the locations of the 2017 and 2018 Annual Conferences).
- 39.2 The Board shall invite bids from interested venues and shall publish in advance the criteria against which the Board will assess any bids received.
- 39.3 The Executive Office will undertake site visits to such candidate venues as the Board shall determine. The Board will then assess bids against the published criteria and shall recommend up to three eligible bids to the Annual General Meeting. Each bidder may present to the Annual General Meeting and the Annual General Meeting will then vote to decide which bid is successful. The presentation and voting procedure shall be determined by the chairman of the meeting.
- 39.4 All successful bids shall be subject to concluding a suitable contract with World Sailing by a date specified by the Board. In the event that:

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- (a) a selected venue does not enter into a contract with World Sailing by a date specified by the Board;
- (b) a venue withdraws after selection by the Annual General Meeting; or
- (c) otherwise, there is no venue selected following the relevant Annual General Meeting,

then Council shall have the power to select an alternative venue on the recommendation of the Board.

### **40 TEMPORARY CHANGES TO REGULATIONS**

- 40.1 Due to the postponement of the 2020 Olympic Sailing Competition, the following provisions shall apply notwithstanding any other Regulation:
- (a) the Racing Rules Committee and Equipment Committee shall approve the final changes to the revised editions of The Racing Rules of Sailing or The Equipment Rules of Sailing (as appropriate) before the final text is submitted to World Sailing Executive Office;
  - (b) the final, fully formatted copies of the revised editions of The Racing Rules of Sailing and The Equipment Rules of Sailing shall be made available by the Executive Office to all Member National Authorities and World Sailing Class Associations no later than 31 July 2020;
  - (c) the revised edition of The Racing Rules of Sailing and The Equipment Rules of Sailing shall come into effect worldwide on 1 January 2021. However, if an event begins in 2020 and continues past 31 December, the effective date may be postponed by the notice of race;
  - (d) the Chief Executive Officer may authorise, on request, that the class rules of an Olympic Class may continue to be governed by the 2017 – 2020 Equipment Rules of Sailing until 31 December 2021; and
  - (e) the terms of office of the Chairman and members of the Athletes' Commission which would have expired in 2020 are extended by one year.
- 40.2 This Regulation will cease to apply on 1 January 2022.

## APPENDIX 1 – ADVERTISING CODE

## 20. WORLD SAILING ADVERTISING CODE

## 20.1 Definitions

20.1.1 The following definitions shall apply to this World Sailing Advertising Code only:

"Advertising"	a name, logo, slogan, description, depiction, a variation or distortion thereof, or any other form of communication that promotes an organization, person, product, service, brand or idea so as to call attention to it or to persuade persons or organizations to buy, approve or otherwise support it
"Bow Number"	an identifier assigned to a <b>boat</b> by the Organising Authority which shall be displayed on the bow of that <b>boat</b> . It may be a combination of numbers and letters and may include Advertising
"Code"	this Regulation 20 including Table 1 and Table 2
"Competitor"	a person on board a <b>boat</b> while Racing (as defined below), but excluding persons placed on board by the Organizing Authority or by the race committee
"Racing"	the period of time defined in the RRS
"Recognized System"	any System (as defined below) recognized by World Sailing <sup>1</sup>
"Person in Charge"	the person designated in RRS 46
"System"	any handicapping and rating method that provides a correction method to rank unequal <b>boats</b> on the same ranking list

20.1.2 Unless defined above, capitalized words are defined at the start of the Regulations.

20.1.3 A definition in the singular includes the plural, in the masculine gender includes the feminine gender. A term used as defined in *The Equipment Rules of Sailing* (ERS) is printed in **bold** type.

## 20.2 General

20.2.1 Advertising on a **boat**, **personal equipment** or any other object on board a **boat** shall be displayed in accordance with this Code, the applicable **class rules** and the rules of the relevant System. Advertising that is not specifically permitted under this Code is prohibited.

20.2.2 This Code applies to **boats** and Competitors while Racing and at all other times when so prescribed herein.

20.2.3 The right to display Advertising on a **boat**:

20.2.3.1 shall be subject to prior authorization of World Sailing in the following cases:

- (a) non-World Sailing Classes and non-Recognized Systems with scheduled racing in more than three countries;
- (b) Oceanic events;
- (c) series of events scheduled to take place in more than one country;
- (d) International Events with the same sponsor;

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<sup>1</sup>As of January 2017, World Sailing recognizes three Systems: ORC International, IRC and ORC Club.

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- (e) the America's Cup and all qualifying events for the America's Cup;  
and in such cases World Sailing may agree in writing any departure from provisions of the Code on a case by case basis;
- 20.2.3.2 is automatically granted to World Sailing Classes and Recognized Systems, unless subject to Regulation 20.2.3.1;
- 20.2.3.3 shall be subject to prior authorization of the relevant National Authority for all Classes, Systems and events that are within its jurisdiction and not subject to Regulation 20.2.3.1 or 20.2.3.2.
- 20.2.4 Any Advertising and anything advertised shall meet generally accepted moral and ethical standards. Any Advertising which is political, religious, racial or propaganda shall not be displayed on a **boat, personal equipment** or any other object on board a **boat** while Racing. Attention is also drawn to the laws of individual nations which may restrict Advertising within their territory or territorial waters.
- 20.2.5 A Competitor may choose not to display Advertising required under Regulations 20.4 or 20.6 which is for alcohol or tobacco, or which he genuinely objects to for substantive moral, political or religious reasons.
- 20.2.6 Advertising on **sails** shall be clearly separated from national letters and sail numbers and from Class insignia unless it is part thereof.
- 20.2.7 With the exception of Regulations 20.7 and 20.9, this Code shall not apply at events at which the International Olympic Charter applies, either directly (e.g. Olympic Games) or indirectly by reference to it made in the charter of the relevant organization (e.g. Regional Games as provided for in Regulation 25).
- 20.2.8 With the prior written approval of World Sailing and in accordance with such approval, the provisions of this Code, with the exception of Regulations 20.7 and 20.9, may be waived at Regional Games as provided for in Regulation 25.
- 20.3 Competitor's Advertising
  - 20.3.1 Each Competitor, with the agreement of the Person in Charge, may display Advertising on **personal equipment** except that bibs provided by the Organizing Authority shall be worn as detailed in Regulation 20.4.
  - 20.3.2 Subject to any limitations on Advertising in the applicable **class rules** or the rules of the relevant System, Advertising chosen by the Person in Charge may be displayed on a **boat** or part thereof, except on the areas detailed in Regulation 20.4 and Table 1.
- 20.4 Event Advertising
  - 20.4.1 Subject to the provisions of Regulation 20.6, the Organizing Authority may require that **boats** display the Advertising listed in this Regulation 20.4.1, provided that such requirement is stated in the notice of race and that the Organizing Authority provides the **boats** with the needed materials (stickers, flags, etc.):
    - 20.4.1.1 Bow Numbers at all times, and
    - 20.4.1.2 Advertising while Racing in accordance with the provisions of Table 1, and
    - 20.4.1.3 sponsor's flag(s) on the **backstay** or **shroud** at all times in accordance with the provisions of Table 1.
    - 20.4.1.4 Event advertising shall be displayed on the forward part of each side of the **boom** in accordance with Table 1 unless, the Class has prescribed in their class rules that Event Advertising shall instead be displayed on the aft part of each side of the **boom**.



- 20.4.1.5 In accordance with the provisions of Table 1 there shall be no Event Advertising on sails except with the agreement of World Sailing for boats which have a low freeboard; in which case Event Advertising is permitted which does not exceed 1/8 of the sail area and which is placed on a sail in a position prescribed in the class rules.
- 20.4.2 When a **boat** or part thereof (e.g. **hull, spar, sails**) is supplied by the Organizing Authority, all Advertising permitted by this Code on the supplied **boat** or part thereof is available to the Organizing Authority.
- 20.4.3 At all World Sailing events and at the World Cup Final events a bib, or its equivalent, shall be worn by the Competitors in accordance with the notice of race and sailing instructions. Advertising displayed on such bib, or its equivalent, is reserved for World Sailing unless previously agreed otherwise with World Sailing in writing.
- 20.4.4 At all windsurfing and kiteboard events other than those indicated in Regulation 20.4.3 a bib, or its equivalent, shall be worn by the Competitors in accordance with the notice of race and sailing instructions. Advertising displayed on such bib, or its equivalent, is reserved for the Organizing Authority.
- 20.5 Class Rules and rules of a System
- 20.5.1 Except as provided for in this Regulation 20.5, the **class rules** and the rules of a System may prohibit or limit the right to display Advertising on the **boat** as set forth in Regulation 20.3. If the **class rules** or the rules of a System do not prohibit or limit the right to display Advertising, it shall be permitted.
- 20.5.2 In case of conflict between the applicable **class rules** and the rules of a System in respect of the right to display Advertising, the more limiting rules shall prevail.
- 20.5.3 The transitional provisions in this Regulation 20.5.3 shall cease to apply after 31st December 2012:
- When the **class rules** or the rules of a System in force on 31st October 2008:
- (a) prohibited the display of Advertising or did not prescribe about Advertising, such rules shall be deemed to prohibit Advertising until they prescribe otherwise in compliance with this Code;
  - (b) prescribed to limit the right to display Advertising, such rules shall be deemed to prescribe the same limitation until they prescribe otherwise in compliance with this Code.
- 20.5.4 The **class rules** of a **boat** selected by World Sailing as equipment at a future Olympic Sailing Competition shall not prohibit or limit in any way the right to display Advertising while Racing except it may limit or prohibit, where applicable, the right to display Advertising on the jib sail.
- 20.5.5 **Class rules** and the rules of a System may permit or require a **boat** to display the national flag and/or the name of the Competitor on the **mainsail** and shall state the size and location for each. Such permission or requirement shall not be deemed to constitute a prohibition or a limitation of the right of the Competitor to display Advertising.
- 20.6 Sponsor's Advertising of World Sailing Classes and Recognized Systems
- 20.6.1 A World Sailing Class and a Recognized System may enter into a contract with a sponsor which will require the **boats** of that World Sailing Class or certified under that Recognized System to display such sponsor's Advertising provided that:
- (a) the relevant Class Association or the governing body of the Recognized System, in accordance with its rules, has previously approved the principle of a sponsorship contract; and

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- (b) the displaying of such sponsor's Advertising is restricted to areas reserved to the Organizing Authority as detailed in Regulation 20.4 and Table 1; and
- (c) the **boats** are only required to display such sponsor's Advertising at events at which that World Sailing Class or that Recognized System is the Organizing Authority, or at events for which that World Sailing Class or that Recognized System have executed a written agreement with the Organizing Authority permitting the **boats** to display such sponsor's Advertising.

20.6.2 The National Class association of an World Sailing Class or the national governing body of a Recognized System shall not, without the prior written consent of respectively the World Sailing Class Association or the international governing body, enter into a sponsorship contract requiring the **boats** to display Advertising.

20.6.3 A **boat**, whose Person in Charge has agreed with his own National Authority that such **boat** will display Advertising that would conflict with the sponsor's Advertising under Regulation 20.6.1, shall not be required to display such sponsor's Advertising.

### 20.7 Manufacturer's and Sailmaker's Marks

20.7.1 The display of the manufacturer's and sailmaker's marks is permitted at all times as detailed in Table 2 but not on areas detailed in Regulation 20.4 and Table 1 (with the exception of windsurfers where the sailmaker's logos may cover the area detailed in Table 1) and shall not constitute a limitation to the rights to display Advertising as set forth in the Code, in the **class rules** and in the rules of a System.

20.7.2 A manufacturer's mark may include the name, logo or other identification marks of the designer or manufacturer of the equipment.

20.7.3 A sailmaker's mark may include the name, logo or other identification marks of the sailmaker or of the **sail** cloth manufacturer or the pattern or model of the **sail**.

### 20.8 Fees

20.8.1 World Sailing or the National Authority, as appropriate, may charge a fee when granting authorization under Regulation 20.2.3.

20.8.2 When a Person in Charge of a **boat** chooses to display Advertising pursuant to Regulation 20.3.2, the National Authority of such Person in Charge, and not any other National Authority, may impose an annual fee for that **boat**.

20.8.3 A **boat** shall not be required to pay a fee for displaying Advertising pursuant to this Code except in accordance with this Regulation 20.8.

### 20.9 Protests

20.9.1 Protests alleging a breach of this Code shall be governed by Part 5 of the RRS.

20.9.2 When, after finding the facts at a protest hearing, the protest committee decides that a **boat** and/or Competitor is in breach of any provision of this Code, it shall:

- (a) warn the Person in Charge of the **boat** or the Competitor; or
- (b) impose a penalty on the **boat** in the race or the series; or
- (c) make any other arrangement deemed equitable which may be to impose no penalty.

Table 1 - Event Advertising

Allowed Advertising - see Regulation 20.4.1

	<b>Hull</b>	<b>Boom</b>	<b>Backstay</b> and Kite line	<b>Sails and Kites</b>
Boat Type or Size	On each side of the <b>hull</b> , but not aft of the longitudinal distance stated from the foremost point on the <b>hull</b>	On the forward part of each side of the <b>boom</b> ( <u>except if Regulation 20.4.1.4 applies</u> )	A flag, attached to a <b>backstay</b> or kite line, fitting in the following rectangle sizes (2)	On each side of the <b>sails</b>
Boat less than 2.5m <b>hull length</b> (1)	40% of <b>hull length</b>	Not exceeding 20% of the <b>boom</b> length	No Advertising	No Advertising ( <u>except if Regulation 20.4.1.5 applies</u> )
Boat between 2.5m and 8m <b>hull length</b> (1)	Greater of 1m or 25% of <b>hull length</b>		One flag 750mm x 500mm	
Boat over 8m to 15m <b>hull length</b> (1)	Greater of 2m or 20% of <b>hull length</b>		One flag (or up to two in case of a <b>boat</b> without centreline <b>backstay</b> ) 1900mm x 1400mm	
Boat over 15m <b>hull length</b> (1)	Greater of 3m or 15% of <b>hull length</b>		One flag (or up to two in case of a <b>boat</b> without centreline <b>backstay</b> ) 2100mm x 1600mm	
Windsurfer	No Advertising	No Advertising	No Advertising	Not exceeding 0.4 sq m, placed between the sail numbers and the <b>boom</b> (wishbone) and aft of the <b>foot median</b> line (may cover the sailmaker's mark)
Kiteboard – non-foiling	Any 25% of the area of the top and bottom surfaces	Not applicable	Up to two flags 150mm x 150mm	No Advertising
Kiteboard – foiling	2 stickers 50cm x 10cm in the aft third of the bottom of the hull	Not applicable	Up to two flags 150mm x 150mm	No Advertising

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Radio-controlled boat	40% of <b>hull length</b>	No Advertising	No Advertising	No Advertising
Boat selected by World Sailing as equipment at a future Olympic Sailing Competition	Greater of 1m or 25% of <b>hull length</b>	Not exceeding 20% of the <b>boom</b> length	One flag 750mm x 500mm	Jib - 60% of the sail area, Mainsail – No Advertising, Spinnaker – No Advertising

- (1) In this table, the word 'boat' does not include windsurfers, kiteboards or radio-controlled boats.
- (2) If the boat has no **backstay**, the notice of race may require that the flag is attached to a **shroud**.

When a boat has a bow or forward transom, Advertising shall be allowed on this space in addition to the **hull** area stated in the table above.

**Table 2 – Manufacturer’s and Sailmaker’s Marks**

Allowed marks - see Regulation 20.7.1

	Hull	Spars and Equipment	Sails and Kites
Boat Type or Size	On each side of the <b>hull</b> , and may include the name or mark of the designer or builder	On each side of <b>spars</b> and on each side of other equipment	On each side of <b>sails</b> and kites
Boat less than 2.5m <b>hull length</b> (1)	One mark to fit within a rectangle measuring 15% of <b>hull length</b> x 150mm	One mark not exceeding 300mm length	One mark to fit within a 150mm x 150mm square. Except on spinnakers, no part of the mark shall be placed farther than the greater of 300mm or 15% of <b>foot length</b> from the <b>tack point</b>
Boat between 2.5m to 20m <b>hull length</b> (1)	One mark to fit within a rectangle measuring 500mm x 150mm		
Boat over 20m <b>hull length</b> (1)	One mark to fit within a rectangle measuring 1000mm x 250mm	One mark not exceeding 500mm length	One mark to fit within a 300mm x 300mm square. Except on spinnakers, no part of the mark shall be placed farther than the greater of 1000mm or 15% of foot length from the tack point
Windsurfer	No restriction	No restriction	No restriction
Kiteboard	No restriction	Not applicable	No restriction

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Radio-controlled boat	One mark to fit within a rectangle measuring 15% of <b>hull length</b> x 150mm	One mark not exceeding <b>50mm</b> length	One mark to fit within a 50mm diameter circle
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- (1) In this table, the word 'boat' does not include windsurfers, kiteboards or radio-controlled boats.
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## APPENDIX 2 – ANTI-DOPING CODE

### INTRODUCTION

#### Preface

These Anti-Doping Rules are adopted and implemented in accordance with World Sailing's responsibilities under the *Code*, and in furtherance of World Sailing's continuing efforts to eradicate doping in sport.

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules, which implement the *Code*, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

As provided in the *Code*, World Sailing shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by World Sailing to a *Delegated Third Party*, such as the International Testing Agency (ITA), however, World Sailing shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. World Sailing has delegated its adjudication responsibilities and *Results Management* to the CAS Anti-Doping Division.

When World Sailing has delegated its responsibilities to implement part or all of *Doping Control* to the *Delegated Third Party*, any reference to World Sailing in these *Rules* should be intended as a reference to that *Delegated Third Party*, where applicable and within the context of the aforementioned delegation. World Sailing shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

Italicized terms in these Anti-Doping Rules are defined terms in Appendix 1.

Unless otherwise specified, references to Regulations are references to Regulations in these Anti-Doping Rules.

#### Fundamental Rationale for the *Code* and World Sailing's Anti-Doping Rules

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport": the ethical pursuit of human excellence through the dedicated perfection of each *Athlete's* natural talents.

Anti-doping programs seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances* and *Prohibited Methods*.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is the essence of Olympism and is reflected in the values we find in and through sport, including:

- Health

- Ethics, fair play and honesty
- *Athletes'* rights as set forth in the *Code*
- Excellence in performance
- Character and *Education*
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

The spirit of sport is expressed in how we play true.

Doping is fundamentally contrary to the spirit of sport.

### **Scope of these Anti-Doping Rules**

These Anti-Doping Rules shall apply to:

- (a) World Sailing, including:
  - (i) all *Persons* within World Sailing who are subject to its Regulations being:
    - a. members of the World Sailing Board;
    - b. members of the World Sailing Council (including any Alternates), committees, commissions or working parties;
    - c. World Sailing Race Officials and World Sailing Representatives; and
    - d. any *Person*, official or body which has agreed on an individual basis to be bound to the World Sailing Constitution or Regulations, and
  - (ii) *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
- (b) each of its *Member National Authorities*, including all *Persons* within *Member National Authorities* who are subject to World Sailing's Regulations, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
- (c) the following *Athletes*, *Athlete Support Personnel* and other *Persons*:
  - (iii) all *Athletes* and *Athlete Support Personnel* who are members of any *Member National Authority*, or of any member or affiliated club or organization of any *Member National Authority*;
  - (iv) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organized, convened, authorized or recognized by World Sailing, or any *Member National Authority*, or by any member or affiliated club or organization of any *Member National Authority*, wherever held;
  - (v) any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of World Sailing, or of any *Member National Authority*, or of any member or affiliated club or organization of any *Member National Authority*, for purposes of anti-doping; and

- (vi) *Athletes* who are not regular members of World Sailing or of one of its *Member National Authority* but who want to be eligible to compete in a particular *International Event* or an *Event* which has been specifically sanctioned by World Sailing as a World Sailing Special Event.

Each of the abovementioned *Persons* is deemed, as a condition of his or her participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of World Sailing to enforce these Anti-Doping Rules, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.<sup>2</sup>

#### *International-Level Athletes*

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *International-Level Athletes* for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (e.g., *Testing*, *TUEs*, whereabouts, and *Results Management*) shall apply to such *Athletes*:

- (a) *Athletes* who are part of World Sailing *Registered Testing Pool* or World Sailing *Testing Pool* (if any);
- (b) *Athletes* who participate in the following *International Events*:
- Olympic & Paralympic Games
  - Sailing World Championships
  - World Cup Final
  - Youth Sailing World Championships
  - Para World Sailing Championship

and any other *Events* that World Sailing adds to the recognized *International Events* on the World Sailing Anti-Doping microsite found at [https://www.sailing.org/sailors/antidoping/international\\_events.php](https://www.sailing.org/sailors/antidoping/international_events.php)

## **21.1 DEFINITION OF DOPING**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 21.2.1 through to Regulation 21.2.11 of these Anti-Doping Rules.

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<sup>2</sup> [Comment: Where the Code requires a Person other than an Athlete or Athlete Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Code Regulations 21.2.5 (Tampering), 21.2.7 (Trafficking), 21.2.8 (Administration), 21.2.9 (Complicity), 21.2.10 (Prohibited Association) and 21.2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Code Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.]

World Sailing shall ensure that, as per Regulation 21.19 of these Anti-Doping Rules, any arrangements with their board members, directors, officers, and specified employees, as well as with the Delegated Third Parties and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such Persons are bound by, agree to comply with these Anti-Doping Rules, and agree on the World Sailing's authority to solve anti-doping cases.]



## 21.2 ANTI-DOPING RULE VIOLATIONS

The purpose of Regulation 21.2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

### 21.2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

**21.2.1.1** It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.<sup>3</sup>

**21.2.1.2** Sufficient proof of an anti-doping rule violation under Regulation 21.2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.<sup>4</sup>

**21.2.1.3** Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

**21.2.1.4** As an exception to the general rule of Regulation 21.2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

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<sup>3</sup> [Comment to Regulation 21.2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's Fault* is taken into consideration in determining the Consequences of this anti-doping rule violation under Regulation 21.10. This principle has consistently been upheld by CAS.]

<sup>4</sup> [Comment to Regulation 21.2.1.2: The Anti-Doping Organization with Results Management responsibility may, at its discretion, choose to have the *B Sample* analyzed even if the *Athlete* does not request the analysis of the *B Sample*.]

**21.2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method**<sup>5</sup>

**21.2.2.1** It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

**21.2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.<sup>6</sup>

**21.2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete**

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.<sup>7</sup>

**21.2.4 Whereabouts Failures by an Athlete**

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

**21.2.5 Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person**

**21.2.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person**

**21.2.6.1** *Possession by an Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession by an Athlete Out-of-Competition*

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<sup>5</sup> [Comment to Regulation 21.2.2: It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Regulation 21.3.2, unlike the proof required to establish an anti-doping rule violation under Regulation 21.2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Regulation 21.2.1.

For example, *Use* may be established based upon reliable analytical data from the analysis of an A *Sample* (without confirmation from an analysis of a B *Sample*) or from the analysis of a B *Sample* alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other *Sample*.]

<sup>6</sup> [Comment to Regulation 21.2.2.2: Demonstrating the "Attempted Use" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the *Strict Liability* principle established for violations of Regulation 21.2.1 and violations of Regulation 21.2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*.

An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such *Substance* is not prohibited *Out-of-Competition* and the *Athlete's Use* takes place *Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Regulation 21.2.1 regardless of when that *Substance* might have been administered.)]

<sup>7</sup> [Comment to Regulation 21.2.3: **Error! Main Document Only.** For example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that an *Athlete* was deliberately avoiding a *Doping Control* official to evade notification or *Testing*. A violation of "failing to submit to *Sample* collection" may be based on either intentional or negligent conduct of the *Athlete*, while "evading" or "refusing" *Sample* collection contemplates intentional conduct by the *Athlete*.]

of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* (“*TUE*”) granted in accordance with Regulation 21.4.4 or other acceptable justification.

**21.2.6.2** *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Regulation 21.4.4 or other acceptable justification.<sup>8</sup>

**21.2.7** *Trafficking* or *Attempted Trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or *Other Person*

**21.2.8** *Administration* or *Attempted Administration* by an *Athlete* or *Other Person* to any *Athlete In-Competition* of any *Prohibited Substance* or *Prohibited Method*, or *Administration* or *Attempted Administration* to any *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* that is *Prohibited Out-of-Competition*

**21.2.9** *Complicity* or *Attempted Complicity* by an *Athlete* or *Other Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Regulation 21.10.14.1 by another *Person*.<sup>9</sup>

**21.2.10** *Prohibited Association* by an *Athlete* or *Other Person*

**21.2.10.1** Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

**21.2.10.1.1** If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

**21.2.10.1.2** If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a

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<sup>8</sup> [Comment to Regulations 21.2.6.1 and 21.2.6.2: Acceptable justification would not include, for example, buying or Possessing a *Prohibited Substance* for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that *Person* had a physician’s prescription, e.g., buying *Insulin* for a diabetic child.]

[Comment to Regulation 21.2.6.1 and 21.2.6.2: Acceptable justification may include, for example, (a) an *Athlete* or a team doctor carrying *Prohibited Substances* or *Prohibited Methods* for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an *Athlete* Possessing a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons shortly prior to applying for and receiving a determination on a *TUE*.]

<sup>9</sup> [Comment to Regulation 21.2.9: *Complicity* or *Attempted Complicity* may include either physical or psychological assistance.]

violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

**21.2.10.1.3** Is serving as a front or intermediary for an individual described in Regulations 21.2.10.1.1 or 21.2.10.1.2.

**21.2.10.2** To establish a violation of Regulation 21.2.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Regulation 21.2.10.1.1 or 21.2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Regulations 21.2.10.1.1, 21.2.10.1.2, or 21.2.10.1.3 shall submit that information to WADA.<sup>10</sup>

#### **21.2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities**

Where such conduct does not otherwise constitute a violation of Regulation 21.2.5:

**21.11.1** Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

**21.11.2** Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

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<sup>10</sup> [Comment to Regulation 21.2.10: *Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.*

*While Regulation 21.2.10 does not require the Anti-Doping Organization to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]*

For purposes of Regulation 21.2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.<sup>11</sup>

## 21.3 PROOF OF DOPING

### 21.3.1 Burdens and Standards of Proof

World Sailing shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether World Sailing has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Regulations 21.3.2.2 and 21.3.2.3, the standard of proof shall be by a balance of probability.<sup>12</sup>

### 21.3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.<sup>13</sup> The following rules of proof shall be applicable in doping cases:

**3.2.1** Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.<sup>14</sup>

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<sup>11</sup> [Comment to Regulation 21.2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]

[Comment to Regulation 21.2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Regulation 21.2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

<sup>12</sup> [Comment to Regulation 21.3.1: This standard of proof required to be met by World Sailing is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

<sup>13</sup> [Comment to Regulation 21.3.2: For example, World Sailing may establish an anti-doping rule violation under Regulation 21.2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Regulation 21.2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]

<sup>14</sup> [Comment to Regulation 21.3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the

**3.2.2** WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.<sup>15</sup>

**21.3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;<sup>16</sup> provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard* for *Testing* and *Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* and *Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case World Sailing shall have the

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laboratory's estimated concentration of such *Prohibited Substance* in a *Sample* may only be an estimate. In no event shall the possibility that the exact concentration of the *Prohibited Substance* in the *Sample* may be below the *Minimum Reporting Level* constitute a defense to an anti-doping rule violation based on the presence of that *Prohibited Substance* in the *Sample*.]

<sup>15</sup> [Comment to Regulation 21.3.2.2: **Error! Main Document Only.** The burden is on the *Athlete* or other *Person* to establish, by a balance of probability, a departure from the *International Standard* for Laboratories that could reasonably have caused the *Adverse Analytical Finding*. Thus, once the *Athlete* or other *Person* establishes the departure by a balance of probability, the *Athlete* or other *Person*'s burden on causation is the somewhat lower standard of proof – "could reasonably have caused." If the *Athlete* or other *Person* satisfies these standards, the burden shifts to *World Sailing* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.]

<sup>16</sup> [Comment to Regulation 21.3.2.3: Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to whereabouts failure or B *Sample* opening – e.g., the *International Standard* for Education, *International Standard* for the Protection of Privacy and Personal Information or *International Standard* for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, *World Sailing*'s violation of the document referenced in Regulation 21.20.7.7 of the *Code* shall not constitute a defense to an anti-doping rule violation.]

burden to establish that such departure did not cause the anti-doping rule violation;

- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;<sup>17</sup>
- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case World Sailing shall have the burden to establish that such departure did not cause the whereabouts failure.

**21.3.2.4** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

**21.3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or World Sailing.

## **21.4 THE PROHIBITED LIST**

### **21.4.1 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*.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA, without requiring any further action by World Sailing or its *Member National Authorities*. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

World Sailing shall provide its *Member National Authorities* with the most recent version of the *Prohibited List*. Each *Member National Authorities* shall in turn ensure that its

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<sup>17</sup> [Comment to Regulation 21.3.2.3 (iii): World Sailing would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the *B Sample* opening and analysis were observed by an independent witness and no irregularities were observed.]

members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.<sup>18</sup>

#### **21.4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List**

##### **21.4.2.1 Prohibited Substances and Prohibited Methods**

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.<sup>19</sup>

##### **21.4.2.2 Specified Substances or Specified Methods**

For purposes of the application of Regulation 21.10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.<sup>20</sup>

##### **21.4.2.3 Substances of Abuse**

For purposes of applying Regulation 21.10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

#### **21.4.3 WADA's Determination of the Prohibited List**

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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<sup>18</sup> [Comment to Regulation 21.4.1: The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made.]

<sup>19</sup> [Comment to Regulation 21.4.2.1: *Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.*]

<sup>20</sup> [Comment to Regulation 21.4.2.2: *The Specified Substances and Specified Methods identified in Regulation 21.4.2.2 should not in any way be considered less important or less dangerous than other doping Substances or Methods. Rather, they are simply Substances and Methods which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.*]



## 21.4.4 Therapeutic Use Exemptions (“TUEs”)

**21.4.4.1** The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method*, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

### 21.4.4.2 TUE Applications

**21.4.4.2.1** *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2.

**21.4.4.2.2** *Athletes* who are *International-Level Athletes* shall apply to World Sailing.

### 21.4.4.3 TUE Recognition<sup>21</sup>

**21.4.4.3.1** Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* pursuant to Regulation 21.4.4 of the *Code* for the substance or method in question, and provided that such *TUE* has been reported in accordance with Regulation 21.5.5 of the *International Standard for Therapeutic Use Exemptions*, World Sailing will automatically recognize it for purposes of international-level *Competition* without the need to review the relevant clinical information.

**21.4.4.3.2** If World Sailing chooses to test an *Athlete* who is not an *International-Level Athlete*, World Sailing must recognize a *TUE* granted to that *Athlete* by their *National Anti-Doping Organization* unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0 of the *International Standard for Therapeutic Use Exemptions*.

### 21.4.4.4 TUE Application Process <sup>22</sup>

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<sup>21</sup> [Comment to Regulation 21.4.4.3: If World Sailing refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to World Sailing.]

[Comment to Regulation 21.4.4.3: World Sailing may agree with a National Anti-Doping Organization that the National Anti-Doping Organization will consider TUE applications on behalf of World Sailing.]

<sup>22</sup> [Comment to Regulation 21.4.4.4: The submission of falsified documents to a TUEC or World Sailing, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process shall result in a charge of Tampering or Attempted Tampering under Regulation 21.2.5.]

- 21.4.4.4.1** If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to World Sailing.
- 21.4.4.4.2** An application to World Sailing for grant or recognition of a *TUE* must be made as soon as possible, save where Regulations 21.4.1 or 21.4.3 of the *International Standard for Therapeutic Use Exemptions* apply. The application shall be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions* as posted on World Sailing's website.
- 21.4.4.4.3** The World Sailing Medical Commission exercises the functions of the *Therapeutic Use Exemption Committee* ("TUEC") to consider applications for the grant or recognition of *TUEs* in accordance with Regulations 21.4.4.4.3 (a) - (d) below:
- (a) Before serving as a member of the Commission, each member must sign a conflict of interest and confidentiality declaration. No member of the Commission may be an employee or director of World Sailing.
  - (b) When an application to World Sailing for the grant or recognition of a *TUE* is made, the Chairman of the Commission shall appoint three (3) members (which may include the Chairman) to consider the application. The Chairman may delegate their authority to appoint the TUEC to the World Sailing Executive Office to be exercised in accordance with their, or the Commission's, instructions.
  - (c) Before considering a *TUE* application, each member shall disclose to the Chairman and the World Sailing Executive Office any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the Chairman to consider an application is unwilling or unable to assess the *Athlete's TUE* application, for any reason, a replacement shall be appointed.
  - (d) No member of the TUEC may consider an application from an *Athlete* from their own country.
- 21.4.4.4.4** The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

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*An Athlete should not assume that their application for the grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.*

**21.4.4.4.5** The TUEC decision shall be the final decision of World Sailing and may be appealed in accordance with Regulation 21.4.4.7. The World Sailing TUEC decision shall be notified in writing to the *Athlete*, and to WADA and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into ADAMS.

**21.4.4.4.6** If World Sailing (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of World Sailing) denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If World Sailing grants the *Athlete's* application, it must notify not only the *Athlete* but also their *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the TUE granted by World Sailing does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Regulation 21.4.4.7.

If the *National Anti-Doping Organization* refers the matter to WADA for review, the TUE granted by World Sailing remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the TUE granted by World Sailing becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

**21.4.4.5** Retroactive TUE Applications

If World Sailing chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or a *National-Level Athlete*, and that *Athlete* is *Using a Prohibited Substance or Prohibited Method* for therapeutic reasons, World Sailing must permit that *Athlete* to apply for a retroactive TUE.

**21.4.4.6** Expiration, Withdrawal or Reversal of a TUE

**21.4.4.6.1** A TUE granted pursuant to these Anti-Doping Rules:

- (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
- (b) will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the TUE;
- (c) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
- (d) may be reversed on review by WADA or on appeal.

**21.4.4.6.2** In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, withdrawal, or reversal of the *TUE*. The review pursuant to Regulation 21.5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

#### **21.4.4.7** Reviews and Appeals of *TUE* Decisions

**21.4.4.7.1** *WADA* must review World Sailing's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to *WADA* by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, *WADA* must review World Sailing's decision to grant a *TUE* that is referred to *WADA* by the *Athlete's National Anti-Doping Organization*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.<sup>23</sup>

**21.4.4.7.2** Any *TUE* decision by World Sailing (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of World Sailing) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to *CAS*.<sup>24</sup>

**21.4.4.7.3** A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or World Sailing, exclusively to *CAS*.

**21.4.4.7.4** A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

#### **21.4.4.7** Offshore and Emergency Situations

(i) In offshore races of more than 50 nautical miles, the use of any *Prohibited Substance* or *Prohibited Method* for emergency medical treatment shall be recorded and notified to World Sailing as soon as

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<sup>23</sup> [Comment to Regulation 21.4.4.7.1: *WADA* shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.7; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

<sup>24</sup> [Comment to Regulation 21.4.4.7.2: In such cases, the decision being appealed is the *World Sailing's TUE* decision, not *WADA's* decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that *WADA* communicates its decision. In any event, whether the decision has been reviewed by *WADA* or not, *WADA* shall be given notice of the appeal so that it may participate if it sees fit.]

reasonably practicable and the *Athlete* shall apply for a retroactive *TUE*. The *TUEC* may grant a retroactive *TUE* for the *Use*, *Administration* and/or *Possession* provided that it is satisfied that the conditions described in the *International Standard for Therapeutic Use Exemptions* for such a grant are satisfied.

- (iii) With the written approval of the World Sailing *TUEC*, a team doctor or a doctor who is responsible for sailing competitors, officials and others in the care of that doctor, is permitted to carry medications that contain a *Prohibited Substance* or that constitute a *Prohibited Method* in case they are needed for urgent or emergency circumstances, provided that they are only used in such circumstances and in the proper discharge of the Hippocratic oath. The *Use* of a *Prohibited Substance* or a *Prohibited Method* in such circumstances must satisfy the conditions for the grant of a retroactive *TUE* in accordance with the *International Standard for Therapeutic Use Exemptions*.

## 21.5 TESTING AND INVESTIGATIONS

### 21.5.1 Purpose of *Testing* and Investigations<sup>25</sup>

**21.5.1.1** *Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing* and Investigations and any specific protocols of World Sailing supplementing that *International Standard*.

**21.5.1.2** *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Regulation 21.2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Regulation 21.2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

### 21.5.2 Authority to Test

**21.5.2.1** Subject to the limitations for *Event Testing* set out in Regulation 21.5.3, World Sailing shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

**21.5.2.2** World Sailing may require any *Athlete* over whom it has *Testing* authority (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.<sup>26</sup>

**21.5.2.3** WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the *Code*.

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<sup>25</sup> [Comment to Regulation 21.5.1: Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organization's rules. See, e.g., Comment to Article 23.2.2 of the *Code*.]

<sup>26</sup> [Comment to Regulation 21.5.2.2: World Sailing may obtain additional authority to conduct *Testing* by means of bilateral or multilateral agreements with other Signatories. Unless the *Athlete* has identified a sixty-minute *Testing* window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to *Testing* during that period, World Sailing will not test an *Athlete* during that period unless it has a serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether World Sailing had sufficient suspicion for *Testing* during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

**21.5.2.4** If World Sailing delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a *Member National Authority*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, World Sailing shall be notified.

### **21.5.3 Event Testing**

**21.5.3.1** Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, World Sailing (or other international organization which is the ruling body for an *Event*) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of World Sailing (or other international organization which is the ruling body for an *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with World Sailing (or the relevant ruling body of the *Event*).

**21.5.3.2** If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing of Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first consult with World Sailing (or other international organization which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*.

If the *Anti-Doping Organization* is not satisfied with the response from World Sailing (or other international organization which is the ruling body of the *Event*), the *Anti-Doping Organization* may, in accordance with the procedures described in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing World Sailing (or other international organization which is the ruling body for the *Event*). WADA's decision shall be final and not subject to appeal.

Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.<sup>27</sup>

### **21.5.4 Testing Requirements**

**21.5.4.1** World Sailing shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

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<sup>27</sup> [Comment to Regulation 21.5.3.2: Before giving approval to a *National Anti-Doping Organization* to initiate and conduct *Testing* at an *International Event*, WADA shall consult with the international organization which is the ruling body for the *Event*. Before giving approval to an *International Federation* to initiate and conduct *Testing* at a *National Event*, WADA shall consult with the *National Anti-Doping Organization* of the country where the *Event* takes place. The *Anti-Doping Organization* "initiating and directing *Testing*" may, if it chooses, enter into agreements with a *Delegated Third Party* to which it delegates responsibility for *Sample collection* or other aspects of the *Doping Control* process.]

**21.5.4.2** Where reasonably feasible, *Testing* shall be coordinated through ADAMS in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### **21.5.5 Athlete Whereabouts Information**

**21.5.5.1** World Sailing has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. World Sailing shall coordinate with *National Anti-Doping Organizations* to identify such *Athletes* and to collect their whereabouts information.

**21.5.5.2** World Sailing shall make available through ADAMS a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. World Sailing shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.

**21.5.5.3** Where an *Athlete* is included in an international *Registered Testing Pool* by World Sailing and in a national *Registered Testing Pool* by their *National Anti-Doping Organization*, the *National Anti-Doping Organization* and World Sailing shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.

**21.5.5.4** In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following:

(a) advise World Sailing of his/her whereabouts on a quarterly basis;

(b) update that information as necessary so that it remains accurate and complete at all times; and

(c) make himself or herself available for *Testing* at such whereabouts.

**21.5.5.5** For purposes of Regulation 21.2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth that Annex B are met.

**21.5.5.6** An *Athlete* in World Sailing's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to World Sailing that he or she has retired or (b) World Sailing has informed him or her that he or she no longer satisfies the criteria for inclusion in World Sailing's *Registered Testing Pool*.

- 21.5.5.7** Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in Regulation 21.5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for the Protection of Privacy and Personal Information.
- 21.5.5.8** In accordance with the *International Standard* for Testing and Investigations, World Sailing may establish one or more Special Event *Testing Pools*, which includes *Athletes* participating in World Sailing Special Events who are subject to less stringent whereabouts requirements than *Athletes* included in World Sailing's *Registered Testing Pool*.
- 21.5.5.9** World Sailing shall notify *Athletes* before they are included in a Special Event *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Regulations 21.5.5.10 and 21.5.5.11.
- 21.5.5.10** *Athletes* included in a Special Event *Testing Pool* may be required to provide World Sailing with the following whereabouts information so that they may be located and subjected to *Testing*:
- (a) An overnight address;
  - (b) *Competition / Event* schedule; and
  - (c) Regular training activities.
- The periods of time when the whereabouts information must be provided will be notified by World Sailing to the *Athletes* in sufficient time to allow them to comply. Such whereabouts information shall be filed in *ADAMS* to enable better *Testing* coordination with other *Anti-Doping Organizations*.
- 21.5.5.11** An *Athlete's* failure to provide whereabouts information on or before the date required by World Sailing or the *Athlete's* failure to provide accurate whereabouts information shall result in World Sailing elevating the *Athlete* to World Sailing's *Registered Testing Pool*.
- 21.5.5.12** World Sailing may, in accordance with the *International Standard* for Testing and Investigations, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool* or a Special Event *Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by World Sailing or the *Athlete's* failure to provide accurate whereabouts information shall result in World Sailing elevating the *Athlete* to World Sailing's *Registered Testing Pool*.

## **21.5.6 Retired Athletes Returning to Competition**

- 21.5.6.1** If an *International-Level Athlete* or *National-Level Athlete* in World Sailing's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six-



months prior written notice to World Sailing and their *National Anti-Doping Organization*.

WADA, in consultation with World Sailing and the *Athlete's National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Regulation 21.13.

Any competitive results obtained in violation of this Regulation 21.5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

- 21.5.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six-months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to World Sailing and to their *National Anti-Doping Organization*.

#### **21.5.7 Independent Observer Program**

World Sailing and organizing authorities for World Sailing's *Events*, as well as the *Member National Authority* and organizing authorities for *National Events*, shall authorize and facilitate the *Independent Observer Program* at *such Events*.

### **21.6 ANALYSIS OF SAMPLES**

*Samples* shall be analyzed in accordance with the following principles:

#### **21.6.1 Use of Accredited, Approved Laboratories and Other Laboratories**

**21.6.1.1** For purposes of directly establishing an *Adverse Analytical Finding* under Regulation 21.2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by World Sailing.<sup>28</sup>

**21.6.1.2** As provided in Regulation 21.3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

#### **21.6.2 Purpose of Analysis of Samples and Data**

*Samples* and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and

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<sup>28</sup> [Comment to Regulation 21.6.1.1: Violations of Regulation 21.2.1 may be established only by *Sample* analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

other substances as may be directed by WADA pursuant to the monitoring program described in Regulation 21.4.5 of the *Code*, or to assist World Sailing in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.<sup>29</sup>

### **21.6.3 Research on *Samples* and Data**

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.<sup>30</sup>

### **21.6.4 Standards for *Sample* Analysis and Reporting**

In accordance with Regulation 21.6.4 of the *Code*, World Sailing shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Regulation 21.4.7 of the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by World Sailing. Results from any such analysis shall be reported to World Sailing and have the same validity and *Consequences* as any other analytical result.<sup>31</sup>

### **21.6.5 Further Analysis of a *Sample* Prior to or During *Results Management***

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time World Sailing notifies an *Athlete* that the *Sample* is the basis for an Regulation 21.2.1 anti-doping rule violation charge. If after such notification World Sailing wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

### **21.6.6 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Regulation 21.6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA.

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<sup>29</sup> [Comment to Regulation 21.6.2.1: For example, relevant *Doping Control*-related information could be used to direct *Target Testing* or to support an anti-doping rule violation proceeding under Regulation 21.2.2, or both.]

<sup>30</sup> [Comment to Regulation 21.6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19 of the *Code*, as well as the requirements of the *International Standard* for Laboratories and *International Standard* for the Protection of Privacy and Personal Information.]

<sup>31</sup> [Comment to Regulation 21.6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analyzed.]

Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organization* shall be at *WADA*'s or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

#### **21.6.7 Split of A or B Sample**

Where *WADA*, an *Anti-Doping Organization* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

#### **21.6.8 WADA's Right to Take Possession of Samples and Data**

*WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by *WADA*, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.<sup>32</sup>

### **21.7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

*Results Management* under these Anti-Doping Rules establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

#### **21.7.1 Responsibility for Conducting Results Management**

**21.7.1.1** Except as otherwise provided in Regulations 21.6.6, 21.6.8 and Code Article 7.1, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping*

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<sup>32</sup> [Comment to Regulation 21.6.8: Resistance or refusal to *WADA* taking physical possession of *Samples* or data could constitute Tampering, Complicity or an act of non-compliance as provided in the *International Standard* for Code Compliance by Signatories, and could also constitute a violation of the *International Standard* for Laboratories. Where necessary, the laboratory and/or the *Anti-Doping Organization* shall assist *WADA* in ensuring that the seized *Sample* or data are not delayed in exiting the applicable country.]

[Comment to Regulation 21.6.8: *WADA* would not, of course, unilaterally take possession of *Samples* or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for *WADA* to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

*Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).

- 21.7.1.2 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable *Member National Authority* of the *Athlete* or other *Person*.
- 21.7.1.3 In the event the *Major Event Organization* assumes only limited *Results Management* responsibility relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation occurring during such *Event*, the case shall be referred by the *Major Event Organization* to World Sailing for *International-Level Athletes* or otherwise to the applicable *Member National Authority* for completion of *Results Management*.
- 21.7.1.4 *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by World Sailing or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Results Management*. If World Sailing determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.
- 21.7.1.5 Other circumstances in which World Sailing shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the *Code*.
- 21.7.1.6 WADA may direct World Sailing to conduct *Results Management* in particular circumstances. If World Sailing refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of World Sailing or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, World Sailing shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

### **21.7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations**

World Sailing shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*.

### **21.7.3 Identification of Prior Anti-Doping Rule Violations**

Before giving an *Athlete* or other *Person* notice of a potential anti-doping rule violation as provided above, World Sailing shall refer to ADAMS and contact WADA and other relevant *Anti-Doping Organizations* to determine whether any prior anti-doping rule violation exists.

#### 21.7.4 *Provisional Suspensions* <sup>33</sup>

##### 21.7.4.1 *Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding*

If World Sailing receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Regulation 21.7.2.

A mandatory *Provisional Suspension* may be eliminated if:

- (i) the *Athlete* demonstrates to CAS ADD that the violation is likely to have involved a *Contaminated Product*, or
- (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Regulation 21.10.2.4.1.

The CAS ADD's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

##### 21.7.4.2 *Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations*

World Sailing may impose a *Provisional Suspension* for anti-doping rule violations not covered by Regulation 21.7.4.1 prior to the analysis of the *Athlete's* B *Sample* or final hearing as described in Regulation 21.8.

An optional *Provisional Suspension* may be lifted at the discretion of World Sailing at any time prior to the CAS ADD's decision under Regulation 21.8, unless provided otherwise in the *International Standard for Results Management*.

##### 21.7.4.3 *Opportunity for Hearing or Appeal*

Notwithstanding Regulations 21.7.4.1 and 21.7.4.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given:

- (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or
- (b) an opportunity for an expedited hearing in accordance with Regulation 21.8 on a timely basis after the imposition of the *Provisional Suspension*.

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<sup>33</sup> [Comment to Regulation 21.7.4: Before a *Provisional Suspension* can be unilaterally imposed by World Sailing, the internal review specified in these Anti-Doping Rules and the *International Standard for Results Management* must first be completed.]

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Regulation 21.13.2.

#### **21.7.4.4** Voluntary Acceptance of *Provisional Suspension*

*Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or
- (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Regulations 21.7.4.1 or 21.7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

#### **21.7.4.5** If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or World Sailing) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1.

In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then, if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Event*, the *Athlete* or team may continue to take part in the *Event*.

### **21.7.5 Results Management Decisions**

*Results Management* decisions or adjudications by World Sailing must not purport to be limited to a particular geographic area or World Sailing's sport and shall address and determine without limitation the following issues:

- (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and
- (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Regulations 21.9 and 21.10.10, any forfeiture of

medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.<sup>34</sup>

#### **21.7.6 Notification of Results Management Decisions**

World Sailing shall notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Regulation 21.14 and in the *International Standard for Results Management*.

#### **21.7.7 Retirement from Sport<sup>35</sup>**

If an *Athlete* or other *Person* retires while the World Sailing's *Results Management* process is underway, World Sailing retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and World Sailing would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, World Sailing has authority to conduct *Results Management*.

### **21.8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

For any *Person* who is asserted to have committed an anti-doping rule violation, World Sailing shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

#### **21.8.1 Fair Hearings**

##### **21.8.1.1 Fair, Impartial and Operationally Independent Hearing Panel**

World Sailing has delegated its Regulation 21.8 responsibilities (first instance hearings, waiver of hearings and decisions) to the CAS Anti-Doping Division (CAS ADD). The procedural rules of CAS ADD pertaining to the hearing of first instance shall apply. CAS ADD must always ensure that the *Athlete* or other *Person* is provided with a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

##### **21.8.1.2 Hearing Process**

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<sup>34</sup> [Comment to Regulation 21.7.5: Results Management decisions include Provisional Suspensions.

Each decision by *World Sailing* should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Regulation 21.10.1 (which is left to the ruling body for an Event). Pursuant to Regulation 21.15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the *Athlete's* results obtained in the Competition would be Disqualified under Regulation 21.9 and all other competitive results obtained by the *Athlete* from the date the Sample was collected through the duration of the period of *Ineligibility* are also Disqualified under Regulation 21.10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the *Athlete's* other individual results in the Event prior to Sample collection are also Disqualified under Regulation 21.10.1.]

<sup>35</sup> [Comment to Regulation 21.7.7: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]

- 21.8.1.2.1** When World Sailing sends a notice to an *Athlete* or other *Person* notifying them of a potential anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Regulation 21.8.3.1 or Regulation 21.8.3.2, then the case shall be referred to the CAS ADD for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the *International Standard for Results Management*.
- 21.8.1.2.2** Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the CAS ADD.<sup>36</sup>
- 21.8.1.2.3** WADA, the *Member National Authority* and the *National Anti-Doping Organization* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, World Sailing shall keep them fully apprised as to the status of pending cases and the result of all hearings.

## **21.8.2 Notice of Decisions**

- 21.8.2.1** At the end of the hearing, or promptly thereafter, the CAS ADD shall issue a written decision that conforms with Regulation 21.9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Regulation 21.10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.
- 21.8.2.2** World Sailing shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Regulation 21.13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Regulation 21.13.

## **21.8.3 Waiver of Hearing**

- 21.8.3.1** An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly and agree with the *Consequences* proposed by World Sailing.
- 21.8.3.2** However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the World Sailing asserting the violation (which shall not be less than 14 days), then they shall be deemed upon expiry of the deadline to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.
- 21.8.3.3** In cases where Regulation 21.8.3.1 or 21.8.3.2 applies, a hearing before CAS ADD shall not be required. Instead World Sailing shall promptly issue a written decision

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<sup>36</sup> [Comment to Regulation 21.8.1.2.4: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]



that conforms with Regulation 21.9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Regulation 21.10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

**21.8.3.4** World Sailing shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Regulation 21.13.2.3, and shall promptly report it into ADAMS. World Sailing shall *Publicly Disclose* that decision in accordance with Regulation 21.14.3.2.

#### **21.8.4 Single Hearing Before CAS**

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, World Sailing (where it has *Results Management* responsibility in accordance with Regulation 7) and WADA, be heard in a single hearing directly at CAS.<sup>37</sup>

### **21.9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.<sup>38</sup>

### **21.10 SANCTIONS ON INDIVIDUALS**

#### **21.10.1 Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs**

**21.10.1.1** An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Regulation 21.10.1.2.

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.<sup>39</sup>

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<sup>37</sup> [Comment to Regulation 21.8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organizations* to incur the extra expense of two (2) hearings. An *Anti-Doping Organization* may participate in the CAS hearing as an observer. Nothing set out in Article 8.4 precludes the *Athlete* or other *Person* and *World Sailing* (where it has *Results Management* responsibility) to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the Code.]

<sup>38</sup> [Comment to Regulation 21.9: For *Team Sports*, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Regulation 21.11. In sports which are not *Team Sports* but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the *International Federation*.]

<sup>39</sup> [Comment to Regulation 21.10.1.1: Whereas Article 9 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (e.g. the 100 meter backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (e.g., the swimming World Championships).]

**21.10.1.2** If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

**21.10.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method***

The period of *Ineligibility* for a violation of Regulations 21.2.1, 21.2.2 or 21.2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Regulations 21.10.5, 21.10.6 or 21.10.7:

**21.10.2.1** The period of *Ineligibility*, subject to Regulation 21.10.2.4, shall be four (4) years where:

**21.10.2.1.1** The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.<sup>40</sup>

**21.10.2.1.2** The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and World Sailing can establish that the anti-doping rule violation was intentional.

**21.10.2.2** If Regulation 21.10.2.1 does not apply, subject to Regulation 21.10.2.4.1, the period of *Ineligibility* shall be two (2) years.

**21.10.2.3** As used in Regulation 21.10.2, the term “intentional” is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not “intentional” if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered “intentional” if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.<sup>41</sup>

**21.10.2.4** Notwithstanding any other provision in Regulation 21.10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

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<sup>40</sup> [Comment to Regulation 21.10.2.1.1: While it is theoretically possible for an *Athlete* or other *Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one’s system, it is highly unlikely that in a doping case under Regulation 21.2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.]

<sup>41</sup> [Comment to Regulation 21.10.2.3: Regulation 21.10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of Regulation 21.10.2.]

**21.10.2.4.1** If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Regulation 21.10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by World Sailing. The period of *Ineligibility* established in this Regulation 21.10.2.4.1 is not subject to any reduction based on any provision in Regulation 21.10.6.<sup>42</sup>

**21.10.2.4.2** If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Regulation 21.10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Regulation 21.10.4.

### **21.10.3 *Ineligibility* for Other Anti-Doping Rule Violations**

The period of *Ineligibility* for anti-doping rule violations other than as provided in Regulation 21.10.2 shall be as follows, unless Regulations 21.10.6 or 21.10.7 are applicable:

**21.10.3.1** For violations of Regulations 21.2.3 or 21.2.5, the period of *Ineligibility* shall be four (4) years except:

- (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years;
- (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or
- (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

**21.10.3.2** For violations of Regulation 21.2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of

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<sup>42</sup> [Comment to Regulation 21.10.2.4.1: The determinations as to whether the treatment program is approved and whether the *Athlete* or other *Person* has satisfactorily completed the program shall be made in the sole discretion of World Sailing. This Article is intended to give World Sailing the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.]

last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

**21/10.3.3** For violations of Regulations 21.2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Regulation 21.2.7 or 21.2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Regulations 21.2.7 or 21.2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>43</sup>

**21.10.3.4** For violations of Regulation 21.2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

**21.10.3.5** For violations of Regulation 21.2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.<sup>44</sup>

**21.10.3.6** For violations of Regulation 21.2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.<sup>45</sup>

#### **21.10.4 Aggravating Circumstances which may Increase the Period of *Ineligibility***

If World Sailing establishes in an individual case involving an anti-doping rule violation other than violations under Regulations 21.2.7 (*Trafficking or Attempted Trafficking*), 21.2.8 (*Administration or Attempted Administration*), 21.2.9 (*Complicity or Attempted Complicity*) or 21.2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>46</sup>

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<sup>43</sup> [Comment to Regulation 21.10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

<sup>44</sup> [Comment to Regulation 21.10.3.5: Where the "other Person" referenced in Regulation 21.2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

<sup>45</sup> [Comment to Regulation 21.10.3.6: Conduct that is found to violate both Regulation 21.2.5 (*Tampering*) and Regulation 21.2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.]

<sup>46</sup> [Comment to Regulation 21.10.4: Violations under Regulation 21.2.7 (*Trafficking or Attempted Trafficking*), 21.2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) and 21.2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) are not included in the application of Regulation 21.10.4 because the

## **21.10.5 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence***

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.<sup>47</sup>

## **21.10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

### **21.10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Regulations 21.2.1, 21.2.2 or 21.2.6.**

All reductions under Regulations 21.10.6.1 are mutually exclusive and not cumulative.

#### **21.10.6.1.1 *Specified Substances or Specified Methods***

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

#### **21.10.6.1.2 *Contaminated Products***

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.<sup>48</sup>

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sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]

<sup>47</sup> [Comment to Regulation 21.10.5: This Regulation and Regulation 21.10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Regulation 21.2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a *Prohibited Substance* by the *Athlete's* personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's* food or drink by a spouse, coach or other *Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Regulation 21.10.6 based on *No Significant Fault or Negligence*.]

<sup>48</sup> [Comment to Regulation 21.10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or other *Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually Used the *Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the Doping Control form.

### 21.10.6.1.3 *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

### 21.10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 21.10.6.1

If an *Athlete* or other *Person* establishes in an individual case where Article 21.10.6.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 21.10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.<sup>49</sup>

## 21.10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other Consequences for Reasons Other than *Fault*

### 21.10.7.1 *Substantial Assistance* in Discovering or Establishing Code Violations<sup>50</sup>

21.10.7.1.1 World Sailing may, prior to an appellate decision under Regulation 21.13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in:

- (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or

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This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Regulation 21.10.5.]

<sup>49</sup> [Comment to Regulation 21.10.6.2: Regulation 21.10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Regulation 21.2.5, 21.2.7, 21.2.8, 21.2.9 or 21.2.11) or an element of a particular sanction (e.g., Regulation 21.10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.]

<sup>50</sup> [Comment to Regulation 21.10.7.1: The cooperation of *Athletes*, *Athlete Support Personnel* and other *Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

- (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to World Sailing or other *Anti-Doping Organization* with *Results Management* responsibility; or
- (iii) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or
- (iv) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Regulation 21.13 or the expiration of time to appeal, World Sailing may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA*.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Regulation 21.10.9.3.2 of these Anti-Doping Rules.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, World Sailing shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, World Sailing shall reinstate the original *Consequences*. If World Sailing decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Regulation 21.13.

**21.10.7.1.2** To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of World Sailing or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-

doping rule violation, or other violation of the *Code*, WADA may agree at any stage of the *Results Management* process, including after an appellate decision under Regulation 21.13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Regulation 21.13, WADA's decisions in the context of this Regulation 21.10.7.1.2 may not be appealed.

**21.10.7.1.3** If World Sailing suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Regulation 21.13.2.3 as provided in Regulation 21.14. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize World Sailing to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

#### **21.10.7.2** Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Regulation 21.2.1, before receiving first notice of the admitted violation pursuant to Regulation 21.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.<sup>51</sup>

#### **21.10.7.3** Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Regulations 21.10.5, 21.10.6 or 21.10.7, before applying any reduction or suspension under Regulation 21.10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Regulations 21.10.2, 21.10.3, 21.10.5, and 21.10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Regulation 21.10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

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<sup>51</sup> [Comment to Regulation 21.10.7.2: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organization* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he or she not come forward voluntarily.]



## 21.10.8 Results Management Agreements

### 21.10.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by World Sailing of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Regulation 21.10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one-year reduction in the period of *Ineligibility* asserted by World Sailing. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Regulation 21.10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>52</sup>

### 21.10.8.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by World Sailing and agrees to *Consequences* acceptable to World Sailing and WADA, at their sole discretion, then:

- (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by World Sailing and WADA of the application of Regulations 21.10.1 through 21.10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and
- (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and World Sailing to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Regulation 21.13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, World Sailing shall allow the *Athlete* or

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<sup>52</sup> [Comment to Regulation 21.10.8.1: For example, if World Sailing alleges that an *Athlete* has violated Regulation 21.2.1 for Use of an anabolic steroid and asserts the applicable period of *Ineligibility* is four (4) years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three (3) years by admitting the violation and accepting the three-year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.<sup>53</sup>

## **21.10.9 Multiple Violations**

### **21.10.9.1 Second or Third Anti-Doping Rule Violation**

**21.10.9.1.1** For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

(a) A six-month period of *Ineligibility*; or

(b) A period of *Ineligibility* in the range between:

(i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

(ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

**21.10.9.1.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Regulations 21.10.5 or 21.10.6, or involves a violation of Regulation 21.2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

**21.10.9.1.3** The period of *Ineligibility* established in Regulations 21.10.9.1.1 and 21.10.9.1.2 may then be further reduced by the application of Regulation 21.10.7.

**21.10.9.2** An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Regulations 21.10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

### **21.10.9.3 Additional Rules for Certain Potential Multiple Violations**

**21.10.9.3.1** For purposes of imposing sanctions under Regulations 21.10.9, except as provided in Regulations 21.10.9.3.2 and 21.10.9.3.3, an anti-doping rule violation will only be considered a second

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<sup>53</sup> [Comment to Regulation 21.10.8: Any mitigating or aggravating factors set forth in this Regulation 21.10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

violation if World Sailing can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Regulation 21.7, or after World Sailing made reasonable efforts to give notice of the first anti-doping rule violation. If World Sailing cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Regulations 21.10.10.<sup>54</sup>

**21.10.9.3.2** If World Sailing establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Regulations 21.10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Regulation 21.10.9.1.

**21.10.9.3.3** If World Sailing establishes that an *Athlete* or other *Person* committed a violation of Regulations 21.2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Regulations 21.2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Regulation 21.10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Regulations 21.10.9.1.

**21.10.9.3.4** If World Sailing establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### **21.10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period**

For purposes of Regulations 21.10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

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<sup>54</sup> [Comment to Regulation 21.10.9.3.1: The same rule applies where, after the imposition of a sanction, World Sailing discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., World Sailing shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

#### **21.10.10 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Regulation 21.9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.<sup>55</sup>

For the purposes of the Racing Rules of Sailing, this Regulation 21.10.10 shall supersede RRS 63.1, 90.3(e) and A5 and, upon notification of the relevant decision, the organizing authorities affected by the decision shall correct the scores of their *Events* accordingly.

#### **21.10.11 Forfeited Prize Money**

If World Sailing recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.<sup>56</sup>

#### **21.10.12 Financial Consequences**

*[Intentionally blank]*

#### **21.10.13 Commencement of Ineligibility Period**

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

##### **21.10.13.1 Delays Not Attributable to the Athlete or other Person**

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, World Sailing or CAS ADD, if applicable, may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>57</sup>

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<sup>55</sup> [Comment to Regulation 21.10.10: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

<sup>56</sup> [Comment to Regulation 21.10.11: This Article is not intended to impose an affirmative duty on World Sailing to take any action to collect forfeited prize money. If World Sailing elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by World Sailing and its Athletes.]

<sup>57</sup> [Comment to Regulation 21.10.13.1: In cases of anti-doping rule violations other than under Regulation 21.2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy,

## **21.10.13.2** Credit for *Provisional Suspension* or Period of *Ineligibility* Served

**21.10.13.2.1** If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**21.10.13.2.2** If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from World Sailing and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Regulation 21.14.1.<sup>58</sup>

**21.10.13.2.3** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.

**21.10.13.2.4** In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## **21.10.14 Status During *Ineligibility* or *Provisional Suspension***

### **21.10.14.1** Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*

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particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

<sup>58</sup> [Comment to Regulation 21.10.13.2.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way to draw an adverse inference against the *Athlete*.]

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international- or national-level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by World Sailing to provide whereabouts information.<sup>59</sup>

#### **21.10.14.2** Return to Training

As an exception to Regulation 21.10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of World Sailing's or other *Signatory's* member organization during the shorter of:

- (1) the last two months of the *Athlete's* period of *Ineligibility*, or
- (2) the last one-quarter of the period of *Ineligibility* imposed.<sup>60</sup>

#### **21.10.14.3** Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

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<sup>59</sup> [Comment to Regulation 21.10.14.1: For example, subject to Regulation 21.10.14.2 below, *Ineligible Athletes* cannot participate in a training camp, exhibition or practice organized by their National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-*Signatory* *International Event* organization or a non-*Signatory* national-level *Event* organization without triggering the Consequences set forth in Regulation 21.10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An *Athlete* or other *Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of Regulation 21.2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by World Sailing or its National Federations for any purpose.]

<sup>60</sup> [Comment to Regulation 21.10.14.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), *Athletes* cannot effectively train on their own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Regulation 21.10.14.1 other than training.]

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Regulation 21.10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Regulation 21.13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Regulation 21.10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, World Sailing shall impose sanctions for a violation of Regulation 21.2.9 for such assistance.

#### **21.10.14.4** Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Regulations 21.10.5 or 21.10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by World Sailing and its *National Federations*.

#### **21.10.15 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 21.14.3.

### **21.11 CONSEQUENCES TO SAILING TEAMS**

#### **21.11.1 Testing of Sailing Teams**

Where more than one (1) member of a *Sailing Team* has been notified of an anti-doping rule violation under Regulation 21.7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the *Sailing Team* during the *Event Period*.

#### **21.11.2 Consequences for Team Sports**

If:

- (a) one (1) member of a *Sailing Team* of two (2) members, or
- (b) two (2) or more members of a *Sailing Team* of three (3) or more members,

are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the *Sailing Team* (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

## **21.12 SANCTIONS BY WORLD SAILING AGAINST OTHER BODIES**

When World Sailing becomes aware that a *Member National Authority* or any other sporting body over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organization's or body's area of competence, World Sailing has the authority and may take the following additional disciplinary actions:

**21.12.1** Exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.

**21.12.2** Take additional disciplinary actions with respect to that organization's or body's recognition, the eligibility of their members to participate in World Sailing's activities, and/or fine that organization or body based on the following:

**21.12.2.1** Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event: (a) all or some group of members of that organization or body may be banned from participation in any World Sailing activities for a period of up to two (2) years and/or (b) that organization or body, if a member of World Sailing, may be fined an amount up to five (5) times greater than its annual subscriptions to World Sailing.

**21.12.2.2** Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended from membership from World Sailing on the grounds of failing to comply, and ensure compliance with, this Regulation 21 under the procedures governing the suspension of membership in the World Sailing Constitution and Regulations.

**21.12.2.3** More than one *Athlete* or other *Person* affiliated with that organization or body commits an anti-doping rule violation during an *International Event*. In such event, that organization or body may be fined in an amount up to Ten Thousand British Pounds (£10,000).

**21.12.2.4** That organization or body has failed to make diligent efforts to keep World Sailing informed about an *Athlete's* whereabouts after receiving a request for that information from World Sailing. In such event, that organization or body may be fined in an amount up to One Thousand British Pounds (£1,000) per *Athlete*, in addition to reimbursement of all of the World Sailing costs incurred in *Testing* that organization's or body's *Athletes*.

**21.12.3** Withhold some or all funding or other financial and non-financial support to that organization or body.



**21.12.4** Oblige that organization or body to reimburse World Sailing for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that organization or body.

## **21.13 RESULTS MANAGEMENT: APPEALS** <sup>61</sup>

### **21.13.1 Decisions Subject to Appeal**

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Regulations 21.13.2 through 21.13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

#### **21.13.1.1 Scope of Review Not Limited**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.<sup>62</sup>

#### **21.13.1.2 CAS Shall Not Defer to the Findings Being Appealed**

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>63</sup>

#### **21.13.1.3 WADA Not Required to Exhaust Internal Remedies**

Where WADA has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within World Sailing's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in World Sailing's process.<sup>64</sup>

### **21.13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority**

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<sup>61</sup> [Comment to Regulation 21.13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Regulation 21.14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Regulation 21.13 does not include Athletes, or their National federations, who might benefit from having another competitor Disqualified.]

<sup>62</sup> [Comment to Regulation 21.13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

<sup>63</sup> [Comment to Regulation 21.13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

<sup>64</sup> [Comment to Regulation 21.13.1.3: Where a decision has been rendered before the final stage of World Sailing's process (for example, a first hearing) and no party elects to appeal that decision to the next level of World Sailing's process, then WADA may bypass the remaining steps in World Sailing's internal process and appeal directly to CAS.]

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months notice requirement for a retired *Athlete* to return to competition under Regulation 21.5.6.1; a decision by WADA assigning *Results Management* under Regulation 21.7.1 of the *Code*; a decision by World Sailing not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; World Sailing's failure to comply with Regulation 21.7.4; a decision that World Sailing lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Regulation 21.10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the *Code*; failure to comply with Regulation 21.10.8.1; a decision under Regulation 21.10.14.3; a decision by World Sailing not to implement another *Anti-Doping Organization's* decision under Regulation 21.15; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this Regulation 21.13.2.

#### **21.13.2.1 Appeals Involving *International-Level Athletes* or *International Events***

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.<sup>65</sup>

#### **21.13.2.2 Appeals Involving Other *Athletes* or Other *Persons***

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organization* having authority over the *Athlete* or other *Person*.

The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to CAS in accordance with the applicable procedural rules.

#### **21.13.2.3 *Persons* Entitled to Appeal**

##### **21.13.2.3.1 Appeals Involving *International-Level Athletes* or *International Events***

In cases under Regulation 21.13.2.1, the following parties shall have the right to appeal to CAS:

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<sup>65</sup> [Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) World Sailing;
- (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (f) WADA.

#### **21.13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons***

In cases under Regulations 21.13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) World Sailing;
- (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (f) WADA.

For cases under Regulation 21.13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and World Sailing shall also have the right to appeal to CAS with respect to the decision of the appellate body.

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

#### **21.13.2.3.3 Duty to Notify**

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

**21.13.2.3.4 Appeal from Imposition of *Provisional Suspension***

Notwithstanding any other provision herein, the only *Person* who may appeal from the imposition of a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

**21.13.2.3.5 Appeal from Decisions under Regulation 21.12**

Decisions by World Sailing pursuant to Regulation 21.12 may be appealed exclusively to the World Sailing Judicial Board by the *Member National Authority* or other body.

**21.13.2.4 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Regulation 21.13 must file a cross appeal or subsequent appeal at the latest with the party's answer.<sup>66</sup>

**21.13.3 Failure to Render a Timely Decision by World Sailing**

Where, in a particular case, World Sailing fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if World Sailing had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by World Sailing.<sup>67</sup>

**21.13.3.1 Failure to Render a Timely Decision by Other Bodies**

Where, in a particular case, a *Member National Authority* or other body subject to World Sailing's jurisdiction, fails to render a decision as required by this Regulation 21 within a reasonable deadline set by World Sailing, World Sailing may:

- (a) take over carriage of the file and assert an anti-doping rule violation against the *Athlete* or other *Person* in accordance with Article 8 of these Rules, which shall then apply in their entirety to the matter; and

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<sup>66</sup> [Comment to Regulation 21.13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organization* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.]

<sup>67</sup> [Comment to Regulation 21.13.3: Given the different circumstances of each anti-doping rule violation investigation and Results Management process, it is not feasible to establish a fixed time period for *World Sailing* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with *World Sailing* and give *World Sailing* an opportunity to explain why it has not yet rendered a decision.]

- (b) require the defaulting body to pay all of World Sailing's reasonable costs, expenses and attorney's fees incurred as a result of the default.

#### **21.13.4 Appeals Relating to TUEs**

TUE decisions may be appealed exclusively as provided in Regulation 21.4.4.

#### **21.13.5 Notification of Appeal Decisions**

World Sailing shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Regulation 21.13.2.3 as provided under Regulation 21.14.

#### **21.13.6 Time for Filing Appeals<sup>68</sup>**

##### **21.13.6.1 Appeals to CAS**

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

##### **21.13.6.2 Appeals Under Regulation 21.13.2.2**

The time to file an appeal to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization* shall be indicated by the same rules of the *National Anti-Doping Organization*.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

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<sup>68</sup> [Comment to Regulation 21.13.6: Whether governed by CAS rules or these Anti-Doping Rules, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

## 21.14 CONFIDENTIALITY AND REPORTING

### 21.14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations*

#### 21.14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Regulations 21.7 and 21.14.

If at any point during *Results Management* up until the anti-doping rule violation charge, World Sailing decides not to move forward with a matter, it must notify the *Athlete* or other *Person*, (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*).

Any document or notice required under this Regulation 21 may be delivered to the *Athlete* or other *Person* by sending it to

- (a) any email address which the sending party has reasonable grounds to believe is used by the *Athlete* or other *Person*; or
- (b) by first class international post (or equivalent) to any physical address which the sending party has reasonable grounds to believe is used by the *Athlete* or other *Person*,

For the avoidance of doubt, it shall always be reasonable to use any email address or physical address which the *Athlete* or other *Person* has given to World Sailing as part of a current WS Sailor ID registration or has supplied to an organizing authority for the purposes of entering an *Event*.

#### 21.14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA* shall occur as provided under Regulations 21.7 and 21.14, simultaneously with the notice to the *Athlete* or other *Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge, World Sailing decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Regulation 21.13.2.3.

#### 21.14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard for Results Management*.

Notification of anti-doping rule violations other than under Regulation 21.2.1 shall also include the rule violated and the basis of the asserted violation.

#### **21.14.1.4 Status Reports**

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Regulation 21.14.1.1, the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulations 21.7, 21.8 or 21.13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### **21.14.1.5 Confidentiality**

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport* until World Sailing has made *Public Disclosure* as permitted by Regulation 21.14.3.

#### **21.14.1.6 Protection of Confidential Information by an Employee or Agent of the World Sailing**

World Sailing shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Regulation 21.14.3. World Sailing shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

### **21.14.2 Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files**

**21.14.2.1** Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Regulations 21.7.6, 21.8.2, 21.10.5, 21.10.6, 21.10.7, 21.10.14.3 or 21.13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, World Sailing shall provide an English or French summary of the decision and the supporting reasons.

**21.14.2.2** An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Regulation 21.14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

### **21.14.3 Public Disclosure**

**21.14.3.1** After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Regulation 21.14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by World Sailing.

- 21.14.3.2** No later than twenty (20) days after it has been determined in an appellate decision under Regulations 21.13.2.1 or 21.13.2.2, or such appeal has been waived, or a hearing in accordance with Regulation 21.8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 21.10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Regulation 21.10.14.3, World Sailing must *Publicly Disclose* the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. World Sailing must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.<sup>69</sup>
- 21.14.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Regulations 21.13.2.1 or 21.13.2.2 or such appeal has been waived, or in a hearing in accordance with Regulation 21.8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 21.10.8, World Sailing may make public such determination or decision and may comment publicly on the matter.
- 21.14.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. World Sailing shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 21.14.3.5** Publication shall be accomplished at a minimum by placing the required information on the World Sailing's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 21.14.3.6** Except as provided in Regulations 21.14.3.1 and 21.14.3.3, no *Anti-Doping Organization*, *National Federation*, or *WADA*-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.
- 21.14.3.7** The mandatory *Public Disclosure* required in Regulation 21.14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

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<sup>69</sup> [Comment to Regulation 21.14.3.2: Where *Public Disclosure* as required by Regulation 21.14.3.2 would result in a breach of other applicable laws, *World Sailing's* failure to make the *Public Disclosure* will not result in a determination of non-compliance with Code as set forth in Regulation 21.4.1 of the *International Standard for the Protection of Privacy and Personal Information*.]



#### **21.14.4 Statistical Reporting**

World Sailing shall, at least annually, publish publicly a general statistical report of its *Doping Control* activities, with a copy provided to WADA. World Sailing may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

#### **21.14.5 Doping Control Information Database and Monitoring of Compliance**

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, World Sailing shall report to WADA through ADAMS *Doping Control*-related information, including, in particular:

- (a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- (b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- (c) *TUE* decisions, and
- (d) *Results Management* decisions,

as required under the applicable *International Standard(s)*.

**21.14.5.1** To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, World Sailing shall report all *In-Competition* and *Out-of-Competition* tests to WADA by entering the *Doping Control* forms into ADAMS in accordance with the requirements and timelines contained in the *International Standard for Testing and Investigations*.

**21.14.5.2** To facilitate WADA's oversight and appeal rights for *TUEs*, World Sailing shall report all *TUE* applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the *International Standard for Therapeutic Use Exemptions*.

**21.14.5.3** To facilitate WADA's oversight and appeal rights for *Results Management*, World Sailing shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*:

- (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*;
- (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*;
- (c) whereabouts failures; and
- (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

**21.14.5.4** The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization*, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

## 21.14.6 Data Privacy

**21.14.6.1** World Sailing may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information), these Anti-Doping Rules, and in compliance with applicable law.

**21.14.6.2** Without limiting the foregoing, World Sailing shall:

- (a) only process personal information in accordance with a valid legal ground;
- (b) notify any *Participant* or *Person* subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the *International Standard* for the Protection of Privacy and Personal Information, that their personal information may be processed by World Sailing and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;
- (c) ensure that any third-party agents (including any *Delegated Third Party*) with whom World Sailing shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## 21.15 IMPLEMENTATION OF DECISIONS

### 21.15.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organizations

**21.15.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon World Sailing and its *Member National Authorities*, as well as every *Signatory* in every sport with the effects described below:

**21.15.1.1.1** A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Regulation 21.7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 21.10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

**21.15.1.1.2** A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 21.10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

- 21.15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 21.15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Regulation 21.10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 21.15.1.2 World Sailing and its *Member National Authorities* shall recognize and implement a decision and its effects as required by Regulation 21.15.1.1, without any further action required, on the earlier of the date World Sailing receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 21.15.1.3 A decision by an *Anti-Doping Organization*, a national appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon World Sailing and its *Member National Authorities* without any further action required, on the earlier of the date World Sailing receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 21.15.1.4 Notwithstanding any provision in Regulations 21.15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on World Sailing or its *Member National Authorities* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.<sup>70</sup>

## 21.15.2 **Implementation of Other Decisions by Anti-Doping Organizations**

World Sailing and its *National Federations* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Regulation 21.15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.<sup>71</sup>

## 21.15.3 **Implementation of Decisions by Body that is not a Signatory**

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<sup>70</sup> [Comment to Regulation 21.15.1.4: By way of example, where the rules of the *Major Event Organization* give the *Athlete* or other *Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organization* is binding on other *Signatories* regardless of whether the *Athlete* or other *Person* chooses the expedited appeal option.]

<sup>71</sup> [Comment to Regulation 21.15.1 and 21.15.2: *Anti-Doping Organization* decisions under Regulation 21.15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *National Anti-Doping Organization* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect at the *International Federation* level. To be clear, the "decision" is the one made by the *National Anti-Doping Organization*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *National Anti-Doping Organization*. Implementation of *Anti-Doping Organizations'* decisions under Regulation 21.15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Regulation 21.15.1 or Regulation 21.15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other *Anti-Doping Organizations* shall be determined by Regulation 21.4.4 and the *International Standard for Therapeutic Use Exemptions*.]

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by World Sailing and its *National Federations*, if World Sailing finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>72</sup>

## 21.16 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Regulation 21.7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

## 21.17 EDUCATION

World Sailing shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

## 21.18 ADDITIONAL ROLES AND RESPONSIBILITIES OF MEMBER NATIONAL AUTHORITIES

**21.18.1** All *Member National Authorities* and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Rules. All *Member National Authorities* and other members shall include in their policies, rules and programs the provisions necessary to ensure that World Sailing may enforce these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under their anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

**21.18.2** Each *Member National Authority* shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the *Member National Authority* may enforce them itself directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under its anti-doping authority.

**21.18.3** By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, *National Federations* shall cooperate with and support World Sailing in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on *Persons* under their authority.

**21.18.4** All *Member National Authorities* shall take appropriate action to enforce compliance with the *Code*, *International Standards*, and these Anti-Doping Rules by *inter alia*:

- (i) conducting *Testing* only under the documented authority of World Sailing and using their *National Anti-Doping Organization* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;

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<sup>72</sup> [Comment to **Regulation 21.15.3**: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *World Sailing*, other *Signatories* and *National Federations* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete*'s body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then *World Sailing* and all other *Signatories* should recognize the finding of an anti-doping rule violation and the *Athlete*'s *National Anti-Doping Organization* should conduct a hearing consistent with **Regulation 21.8** to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. *World Sailing* or other *Signatory*'s implementation of a decision, or their decision not to implement a decision under **Regulation 21.15.3**, is appealable under **Regulation 21.13**.]

- (ii) recognizing the authority of the *National Anti-Doping Organization* in their country in accordance with Regulation 21.5.2.1 of the *Code* and assisting as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport;
- (iii) analyzing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Regulation 21.6.1; and
- (iv) ensuring that any national level anti-doping rule violation cases discovered by *National Federations* are adjudicated by an *Operationally Independent* hearing panel in accordance with Regulation 21.8.1 and the *International Standard for Results Management*.

**21.18.5** All *Member National Authorities* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *Member National Authority* or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by these Anti-Doping Rules and to submit to the *Results Management* authority of the *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.

**21.18.6** All *Member National Authorities* shall report any information suggesting or relating to an anti-doping rule violation to World Sailing and to their *National Anti-Doping Organizations* and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

**21.18.7** All *Member National Authorities* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the authority of World Sailing or the *Member National Authority* .

**21.18.8** All *Member National Authorities* shall conduct anti-doping *Education* in coordination with their *National Anti-Doping Organizations*.

## **21.19 ADDITIONAL ROLES AND RESPONSIBILITIES OF WORLD SAILING**

**21.19.1** In addition to the roles and responsibilities described in Article 20.3 of the *Code* for International Federations, World Sailing shall report to *WADA* on World Sailing's compliance with the *Code* and the *International Standards* in accordance with Article 24.1.2 of the *Code*.

**21.19.2** Subject to applicable law, and in accordance with Article 20.3.4 of the *Code*, all *Persons* within World Sailing who are bound by its Regulations must agree to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.

**21.19.3** Subject to applicable law, and in accordance with Article 20.3.5 of the *Code*, any World Sailing employee who is involved in *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) must sign a statement provided by World Sailing confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

## **21.20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES**

The following are the obligations of *Athletes*:

**21.20.1** To be knowledgeable of and comply with these Anti-Doping Rules.

**21.20.2** To be available for *Sample* collection at all times.<sup>73</sup>

**21.20.3** To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

**21.20.4** To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

**21.20.5** To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

**21.20.6** To cooperate fully with *Anti-Doping Organizations*, including World Sailing, investigating anti-doping rule violations. A failure by any *Athlete* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of Misconduct under RRS 69 or Regulation 35.

**21.20.7** To disclose the identity of their *Athlete Support Personnel* upon request by World Sailing or a *Member National Authority*, or any other *Anti-Doping Organization* with authority over the *Athlete*.

**21.20.8** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of Misconduct under RRS 69 or Regulation 35.

## **21.21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL**

The following are the obligations of *Athlete Support Personnel*:

**21.21.1** To be knowledgeable of and comply with these Anti-Doping Rules.

**21.21.2** To cooperate with the *Athlete Testing* program.

**21.21.3** To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.

**21.21.4** To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

**21.21.5** To cooperate fully with *Anti-Doping Organizations*, including World Sailing, investigating anti-doping rule violations. A failure to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of Misconduct under RRS 69 or Regulation 35.

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<sup>73</sup> [Comment to Regulation 21.20.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* Use low doses of EPO during these hours so that it will be undetectable in the morning.]

**21.21.6** *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification. Any such *Use* or *Possession* may result in a charge of Misconduct under RRS 69 or Regulation 35.

**21.21.7** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of Misconduct under RRS 69 or Regulation 35.

## **21.22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES**

The following are the obligations of other *Persons* subject to these Anti-Doping Rules:

**21.22.1** To be knowledgeable of and comply with these Anti-Doping Rules.

**21.22.2** To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

**21.22.3** To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations. A failure to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of Misconduct under RRS 69 or Regulation 35.

**21.22.4** Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification. Any such *Use* or *Possession* may result in a charge of Misconduct under RRS 69 or Regulation 35.

**21.22.5** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of Misconduct under RRS 69 or Regulation 35.

## **21.23 INTERPRETATION OF THE CODE**

**21.23.1** The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

**21.23.2** The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

**21.23.3** The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.

**21.23.4** The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.

**21.23.5** Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

**21.23.6** The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

**21.23.7** The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

## **21.24 FINAL PROVISIONS**

**21.24.1** Where the term “days” is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

**21.24.2** These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

**21.24.3** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

**21.24.4** The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Rules.

**21.24.5** The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

**21.24.6** These Anti-Doping Rules shall enter into force on 1 January 2021 (the “Effective Date”). They repeal any previous version of World Sailing’s Anti-Doping Rules.

**21.24.7** These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:

**21.24.7.1** Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

**21.24.7.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Regulation 21.10.9.4 and the statute of limitations set forth in Regulation 21.16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Regulation 21.16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

**21.24.7.3** Any Regulation 21.2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for*



*Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.

- 21.24.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to World Sailing or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Regulation 21.13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 21.24.7.5** For purposes of assessing the period of *Ineligibility* for a second violation under Regulation 21.10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.<sup>74</sup>
- 21.24.7.6** Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to World Sailing or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

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<sup>74</sup> [Comment to Regulation 21.24.7.5: Other than the situation described in Regulation 21.24.7.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of *Ineligibility* imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]

APPENDIX 1 DEFINITIONS<sup>75</sup>

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method Used* for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Activities:** Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

**Anti-Doping Organization:** WADA or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*”. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if a Regulation 21.2.1, 21.2.3 or 21.2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Regulations 21.2.8 and 21.2.9 and for purposes of anti-doping information and *Education*, any

<sup>75</sup> [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

*Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.<sup>76</sup>

*Athlete Biological Passport*: The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

*Athlete Support Personnel*: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

*Attempt*: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

*Atypical Finding*: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

*Atypical Passport Finding*: A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

CAS: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

*Competition*: A single race.

*Consequences of Anti-Doping Rule Violations* ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Regulation 21.10.14; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Regulation 21.8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Regulation 21.14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Regulation 21.11.

*Contaminated Product*: A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

*Decision Limit*: The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard for Laboratories*.

*Delegated Third Party*: Any *Person* to which World Sailing delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for World Sailing, or individuals serving as independent contractors who perform *Doping Control* services for World Sailing (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

*Disqualification*: See *Consequences of Anti-Doping Rule Violations* above.

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<sup>76</sup> [Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]

## REGULATIONS

*Doping Control:* All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

*Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.*

*Event:* A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, World Championships, or Pan American Games).

*Event Period:* The time between the first day of *Event*-related activities under the notice of race or sailing instructions until the end of the last scheduled day of racing.

*Event Venues:* The venue and racing areas as specified in the notice of race and as specified in any other notices issued by the organizing authority

*Fault:* *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Regulations 21.10.6.1 or 21.10.6.2.<sup>77</sup>

*Financial Consequences:* See *Consequences of Anti-Doping Rule Violations* above.

*In-Competition:* The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

*Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control process prior to or during certain Events and report on their observations as part of WADA's compliance monitoring program.*

*Individual Sport:* Any sport that is not a *Team Sport*.

*Ineligibility:* See *Consequences of Anti-Doping Rule Violations* above.

*Institutional Independence:* Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

*International Event:* An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

*International-Level Athlete:* *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*. For the

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<sup>77</sup> [Comment to *Fault*: The criterion for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Regulation 21.10.6.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or *Negligence* on the part of the *Athlete* or other *Person* was involved.]

sport of sailing, *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.<sup>78</sup>

*International Standard*: A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

*Major Event Organizations*: The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

*Marker*: A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

*Metabolite*: Any substance produced by a biotransformation process.

*Minimum Reporting Level*: The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

*Minor*: A natural *Person* who has not reached the age of eighteen (18) years.

*National Anti-Doping Organization*: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

*National Event*: A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

*Member National Authority*: A Full Member of World Sailing.

*National-Level Athlete*: *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard* for *Testing* and *Investigations*.

*National Olympic Committee*: The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

*No Fault or Negligence*: The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

*No Significant Fault or Negligence*: The *Athlete* or other *Person's* establishing that any *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault* or *Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Regulation 21.2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

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<sup>78</sup> [Comment to *International-Level Athlete*: Consistent with the *International Standard* for *Testing* and *Investigations*, *World Sailing* is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* must publish a list of those *International Events*.]

*Operational Independence:* This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

*Out-of-Competition:* Any period which is not *In-Competition*.

*Participant:* Any *Athlete* or *Athlete Support Person*.

*Person:* A natural *Person* or an organization or other entity.

*Possession:* The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.<sup>79</sup>

*Prohibited List:* The list identifying the *Prohibited Substances* and *Prohibited Methods*.

*Prohibited Method:* Any method so described on the *Prohibited List*.

*Prohibited Substance:* Any substance, or class of substances, so described on the *Prohibited List*.

*Protected Person:* An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>80</sup>

*Provisional Hearing:* For purposes of Regulation 21.7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Regulation 21.8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>81</sup>

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<sup>79</sup> [Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, World Sailing must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, World Sailing must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]

<sup>80</sup> [Comment to Protected Person: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

<sup>81</sup> [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of

*Provisional Suspension:* See *Consequences of Anti-Doping Rule Violations* above.

*Publicly Disclose:* See *Consequences of Anti-Doping Rule Violations* above.

*Recreational Athlete:* A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.<sup>82</sup>

*Regional Anti-Doping Organization:* A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of *Educational* programs at a regional level.

*Registered Testing Pool:* The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Regulation 21.5.5 and the *International Standard for Testing and Investigations*.

*Results Management:* The process encompassing the timeframe between notification as per Regulation 21.5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Regulation 21.5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

*Sailing Team:* A crew of more than one person racing on the same boat, including any crew members who are substituted in or out during the *Event*.

*Sample or Specimen:* Any biological material collected for the purposes of *Doping Control*.<sup>83</sup>

*Signatories:* Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

*Specified Method:* See Regulation 21.4.2.2.

*Specified Substance:* See Regulation 21.4.2.2.

*Strict Liability:* The rule which provides that under Regulation 21.2.1 and Regulation 21.2.2, it is not necessary that intent, *Fault*, *Negligence*, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

*Substance of Abuse:* See Regulation 21.4.2.3.

*Substantial Assistance:* For purposes of Regulation 21.10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and

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the case. By contrast, an "expedited hearing", as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

<sup>82</sup> [Comment to *Recreational Athlete*: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

<sup>83</sup> [Comment to *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

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(2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

*Tampering*: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.<sup>84</sup>

*Target Testing*: Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

*Team Sport*: A sport in which the substitution of players is permitted during a *Competition*.

*Technical Document*: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

*Testing*: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Testing Pool*: The tier below the *Registered Testing Pool* which includes *Athletes* from whom some whereabouts information is required in order to locate and *Test* the *Athlete Out-of-Competition*.]

*Therapeutic Use Exemption (TUE)*: A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

*Trafficking*: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

*UNESCO Convention*: The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

*Use*: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

*WADA*: The World Anti-Doping Agency.

*Without Prejudice Agreement*: For purposes of Regulations 21.10.7.1.1 and 21.10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person*

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<sup>84</sup> [Comment to *Tampering*: For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of B *Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Regulation 21.10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organizations.]



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to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

## APPENDIX 3 – ELIGIBILITY CODE

**19. ELIGIBILITY CODE*****Competition Eligibility***

- 19.1 An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.
- 19.2 An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.
- 19.3 A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

***World Sailing Eligibility***

- 19.4 In addition to Competition Eligibility, a competitor has 'World Sailing Eligibility' if he meets the following conditions:
- (a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:
    - (i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or
    - (ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;
  - (b) he is registered as an 'World Sailing Sailor' on the World Sailing Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and World Sailing Graded Match Racing Events;
  - (c) he has agreed to be governed and bound by the Regulations and any other requirements issued by World Sailing; and
  - (d) he has not had either his Competition Eligibility or World Sailing Eligibility suspended or revoked under Regulation 19.
- 19.5 In exceptional circumstances the Board may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

***Events Requiring World Sailing Eligibility***

- 19.6 World Sailing Eligibility is required for the following events:
- (a) the Olympic Sailing Competition;
  - (b) the sailing events of Regional Games recognized by the International Olympic Committee;
  - (c) events including "World Sailing" in their titles;
  - (d) world and continental championships of World Sailing classes and world championships of the IMS, Major Events and other events approved by World Sailing as a World Championship;
  - (e) any event at which the Organizing Authority, Member National Authority or World Sailing has appointed an International Jury, International Umpires, International Race Officers, International Measurers or World Sailing Technical Delegates to act in that capacity;

- (f) any event approved by a Member National Authority of World Sailing as an Olympic qualifying event;
  - (h) any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and
  - (i) any event designated by World Sailing.
- 19.7 Additionally, with the prior approval of the relevant Member National Authority, an Organizing Authority may also impose the same requirements as in Regulation 19.6 above for an event and that fact shall then be stated in the notice of race and the sailing instructions.

### ***Nationality Criteria***

- 19.8 Regulations 19.8 to 19.18 apply only to the world, continental and regional championships of the Olympic Classes and to World Sailing Events, except:
- (a) Match Racing World Championships;
  - (b) Team Racing World Championship; and
  - (c) Offshore Team World Championship
- 19.9 A competitor shall be national of the country he represents but this does not apply to crew substitutes if the notice of race so specifies.
- 19.10 For the purpose of Regulation 19, the country a competitor represents is either the country of:
- (a) if applicable, the Member National Authority that entered the competitor into the event; or
  - (b) if Regulation 19.10(a) does not apply, the national letters of the sail number of the boat that he races on at an event to which Regulation 19.8 applies.

### ***Residents in other countries***

- 19.11 A competitor who is a resident of a country in which he is not a national shall be regarded as a national of that country for the purposes of this Regulation if he holds a residency certificate issued by the Chief Executive Officer.
- 19.12 The Chief Executive Officer may issue a residency certificate upon application from a competitor if all the following conditions are satisfied in the opinion of the Chief Executive Officer:
- (a) the competitor has been ordinarily resident in the country for more than three consecutive years;
  - (b) the competitor has been a member of the Member National Authority of that country (or a club or organization affiliated to that Member National Authority) for more than three consecutive years; and
  - (c) the competitor has not represented another country within the last three years (the Board may reduce this period).

### ***Dual nationality and nationality changes***

- 19.13 Unless Regulations 19.14 to 19.17 apply:
- (a) a competitor who is a national of two or more countries at the same time may represent either one of them as he may elect (this election may be made once only); and

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- (b) after representing one country, a competitor shall not represent another country.

19.14 A competitor shall not be regarded as having represented a country unless he is at least 16 years of age at the time.

19.15 A competitor who has represented one country and who has another nationality, has changed his nationality, or has acquired a new nationality shall not represent his new country unless:

- (a) he has not represented his old country within the last three years; and
- (b) at least three years has passed since such change or acquisition.

The World Sailing Board may, after taking into account the circumstances of each case and with the agreement of the Member National Authorities concerned, reduce or cancel the three-year periods referred to in (a) and (b) above.

19.16 If a part of an existing country (such as an associated state, province or overseas department, country or colony) acquires independence and becomes a new country, or is incorporated into or is associated with another country, a competitor may:

- (a) continue to represent the former country if he remains a national of that country; or
- (b) represent the new country provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country.

The choice provided for in this Regulation may only be made once in respect of such change in national status (subject to Regulation 19.15) and shall be notified to the Chief Executive Officer. The country a competitor represents must be recognised by the International Olympic Committee.

19.17 In exceptional circumstances, the World Sailing Board may make decision(s) of a general or individual nature concerning any question of nationality (including authorising a change of nationality not otherwise permitted), and in particular may issue specific requirements relating to nationality, citizenship, domicile or residence, and any applicable waiting periods.

### *Determination of nationality and disputes*

19.18 All applications and disputes under Regulations 19.8 to 19.17 shall be determined by the World Sailing Board. An alleged breach of Regulations 19.8 to 19.17 shall not be grounds for protest and RRS 63.1 does not apply. The penalty for a breach shall be at the discretion of the Board. The Board may delegate authority to make decisions to a panel consisting of the Chief Executive Officer and at least one Vice President.

### ***Suspension or revocation of Competitor Eligibility or World Sailing Eligibility***

19.19 Competition Eligibility or World Sailing Eligibility (or both) may be suspended or revoked:

- (a) by a National Authority (for events within its own jurisdiction) or by World Sailing:
  - (i) for a breach of RRS 69.1(a); or
  - (ii) for competing, within the preceding two years, in an event that the competitor knew or should reasonably have known was a Prohibited Event; or
- (b) for a breach of RRS 5.

World Sailing's powers in this Regulation are in addition to the provisions of RRS 69.

- 19.20 A 'Prohibited Event' means an event:
- (a) permitting or requiring advertising beyond that permitted by the World Sailing Advertising Code;
  - (b) with prizes or other benefits referred to in Regulation 25.12.2 that is a national event not approved by the National Authority of the venue or an international event not approved by World Sailing;
  - (c) that is described as a world championship or uses the word "world", either in the title of the event or otherwise, and that is not approved by World Sailing;
  - (d) that does not conform to the requirements of RRS 89.1 and is not otherwise approved by World Sailing; or
  - (e) for which the Organizing Authority that has not paid the World Sailing event fees, and
  - (f) has been listed on the World Sailing website on a list maintained for this purpose

### Subsequent review and appeals

- 19.21 The procedures for reviewing and appealing decisions of a National Authority or World Sailing under this Regulation are set out in Regulation 35.
- 19.22 After a decision to suspend or revoke, or to impose conditions on, Competition Eligibility and/or World Sailing Eligibility has become final, the Chief Executive Officer shall report the decision to all National Authorities, World Sailing Class Associations and other World Sailing affiliated organizations, which may also suspend eligibility for events held within their own jurisdiction. The Chief Executive Officer may do this by publishing an appropriate notice on the World Sailing website.

### ***Reinstatement of Competition and/or World Sailing Eligibility***

- 19.23 A competitor may apply to the World Sailing Judicial Board for his Competition Eligibility and/or World Sailing Eligibility to be reinstated, or have any conditions imposed upon it removed or amended, if
- (a) he establishes substantial, changed circumstances justifying the change; and
  - (b) a minimum of three years has passed since the original decision.

### ***Class Eligibility***

- 19.24 Any competitor whose eligibility has been suspended, denied, or revoked by an World Sailing Class may appeal that decision to the Judicial Board in accordance with Articles 77 to 81 and the procedures set out in the Judicial Board Rules of Procedure

## APPENDIX 4 – WORLD SAILING SAILOR CATEGORIZATION CODE

## 22. WORLD SAILING SAILOR CATEGORIZATION CODE

**General**

The World Sailing Sailor Categorization Code exists as a service to provide events and classes with an international system of Categorization for sailors.

Events and classes are not under any obligation to use a Categorization system but should they wish to do so the World Sailing Code is the only system that shall be used. When using the Code, they are under an obligation to properly administer and implement the Code.

Events organized for boats currently selected as equipment for the Olympic Sailing Competition shall not include any provision, whether in class rules, the notice of race or the sailing instructions preventing sailors from taking part, whatever their Categorization .

When the World Sailing Sailor Categorization Code is selected for an event it shall be stated in the notice of race unless already stated in the class rules.

The display of advertising on a boat or equipment does not influence the competitor's Categorization in this Code.

The display of Advertising by the competitor in accordance with Regulation 20.3 even if *payment* is received for it, does not influence the sailor's Categorization in this Code.

## 22.1 Definitions of this Code

In this Regulation defined words that have a specific meaning are shown in italics and their specific meanings can be found below.

Work includes:

employment, self-employment, and any ad-hoc activity whether full time, part time or occasional and whether in person or through a partnership, limited company or any other organization and including any services for which there is payment or financial benefit directly or indirectly.

Pay and its derivatives means:

the receipt by a sailor of; or the acceptance by a sailor of an offer to him to give money, money's worth, remuneration, fees, grants, gratuities, any financial benefit whether arising directly or indirectly or compensation in any form whether received by him or an associate, but not including *Personal Expenses*.

Personal Expenses means

a grant towards; or  
provision of; or  
reimbursement of money not exceeding the amount of reasonable expense incurred for entry fees, travel, accommodation and meals in connection with and necessary for a specific event.

Entrant means:

as the context requires, the boat, the person or organization that enters the boat (RRS 75) the person in charge (RRS 46) and the boat owner.

Racing means:

Taking part in races organized in accordance with RRS 89.1.

The Categorization Authority:

is World Sailing.

The Categorization Date is:

the date when a Categorization or change of Categorization is requested, or, if later, the date when a Categorization is validly challenged by a protest or appeal.

The Qualification Period to become a Group 1 competitor or to change from a Group 3 competitor to a Group 1 competitor is:

the continuous period of 24 months before the *Categorization Date*, during which the competitor has not been engaged in Group 3 activities

The Crew Deadline is:

the date stated in the notice of race or class rules by which time a complete crew list for each *entrant* shall be submitted.

The Categorization Protest Limit Time is:

the time and date stated in the class rules, notice of race or sailing instructions after which a boat shall not protest a Categorization under Regulation 22.5.1.

### **Competitor Categorization s**

22.2 The Categorization s of competitors are to be determined as follows:

#### 22.2.1 Group 1

- (a) A competitor who takes part in *racing* only as a pastime is a Group 1 competitor, unless within the *qualification period* he/she has undertaken one of the activities listed in Regulation 22.2.2 and is a Group 3 competitor.
- (b) However:
  - (i) a competitor who is under 18 years of age is a Group 1 competitor; and
  - (ii) a competitor who is over 18 years of age, but under 22 years of age, or 70 years of age and over, is a Group 1 competitor provided that he/she has not engaged in any of the activities listed in Regulation 22.2.2 for more than 100 days (for the avoidance of doubt this is calculated on the total period of *paid work*) in the *qualification period* (excluding any activities undertaken before his/her 18<sup>th</sup> or after his/her 70<sup>th</sup> birthday respectively).

#### 22.2.2 Group 3

A Group 3 competitor is a competitor who, within the *Qualification Period*

- (a) has been *paid for work* that includes competing in a race; and/or
- (b) has been *paid for work* that includes coaching, managing, training, practising, tuning, testing, maintaining or otherwise preparing a boat, its crew, sails or performance enhancing equipment for racing, and then competed on that boat, or in a team competition, in a boat of the same team; or
- (c) has been *paid*:
  - (i) to provide a boat or its sails for racing; or
  - (ii) services in connection with providing a boat or its sails; for racing and
  - (iii) then competed on that boat, or in a team competition, in a boat of the same team.

However a Group 1 competitor who, as an owner of a boat, is occasionally *paid a charter fee* to provide that boat for a *racing* competition shall remain a Group 1 competitor if he/she does not steer that boat in the competition. If the competition is a team event this dispensation shall only apply if he does not steer any boat in the same team as the boat chartered; or

- (d) has been *paid for work*, in a marine business or organization which require knowledge or skill:
  - (i) that is capable of enhancing the performance of a boat in a *race*; and
  - (ii) which can be utilized by the competitor whilst on board a boat when *racing*; or

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- (e) has been *paid* for *work* that includes the coaching of:
  - (i) any competitor, crew or team to prepare for or compete in any of the following:
    - The Olympic and Paralympic Sailing Competitions and Qualifying Events
    - Regional Games;
    - America's Cup Match, Acts and Series;
    - Grade WC or Grade I Match Racing Events;
    - World and Continental Championships of World Sailing Classes;
    - World Sailing Events;
    - Global and Trans-Oceanic races; or
  - (ii) a national, state or provincial team; or
  - (iii) a collegiate or university team where the work is the principal *paid* activity of the competitor; or
- (f) has been *paid* for allowing his or her name or likeness to be used in connection with his or her sailing performance, sail racing results or sailing reputation, for the advertising or promotion of any product or service; or
- (g) has publicly identified himself or herself as a Group 3 competitor or as a professional racing sailor.

### 22.2.3 Group 3

If a Group 3 competitor has *raced* in an Olympic Sailing Competition, a Volvo Ocean Race or any *racing* which forms part of the events connected with the America's Cup (as determined by the Commission (which shall issue prior written notice of such determinations), whether or not the competitor was Group 3 at that time, then:

- (a) the competitor shall be a Group 3 competitor for a period of at least five years from that event notwithstanding that he may otherwise be entitled to a Group 1 Categorization during that time;
- (b) at the end of the five year period, the normal *Qualification Period* shall be applied when assessing the competitor's Categorization ; and
- (c) this Regulation shall not apply to any *racing* in the listed events by a competitor prior to 1 December 2011 and the Commission may on a transitional basis exempt certain *racing* from the effect of this Regulation.

### 22.3 Categorization Procedures and Requirements

22.3.1 A competitor may be required to be a member of his/her MNA to hold a valid World Sailing Sailor Categorization .

22.3.2 A competitor applying for, or holding, a Categorization shall comply with the following requirements: He/she shall

- (a) not hold, nor apply for, more than one Categorization ;
- (b) not take any action or act in a manner which is contrary to the spirit or purposes of the Code or which is a subterfuge for circumventing the Code;
- (c) at all times fully and freely disclose all relevant information to the *Categorization Authority* (whether or not specifically asked for);
- (d) not provide the Categorization Authority with information that is false, misleading or potentially misleading;
- (e) immediately notify the *Categorization Authority* of any change in his circumstances which affects, or may affect, his Categorization status; and



- (f) if a Group 1 competitor, he shall not engage in any activities which are incompatible with Group 1 status unless he has notified the *Categorization Authority* of a potential change of Categorization .

- 22.3.3 If the *Categorization Authority* has good reason to believe that a competitor has breached any provision of the Categorization Code, it may immediately change, suspend or cancel his/her Categorization (or in the case of an application for Categorization , may decline to issue a Categorization ).
- 22.3.4 A competitor, having read this Code, shall declare his or her correct Categorization by personally completing a form approved by World Sailing and submitting it to the *Categorization Authority*.
- 22.3.5 There is no fee. The *Categorization Authority* shall review each form and confirm or correct the competitor's Categorization within 28 days of receiving all necessary information. It may ask the competitor to supply further information, or may itself seek further information from any source. However, if the application for Categorization is received within seven (7) days of any specific event deadline, a fee will be charged at the time of such application. If such application is received within 48 hours of the event deadline, a higher fee will be charged. The fees charged will be in accordance with published rates.
- 22.3.6 A Categorization, once issued, shall remain in force for two years, unless the Categorization is previously changed, suspended or cancelled by the *Categorization Authority*.
- (a) because the competitor has submitted a form indicating that his or her Categorization has changed; or
  - (b) because the *Categorization Authority* believes it has good reason to do so; or
  - (c) as a result of an appeal requested by the competitor under Regulation 22.3.7.
- However when a competitor would have been classified as Group 3 but for Regulation 22.2.1(b) the *Categorization Authority* may issue a Categorization that shall only remain in force up to his 24<sup>th</sup> birthday.
- 22.3.7 When a competitor does not agree with a decision made by the *Categorization Authority* which affects his Categorization (except the making of a report under RRS 69), the competitor may appeal to the *Categorization Authority* within 60 days of the decision-using the process on the World Sailing website or by such other method as shall be notified in the World Sailing Yearbook. An appeal shall state the grounds on which the competitor believes the decision was incorrect.
- (a) Appeals shall be considered by three members of the *Categorization Authority* (the *Appeal Panel*) who were not party to the decision No more than two shall be from the same country.
  - (b) The *Appeal Panel* will consider the appeal and review the information in the appeal, the decision and any previous application and where necessary ask for more information from the competitor, from the original reviewers, or from any other source. It may uphold, change or reverse the decision, dismiss the appeal or declare it invalid.
  - (c) The *Appeal Panel* having made its decision after receiving all necessary information will inform the competitor of its decision in writing. A fee may be payable.
  - (d) The decision of the *Categorization Authority* shall be binding on the competitor until the decision of the *Appeal Panel* is published.
  - (e) Subject to the provisions of Regulation 35, the decision of the *Appeal Panel* shall be final.

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- 22.3.8 The *Categorization Authority* may decline to issue a Categorization or may suspend a current Categorization when the competitor has been penalized under RRS 69 for a Categorization matter. Such refusal or suspension shall not be longer than the period during which the competitor's eligibility is suspended under Rule 69.
- 22.3.9 World Sailing will maintain and publish on a website a list of the Categorizations of competitors. The list will state the status or expiry date of the Categorization.
- 22.3.10 Information provided by the competitor or from any other source shall be kept confidential within the *Categorization Authority* and the Executive Office and not disclosed to any other person except to an international jury or Member National Authority which has been sent a report by the *Categorization Authority* concerning the competitor's Categorization or sent a report under RRS 69 and then only after notifying the competitor through the Categorization process.

However when the *Categorization Authority* makes a decision under Regulation 22.3.6 shortly before or during an event it may provide the class association and/or the organizing authority with a summary of the reasons for its decision.

### 22.4 Event Procedures

- 22.4.1 The *entrant* shall give to the organizing authority, no later than the *Crew Deadline* in the notice of race, a crew list stating the World Sailing User ID and Categorization of each competitor. The crew list may comprise more competitors than will take part in any one race, in which case the *entrant* shall also give the organizing authority, no later than the *Crew Deadline* in the notice of race, a crew list for each race.
- 22.4.2 An *entrant* wishing to use a competitor not included in the initial crew list shall submit to the organizing authority a revised crew list no later than the *Crew Deadline* when no change to the crew is permitted after that time, otherwise as soon as possible.
- 22.4.3 The organizing authority will display the latest crew lists on the official notice board as soon as possible after the *Crew Deadline*.
- 22.4.4 The notice of race, sailing instructions or class rules may alter these arrangements.
- 22.4.5 An *entrant* is responsible for their crew under Regulation 22 and as such by entering their crew list in any event using Sailor Categorization is also subject to the jurisdiction of the rules (including the appeal and review procedures provided in them). By submitting a crew list an *entrant* declares that they have done this in full knowledge and responsibility of compliance with these requirements for the event.

### **Protest Grounds and Procedures**

- 22.5.1 After the *Crew Deadline* a boat may be protested on the grounds that:
- (a) when Categorization for a competitor was applied for, information that should have led to a higher Categorization was not disclosed; or
  - (b) a competitor has, since being classified, engaged in activities incompatible with the Categorization
- and that the boat would break the crew limitations in the notice of race, sailing instructions or class rules were the Categorization to be corrected. The time limit for a boat to protest is the *Categorization Protest Time Limit*, or, if later, 24 hours after the posting of a changed crew list. The sailing instructions may state a different time limit.
- 22.5.2 When a protest is upheld, and:
- (a) the boat has not yet raced in the event, the boat will not be penalize; but if
  - (b) the decision to uphold the protest is made after the boat has raced in the event, the boat shall be disqualified from all races already completed except when the protest arises from a report as set out in 22.5.6 in which case 22.5.6 shall apply.

The boat shall not race with that competitor as crew, unless the sailing instructions permit a change of crew after the *Crew Deadline* and then only when the protest committee is satisfied that the boat meets the crew limitations.

- 22.5.3 The protestee is entitled, on request, to present evidence of a personal or private nature in the absence of the protestor, and the protest committee shall not record that evidence in the protest decision. When the protest committee, on hearing the evidence, is not satisfied that it is of a personal or private nature, it shall disregard the evidence unless it is offered again in the presence of the protestor. This changes RRS 63.3(a).
- 22.5.4 When the protest committee is in doubt as to the Categorization of a competitor, it may refer its facts found to the *Categorization Authority* and shall be governed by the decision by the *Categorization Authority* on those facts.
- 22.5.5 The protest committee shall report within 14 days its decision to the *Categorization Authority*. If a competitor has given evidence under Regulation 22.5.3 the protest committee shall also report within 14 days a summary of that evidence to the *Categorization Authority*.
- 22.5.6 When the Categorization of a competitor has been changed, suspended or cancelled during an event in accordance with Regulation 22.3.6(b) the new Categorization may be backdated by the *Categorization Authority* to the commencement of the event. When as a result a boat may have broken a crew limitation rule, the *Categorization Authority* shall report its decision in writing to the race committee which shall protest the boat. Any penalty shall be at the discretion of the protest committee.

**The World Sailing Categorization Code application form can be completed online at:**  
[www.sailing.org/categorization](http://www.sailing.org/categorization)

**Any question can be sent to World Sailing by email to [categorization@sailing.org](mailto:categorization@sailing.org)**

**APPENDIX 5 – BETTING AND ANTI-CORRUPTION CODE****37. BETTING AND ANTI-CORRUPTION CODE****37.1 Introduction**

World Sailing has adopted these rules ("Rules") as a means of safeguarding the integrity of the sport of sailing by (i) prohibiting any conduct that may impact improperly on the outcome of its events and competitions and (ii) establishing a mechanism of enforcement and sanction for those who, through their corrupt conduct, place the integrity of the sport at risk.

**37.2 Definitions**

In addition to the definitions in the Regulations, in these Rules the following terms have the following meanings:

- 37.2.1 "Athlete" means any athlete who participates or is selected to participate in an Event or Competition;
- 37.2.2 "Athlete Support Personnel" means any coach, trainer, manager, athlete representative, agent, team staff member, official, medical or para-medical personnel, family member or any other person employed by or working with an Athlete or the Athlete's Member National Authority participating in a Competition.
- 37.2.3 "Benefit" means the direct or indirect receipt or provision (as relevant) of money or money's worth (other than prize money and/or contractual payments to be made under endorsement, sponsorship or other contracts);
- 37.2.4 "Bet" means a wager of money or any other form of financial speculation;
- 37.2.5 "Betting" means making, accepting, or laying a Bet and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator/toto games, live betting, betting exchange, spread betting and other games offered by sports betting operators;
- 37.2.6 "CAS" means the Court of Arbitration for Sport in Lausanne, Switzerland;
- 37.2.7 "Competition" means an Event or series of Events conducted over one or more days under one or more organizing authorities;
- 37.2.8 "Event" means a single race, match or contest in the sport of sailing.
- 37.2.9 "Inside Information" means any information relating to any Competition or Event that a Participant possesses by virtue of his position within the sport. Such information includes, but is not limited to, factual information regarding the competitors, the conditions, tactical considerations or any other aspect of the Competition or Event, but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public or disclosed according to the rules and regulations governing the relevant Competition or Event;
- 37.2.10 "International Competition" means a Major or Recognised Event as defined by the Regulations or any other event designated as such by a Member National Authority.
- 37.2.11 "Member National Authority" has the meaning set out in Article 1.1 of the World Sailing Constitution.
- 37.2.12 "Major Event Organisation" means any international multi-sport organisation that acts as the overall ruling body for any continental, regional or other International Competition.

- 37.2.13 "Participant" means any Athlete, Athlete Support Personnel, race official, delegate, commissioner, event official, national team or delegation member and any other accredited person;
- 37.2.14 "Person" shall include natural persons, bodies corporate and unincorporated associations and partnerships (whether or not any of them have separate legal personality);
- 37.2.15 "Sanction" means any sanction that World Sailing has the right to impose in accordance with Regulation 35; and
- 37.2.16 "Violation" means a violation of these Rules as set out in Regulation 37.4.

### 37.3 **Application and Scope**

- 37.3.1 These Rules shall apply to all Participants who participate or assist in an International Competition and each Participant shall be automatically bound by, and be required to comply with, these Rules by virtue of such participation or assistance.
- 37.3.2 It shall be the personal responsibility of every Participant to make himself aware of these Rules including, without limitation, what conduct constitutes a Violation of the Rules and to comply with those requirements. Participants should also be aware that conduct prohibited under these Rules may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times.
- 37.3.3 Each Participant submits to the exclusive jurisdiction of World Sailing to hear and determine any charges brought and to the exclusive jurisdiction of CAS to determine any appeal from any final decision made by World Sailing.
- 37.3.4 Each Participant shall be bound by these Rules until a date six months following his last participation or assistance in a Competition. Each Participant shall continue to be bound by these Rules in respect of his participation or assistance in Competitions taking place prior to that date.
- 37.3.5 Member National Authorities shall use their best endeavours to assist World Sailing in making immediate contact with the Participants on whom World Sailing may wish to serve a notice under these Rules.

### 37.4 **Rule Violations**

The following conduct shall constitute a Violation of these Rules (in each case whether effected directly or indirectly):

- 37.4.1 Betting:
- (a) Participation in, support for, or promotion of, any form of Betting related to:
    - (i) an Event or Competition in which the Participant is participating; or
    - (ii) an event or competition that is taking place in another sport at an International Competition hosted by a Major Event Organisation in which the Participant is participating;and this includes Betting with another Person on the result, progress, outcome, conduct or any other aspect of such an Event or Competition).
  - (b) Inducing, instructing, facilitating or encouraging a Participant to commit a Violation set out in this Rule 37.4.1.
- 37.4.2 Manipulation of results:
- (a) Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result,

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progress, outcome, conduct or any other aspect of an Event or Competition.

- (b) Ensuring or seeking to ensure the occurrence of a particular incident in an Event or Competition which occurrence is to the Participant's knowledge the subject of a Bet and for which he or another Person expects to receive or has received a Benefit.
- (c) Failing in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to the best of one's abilities in an Event or Competition.
- (d) Inducing, instructing, facilitating or encouraging a Participant to commit a Violation set out in this Rule 37.4.2.

### 37.4.3 Corrupt Conduct:

- (a) Accepting, offering, agreeing to accept or offer, an undue Benefit (or the expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to fix or contrive in any way or otherwise to influence the result, progress, outcome, conduct or any other aspect of an Event or Competition.
- (b) Inducing, instructing, facilitating or encouraging a Participant to commit a Violation as set out in this Rule 37.4.3.

### 37.4.4 Inside Information:

- (a) Using Inside Information for Betting purposes or otherwise in relation to Betting.
- (b) Disclosing Inside Information to any Person with or without Benefit where the Participant might reasonably be expected to know that its disclosure in the circumstances could be used in relation to Betting.
- (c) Inducing, instructing, facilitating or encouraging a Participant to commit a Violation set out in this Rule 37.4.4

### 37.4.5 Other Violations:

- (a) Any attempt by a Participant, or any agreement by a Participant with any other person, to engage in conduct that would culminate in the commission of any Violation of this Rule 37.4 shall be treated as if a Violation had been committed, whether or not such attempt or agreement in fact resulted in such Violation. However, there shall be no Violation under this Rule 37.4 where the Participant renounces his attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement.
- (b) Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in Rule 37.4 committed by a Participant.
- (c) Failing to disclose to World Sailing or other competent authority (without undue delay) full details of any approaches or invitations received by the Participant to engage in conduct or incidents that would amount to a Violation as set out in this Rule 37.4.
- (d) Failing to disclose to World Sailing or other competent authority (without undue delay) full details of any incident, fact or matter that comes to the attention of the Participant that may evidence a Violation under this Rule by a third party, including (without limitation) approaches or invitations that have been received by any other party to engage in conduct that would amount to a Violation of this Rule.
- (e) Failing to cooperate with any reasonable investigation carried out by World Sailing or other competent authority in relation to a possible breach of these Rules, including failing to provide any information and/or documentation

requested by World Sailing or competent authority that may be relevant to the investigation.

- 37.4.6 The following are not relevant to the determination of a Violation of these Rules:
- (a) Whether or not the Participant was participating, or a Participant assisted by another Participant was participating, in the specific Event or Competition;
  - (b) The nature or outcome of any Bet in issue;
  - (c) The outcome of the Event or Competition on which the Bet was made;
  - (d) Whether or not the Participant's efforts or performance (if any) in any Event or Competition in issue were (or could be expected to be) affected by the acts or omissions in question;
  - (e) Whether or not the results in the Event or Competition in issue were (or could be expected to be) affected by the acts or omissions in question.

### 37.5 Reports Concerning Violations

- 37.5.1 Any report concerning a Violation (or alleged Violation) shall be made to the Chief Executive Officer. Regulation 35 shall then apply to the report. World Sailing may investigate the report, conduct any relevant hearing and impose sanctions on a Participant for any proven Violations in accordance with Regulation 35.
- 37.5.2 World Sailing may conduct an investigation into the activities of any Participant that it believes may have committed a Violation of these Rules and may appoint one or more Persons for this purpose. Such investigation may be conducted in conjunction with relevant competent national or international authorities (including criminal, administrative, professional and/or judicial authorities) and all Participants must cooperate fully with such investigations. World Sailing shall have discretion, where it deems it appropriate, to stay its own investigation pending the outcome of investigations conducted by other competent authorities.
- 37.5.3 As part of any such investigation, if World Sailing reasonably suspects that a Participant has committed a Violation of these Rules, it may make a written demand to such Participant for information that is related to the alleged Violation and/or require the attendance of such Participant for interview, or a combination of the two. Any interview shall be at a time and place to be determined by World Sailing and the relevant Participant shall be given reasonable notice in writing of the requirement to attend. Interviews shall be recorded and the Participant shall be entitled to have legal counsel and an interpreter present.
- 37.5.4 By participation in a Competition, each Participant shall be deemed to have agreed for the purposes of applicable data protection laws and other laws, and for all other purposes, to have consented to the collection, processing, disclosure or any other use of information relating to his activities (including without limitation personal information) to the extent permitted under these Rules and shall confirm such agreement in writing upon demand.
- ### 37.6 Disqualification of Results
- 37.6.1 Subject to Rule 37.6.2, a Violation of these Rules by a Participant automatically leads to disqualification of the result obtained by a boat of which the Participant is a crewmember in that Competition with all resulting consequences, including forfeiture of any medals, points and prizes.
- 37.6.2 If a Participant is a crew member of a boat having a crew of more than three crewmembers and he is found to have committed a Violation of these Rules during an Event or Competition, Rule 37.6.1 does not apply. Instead the boat may be subject to such disciplinary action by World Sailing as it deems appropriate if there have been Violations of these Rules by more than one Participant who is a crew member of (or is

associated with) the boat and World Sailing is satisfied there has been a resulting material advantage to such boat in breach of these Rules, or such breaches have been organized or condoned by other Participants being crewmembers of the boat or those charged with managing the boat and/or its crewmembers.

### 37.7 **Recognition of Decisions**

37.7.1 Member National Authorities shall comply with, recognise and take all necessary and reasonable steps within their powers to enforce and give effect to these Rules and to all decisions and Sanctions imposed hereunder.

37.7.2 Final decisions of a Major Event Organisation in relation to a Participant that are within the Major Event Organisation's jurisdiction and based on the same or similar betting and anti-corruption rules as these Rules shall be recognised and respected by World Sailing upon receipt of notice of the same. Any disciplinary process, so far as determining a Participant's Sanction beyond the sanction imposed by the Major Event Organisation is concerned, shall be determined by World Sailing in accordance with these Rules



**APPENDIX 6 – DISCIPLINARY, APPEALS AND REVIEW CODE****35.1 Introduction**

- 35.1.1 This Code defines the structures applicable to allegations of Misconduct and to other judicial processes in the sport of sailing.
- 35.1.2 This Introduction is intended to give an overview of the way in which the Code operates. The introduction does not define the structures, and Participants should carefully read all the applicable Parts of this Code.
- 35.1.3 There are four different structures in place, each designed to address the different circumstances which will apply to matters which will be addressed under them. Those structures are:
- (a) those relating to major international events (Part C);
  - (b) those relating to all other events (Part D);
  - (c) those relating to other disciplinary complaints (Part E); and
  - (d) those relating to appeals and reviews of other decisions made by or within World Sailing (Part G).
- 35.1.4 The whole structure and process is administered by the Judicial Board.

*Major International Events*

- 35.1.5 At major international events, an investigator (known as the Event Disciplinary Investigation Officer) is appointed and makes decisions as to whether cases of Misconduct should be presented to the protest committee. If a case is to be presented, the matter proceeds to the protest committee at the event, which makes decisions as to any penalties appropriate to the event in question. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.
- 35.1.6 If the penalty imposed at the event is above a certain threshold, the protest committee must report the matter directly to World Sailing. World Sailing will investigate and decide whether a charge of Misconduct should be laid against the Participants and be determined by an Independent panel appointed by the Judicial Board. That Independent Panel will be empowered to impose sanctions wider than the event itself, including national or international sanctions, if it decides that the charge is made out.
- 35.1.7 An appeal lies to the Court of Arbitration for Sport against any decision by the Independent Panel (special arrangements apply for the Olympic and Paralympic Games).

*All Other Events*

- 35.1.8 At all other events the protest committee decides all issues of Misconduct at event level in accordance with the RRS. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.

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- 35.1.9 If the penalty imposed at the event is above a certain threshold the protest committee must report the matter to the Participant's MNA, which then has three months to decide whether a wider penalty should be imposed or not (subject to any extensions of time which may be granted by the Judicial Board). Each MNA will have its own procedures by which such decisions are to be made and it is the responsibility of each MNA to ensure that such processes are fair and compliant with due process.
- 35.1.10 An appeal against the MNA decision will lie to either:
- (a) an Independent Appeal Panel appointed by the Judicial Board; or
  - (b) any other judicial making body that the MNA has previously nominated and which has been previously approved by World Sailing for that purpose.
- 35.1.11 If the MNA fails to reach any decision within 3 months, it must report the matter to World Sailing, and the Judicial Board will then investigate the matter as if the event was a major international event.

### *Other Disciplinary Cases*

- 35.1.12 Any complaint of Misconduct concerning an World Sailing committee or commission member, World Sailing Member, World Sailing officer, World Sailing Race Official or an World Sailing Representative may be made by persons who the Judicial Board considers to have a legitimate interest in the alleged Misconduct. The complaint is to be made to the World Sailing Chief Executive Officer.
- 35.1.13 For other disciplinary complaints, the complaint is made to the relevant MNA and processed under its rules of procedure and this Code.
- 35.1.14 For World Sailing -level complaints:
- (a) the Judicial Board will appoint a Disciplinary Investigation Officer to investigate and decide whether a charge should be laid against the person against whom the complaint is made;
  - (b) if a charge is laid, the Judicial Board will appoint an Independent Panel to determine the case and impose any appropriate sanction; and
  - (c) an appeal will lie to an Independent Appeal Panel appointed by the Judicial Board.

### *Appeals and Reviews of Decisions made by World Sailing*

- 35.1.15 Where the World Sailing Constitution or Regulations permit a decision to be reviewed or appealed the appeal will be heard by an Independent Panel appointed by the Judicial Board. In certain cases, an appeal against the decision of the Independent Panel will lie to the Court of Arbitration for Sport. In other cases, there is no appeal against the decision of the Independent Panel.

## **35.2 Part A – Obligations concerning Misconduct**

- 35.2.1 In this Code, a "Participant" means
- (a) any competitor, boat owner, support person; and
  - (b) any World Sailing Council, committee or commission member, working party member, any alternates appointed, World Sailing Member (including any representatives sent by a Member to attend World Sailing Events, meetings or other official functions), World Sailing Officer, World Sailing Race Official or World Sailing Representative, or any person, official or body subject to the World Sailing Constitution or World Sailing Regulations.

- 35.2.2 In this Code “Misconduct” means a breach of Regulation 35.2.3, 35.2.4 and/or Regulation 35.3.9.
- 35.2.3 Participants shall not commit misconduct, as defined under RRS 69.1(a).
- 35.2.4 Participants defined by Regulation 35.2.1(b) shall:
- (a) not commit a breach of the World Sailing Constitution or Regulations that is deliberate, repeated or otherwise more than a misjudgement;
  - (b) act with the utmost integrity, honesty and responsibility;
  - (c) act in good faith towards each other with mutual trust and understanding in all their dealings;
  - (d) treat others with respect (without discrimination);
  - (e) not do anything which compromises, or is likely to compromise, the impartiality of those who work for World Sailing; and
  - (f) not disclose information which they know, or ought reasonably to know, is confidential information without the consent of a person authorised to give it or unless required by law to do so or for the purposes of obtaining legal advice.

### **35.3 Part B –Bodies, Personnel and General Provisions**

#### *The Judicial Board*

- 35.3.1 The Judicial Board is appointed and constituted under Article 77 of the World Sailing Constitution.
- 35.3.2 The Judicial Board is responsible and has authority for:
- (a) overall administrative oversight of the disciplinary system of World Sailing and ensuring that all disciplinary functions are carried out by appropriate persons or panels;
  - (b) overall administrative oversight of the appellate and judicial system of World Sailing and ensuring that all appeals and reviews permitted by the World Sailing Constitution or Regulations of any decisions made within or by World Sailing are carried out by appropriate persons or panels;
  - (c) appointing and maintaining lists of people who may sit on Independent Panels and Independent Appeals Panels to carry out decision making in respect of disciplinary issues and other matters of an appellate or review nature;
  - (d) appointing Disciplinary Investigating Officers to major international events, or to disciplinary matters in which World Sailing has become involved by virtue of this Code;
  - (e) appointing Independent Panels and Independent Appeals Panels to make decisions and impose sanctions in relation to disciplinary matters in which World Sailing has become involved by virtue of this Code and other matters of an appellate or review nature;
  - (f) issuing rules of procedure for all forms of hearings and procedures contemplated under this Code;
  - (g) publishing guidance on disciplinary matters (including recommended sanctions);

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- (h) ensuring cases are conducted expeditiously and deciding whether to grant any requests for extensions of time under it);
- (i) maintaining and publishing a database of Independent Panel, Independent Appeals Panels and MNA decisions in relation to disciplinary matters made under the auspices of this Code;
- (j) the proper education and training of Disciplinary Investigating Officers and Independent Panel members; and
- (k) determining whether a complaint or report received by World Sailing:
  - (i) is, or may be, within the jurisdiction of World Sailing and the provisions of the Code;
  - (ii) is, or may be, within the relevant time period for making such a complaint or report and whether it can be considered by World Sailing.

### *Disciplinary Investigating Officer*

35.3.3 A Disciplinary Investigating Officer is an official appointed by the Judicial Board who is responsible for one or more of the following (depending upon the stage of the process in respect of which he is appointed):

- (a) the investigation of allegations of Misconduct at any event at which he is appointed;
- (b) presenting any case of Misconduct before a protest committee at any event at which he is appointed;
- (c) the investigation of reports received by World Sailing which require investigation;
- (d) any decision to charge a Participant for Misconduct; and
- (e) the prosecution of such cases before an Independent Panel.

35.3.4 A Disciplinary Investigating Officer shall have the right to conduct any investigations he considers appropriate and may gather evidence, both documentary, physical and oral, from any person or body that is willing to speak with him. In respect of any Participant, a Disciplinary Investigating Officer shall have the right to conduct an initial interview and follow-up interviews (as deemed necessary by him), with any Participant in furtherance of investigation of the possibility of any commission of act(s) of Misconduct, subject as follows:

- (a) the date and time of interviews shall be determined by the Disciplinary Investigating Officer with reasonable allowances made for Participants' racing commitments and schedules;
- (b) a Participant has the right to be accompanied to an interview (including by a legal representative at his own cost);
- (c) interviews will be recorded and shall be used for transcription and evidentiary purposes and thereafter will be retained by World Sailing for a minimum of 3 years in a secure place;
- (d) a Participant has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at his own cost); and
- (e) a recording or a transcript of an interview shall be provided to the Participant upon request within a reasonable time following its conclusion.

### *Independent Panel*

- 35.3.5 An Independent Panel is a panel appointed by the Judicial Board to hear and adjudicate upon any matter in which World Sailing becomes involved by virtue of this Code.
- 35.3.6 Except as set out in Regulation 35.3.7, an Independent Panel shall consist of either:
- (a) three persons, in which case its chairman shall be legally qualified. As far as possible, at least one member of a 3-person Independent Panel shall be an active competitor. No World Sailing employee, World Sailing officer or Judicial Board member shall be appointed as a member of a 3-person Independent Panel; or
  - (b) one person, in which case he shall be legally qualified. No World Sailing committee or commission member, World Sailing employee, World Sailing officer or World Sailing Race Official or Judicial Board member shall be appointed as a one-person Independent Panel.
- 35.3.7 If an Independent Panel is appointed to exercise any appellate functions under this Code (an Independent Appeals Panel), it shall consist of three legally qualified persons appointed by the Judicial Board. No World Sailing employee or World Sailing officer shall be appointed as a member of an Independent Appeals Panel.
- 35.3.8 The Judicial Board shall decide upon the constitution of the Independent Panel or Independent Appeals Panel in any individual case, and shall appoint it, having regard to all the circumstances of the case, and to any guidance which it has published. Any challenge to the constitution of the Panel shall be made in accordance with the time limits and procedure set out in the relevant Rules of Procedure and shall be decided by the Judicial Board. There shall be no appeal against the decision of the Judicial Board in this respect.

### *General Provisions*

- 35.3.9 All Participants must take all reasonable measures to assist Disciplinary Investigating Officers in the collection of evidence. If a Disciplinary Investigating Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege or other legal impediment) be under an obligation to provide it. The request for production must be reasonable and relevant to the allegations under investigation. Failure to comply with a Disciplinary Investigating Officer's request without reasonable excuse shall be regarded as Misconduct.
- 35.3.10 Participants shall be determined to be immediately available at the most current postal address held by World Sailing, by a MNA or by the Organising Authority of an event concerning the investigation which has been commenced.
- 35.3.11 Any notice delivered to a Participant shall be deemed to have been received by the Participant on the date of delivery to such an address as recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.
- 35.3.12 All decisions made under the auspices of this Code by any Independent Panel or Independent Appeals Panel, or by any MNA, shall be published by the Judicial Board, save that the Judicial Board may, in its absolute discretion (against which there is no appeal):
- (a) decide not to publish a decision if such publication is inappropriate in all the circumstances; or

(b) decide to redact parts of the decision and publish only the redacted copy.

35.3.13 Where any MNA is required under this Code to reach any decision on any disciplinary or other matter, that National Authority shall use its best endeavours to ensure that the procedures by which it reaches such a decision are fair and appropriate having regard to all the circumstances of any individual case.

35.3.14 Subject to the rights of appeal provided in this Code, all decisions made under this Code shall be recognized by World Sailing and all MNAs, which shall take any necessary action to render such decision effective.

### *Transitional Provisions Relating to Disciplinary and Misconduct Complaints*

35.3.15 These Regulations shall apply only to allegations of Misconduct occurring after 14 November 2015. For all Misconduct occurring on or before 14 November 2015 the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes, including any appeal.

35.3.16 In the event that it is unclear whether the alleged Misconduct occurred on or before 14 November 2015, or if the alleged Misconduct occurred or continued both before and after 14 November 2015, the Judicial Board shall decide whether to follow the old or new process, and shall make that decision having regard to the requirements of natural justice and having provided the person alleged to have committed the Misconduct a reasonable opportunity to make representations as to the appropriate procedure. Such a decision shall not be open to appeal.

### *Transitional Provisions Relating to Appeals and Reviews of other Decisions of World Sailing*

35.3.17 Part G of this Regulation shall apply only to appeals or reviews of any decision of World Sailing if such appeal or review is made after 14 November 2015. For all appeals and reviews commenced on or before 14 November 2015 the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes.

## **35.4 Part C – Misconduct at Major International Events**

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 Chief Executive Officer as major international events;
- (c) the America's Cup and its associated events; and
- (d) the Ocean Race.

35.4.2 The Judicial Board shall appoint and remove persons to an Investigations Panel (including a Chair and Vice-Chair). Members of the Panel shall include sailors, race officials and other legally qualified persons who are considered by the Judicial Board to be qualified to carry out the functions of the Investigations Panel.

35.4.3 The Investigations Panel advises Disciplinary Investigating Officers acting under Part C of this Code on the exercise of their functions (including advising them as far as practicable on investigations carried out by them). Disciplinary Investigating Officers must consult the Panel as far as practicable. Members of the Panel must keep all Panel discussions confidential. The names of the Panel members and of Disciplinary Investigating Officers appointed under Part C shall be published by the Chief Executive Officer.

35.4.4 The Judicial Board shall appoint a Disciplinary Investigating Officer (the "Event Disciplinary Investigating Officer") to investigate at the event complaints of Misconduct. If the Event Disciplinary Investigating Officer or a member of the

Investigations Panel is a member of the international jury of the event, then they 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 under RRS Appendix N if up to two of its number are unable to hear a case due to appointment under this Regulation. 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.

- 35.4.5 Any complaint of Misconduct shall be referred to the Event Disciplinary Investigating Officer. Referrals shall be made within 48 hours of the alleged Misconduct occurring unless the Event Disciplinary Investigating Officer determines, in his absolute discretion (against which there is no appeal), that there is good reason to extend this time.
- 35.4.6 The Event Disciplinary Investigating Officer shall, following and considering his investigation, in his absolute discretion (against which there is no appeal):
- (a) take no further action; or
  - (b) issue a warning to a Participant against whom the complaint was made, and thereafter take no further action; or
  - (c) charge the Participant with Misconduct.
- 35.4.7 The decision of the Event Disciplinary Investigating Officer made under Regulation 35.4.4 shall be communicated in writing to the Participant and to the protest committee at the first reasonable opportunity.

### *Protest Committee Hearing and Decision*

- 35.4.8 If the Event Disciplinary Investigating Officer decides that a charge of Misconduct should be made against the Participant, that case shall be considered by and adjudicated upon by the protest committee in accordance with the procedures in RRS 69 as modified by this Part of the Code. The protest committee may impose any sanctions relevant to the event as provided for in the RRS. Any right of appeal of that decision will be governed by the RRS.
- 35.4.9 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to World Sailing if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
  - (b) excludes the person from the event or venue; or
  - (c) in any other case if it considers it appropriate to do so (including under RRS 69.2(k)).
- 35.4.10 When a report is received by World Sailing under Regulation 35.4.7, the Judicial Board shall refer it to the Investigations Panel for review. No member of the Panel who was the Event Disciplinary Investigating Officer (or a person authorized by the Event Disciplinary Investigating Officer in accordance with Regulation 35.4.4) or who was a race official at the event shall take part in its proceedings. The Investigations Panel shall have the power and responsibilities of a Disciplinary Investigating Officer under this Code, and if it charges a Participant, must appoint one of its members to conduct the proceedings on behalf of the Panel.
- 35.4.11 Following the review, the Investigations Panel shall in its absolute discretion (against which there is no appeal):
- (a) take no further action; or

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- (b) issue a warning to any Participant in the report, and thereafter take no further action; or
- (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Investigations Panel, may warrant disciplinary action wider than the event jurisdiction of the protest committee.

- 35.4.12 The decision of the Investigations Panel made under Regulation 35.4.11 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity. The Chief Executive Officer shall publish the decision of the Investigations Panel unless the Judicial Board decides there is good reason not to do so. If publishing a decision under Regulation 35.4.11(a), the decision shall be anonymised.
- 35.4.13 Within 14 days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 35.4.14 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 35.4.15 The sanctions that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F of this Code. When considering sanctions, the Independent Panel shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
  - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

### *Appeals against the Decision of the Independent Panel*

- 35.4.16 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.

### *General Procedures relating to Charging*

- 35.4.17 If a charge is issued, as soon as practicable a written notice of the charge shall be provided to the Participant and the protest committee and/or Judicial Board (as appropriate), which shall:
- (a) state briefly the nature of the alleged Misconduct;
  - (b) identify the rule(s) alleged to have been breached; and
  - (c) provide copies of documents or other material referred to in the charge.
- 35.4.18 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged act of Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 35.4.19 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Event Disciplinary Investigating Officer or the Investigations Panel (as appropriate) may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the protest committee and/or Independent Panel appointed deciding upon some alternative procedure.



**35.5 Part D – All Other Events**

- 35.5.1 The provisions of this Part of this Code apply to all events raced under the RRS except those listed in Regulation 35.4.1.
- 35.5.2 All complaints, allegations or reports of Misconduct shall be considered and adjudicated upon by the protest committee in accordance with the procedures in RRS 69. The protest committee may impose any sanctions relevant to the event as provided for in RRS 69. Any right of appeal of that decision will be governed by the RRS.
- 35.5.3 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to the MNA of the Participant if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
  - (b) excludes the person from the event or venue; or
  - (c) in any other case if it considers it appropriate.

*Review by the MNA and further action*

- 35.5.4 When a report is received by a MNA under Regulation 35.5.3, it shall review the report and may conduct a further investigation in relation to the matters in the report. However, the Judicial Board may direct that the report shall be transferred to and conducted by World Sailing under Regulation 35.6.12.
- 35.5.5 The MNA shall, within three months of receipt of the report from the protest committee, issue a decision in writing in which it decides:
- (a) to take no further action; or
  - (b) to issue a warning to any Participant in the report, and thereafter take no further action; or
  - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.
- 35.5.6 The decision of the MNA made under Regulation 35.5.5 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 35.5.7 The sanctions that may be imposed by the MNA are set out in Part F of this Code. When considering sanctions, the MNA shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
  - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.5.8 The time for reaching a decision set out in Regulation 35.5.5 may be extended by the Judicial Board on written application by the MNA.
- 35.5.9 If a MNA fails to reach a decision within the time limits prescribed in Regulation 35.5.5 (or any extended time):
- (a) the MNA shall report that failure to the Judicial Board; and
  - (b) any person with a sufficient connection with the subject matter of the report may bring that failure to the attention of the Judicial Board.

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- 35.5.10 If the Judicial Board becomes aware of any failure of a MNA to reach a decision within the specified time, it may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the MNA to reach its decision; and/or
  - (b) require the MNA to reach a decision within any such extended time; or
  - (c) take over conduct of the report.
- 35.5.11 In the event that the Judicial Board takes over conduct of the report, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16, save that the time limits will run from the date that the Judicial Board took over conduct of the report. The MNA shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

### *Appeals against the decision of the MNA*

- 35.5.12 There is a right of appeal from the decision of the MNA to:
- (a) an alternative dispute resolution body appointed by the MNA if those arrangements have been approved by World Sailing; or
  - (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the MNA imposes a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant; or
  - (c) the Judicial Board if the Chief Executive Officer considers that the decision of the MNA is unduly lenient.
- 35.5.13 Any appeal shall be made in writing within fourteen days of the decision of the MNA.
- 35.5.14 If the appeal is made to the Judicial Board, the Board shall, within 14 days of receipt of the appeal appoint an Independent Appeal Panel to hear and determine the appeal.
- 35.5.15 The procedure to be adopted by the Independent Appeal Panel will be governed by Rules of Procedure published by the Judicial Board.
- 35.5.16 World Sailing, MNAs and Participants hereby agree to be bound by the decision of the Independent Appeal Panel determining the appeal, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

## **35.6 Part E - Any Other Disciplinary Complaints**

- 35.6.1 The provisions of this Part of this Code apply to all complaints of Misconduct received by World Sailing or by MNAs which cannot be addressed under Parts C or D above. However it does not apply to complaints that could have been brought under any other Part of this Code, but which were excluded by virtue of time limits or decisions made under that Part.
- 35.6.2 All such complaints must be made:
- (a) in writing to the World Sailing Chief Executive Officer if the complaint relates to Misconduct of any World Sailing committee or commission member, World Sailing officer, World Sailing Race Official or World Sailing Representative whilst acting in that capacity, or any World Sailing committee, commission or body;
  - (b) in writing to the equivalent person at the MNA of the Participant who is the subject of the complaint in all other instances;

- (c) within 14 days of the alleged Misconduct, unless that time is extended by the Judicial Board; and
- (d) by a race official, competitor, technical delegate, MNA or authorised member of an organising authority or an international class association, Participant or other person or body with sufficient standing or relationship to the alleged Misconduct as is permitted by the Judicial Board.

35.6.3 Notwithstanding Regulation 35.6.2, the World Sailing Chief Executive Officer or the equivalent person at a MNA may initiate a complaint of Misconduct within 14 days of the relevant information becoming available to them which justifies them making a decision to initiate a complaint. For the purpose of this Regulation, the World Sailing Chief Executive Officer or the equivalent person at an MNA is entitled to investigate matters of which they have become aware so as to enable a proper decision to be taken without the 14-day period commencing during such investigations..

### *Complaints to MNAs*

- 35.6.4 The MNA shall review the complaint and may conduct an investigation in relation to the matters in the complaint. However, the Judicial Board may direct that the complaint shall be transferred to and conducted by World Sailing under Regulation 35.6.12.
- 35.6.5 The MNA shall, within three months of receipt of the complaint, issue a decision in writing in which it decides:
- (a) to take no further action; or
  - (b) to issue a warning to any person the subject of the complaint, and thereafter take no further action; or
  - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.
- 35.6.6 The decision of the MNA made under Regulation 35.6.5 of this Part of the Code shall be communicated in writing to the Participant, to the Judicial Board, and the complainant at the first reasonable opportunity.
- 35.6.7 The sanctions that may be imposed by the MNA are set out in Part F. When considering sanctions, the MNA shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
  - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.6.8 The time for reaching a decision set out in Regulation 35.6.5 may be extended by the Judicial Board on written application by the MNA.
- 35.6.9 If a MNA fails to reach a decision within the time limits prescribed in Regulation 35.6.5 (or any extended time), any person with a sufficient connection with the subject matter of the complaint may bring that failure to the attention of the Judicial Board.
- 35.6.10 The Judicial Board may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the MNA to reach its decision; and/or
  - (b) require the MNA to reach a decision within any such extended time; or
  - (c) take over conduct of the complaint.

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- 35.6.11 In the event that the Judicial Board takes over conduct of the complaint, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16 of this Code, save that the time limits will run from the date that the Judicial Board took over conduct of the complaint. The MNA shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

### *Complaints to World Sailing*

- 35.6.12 When a complaint is received by World Sailing under this Part of the Code, it shall be passed by the Chief Executive Officer to the Judicial Board. The Judicial Board shall within fourteen days of the complaint appoint a Disciplinary Investigating Officer to investigate it.
- 35.6.13 Following the review, the Disciplinary Investigating Officer shall in his absolute discretion (against which there is no appeal):
- (a) take no further action; or
  - (b) issue a warning to any Participant in the report, and thereafter take no further action; or
  - (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Disciplinary Investigating Officer, may warrant disciplinary action within the jurisdiction of World Sailing.
- 35.6.14 The decision of the Disciplinary Investigating Officer made under Regulation 35.6.13 shall be communicated to the Participant and the complainant at the first reasonable opportunity.
- 35.6.15 In the event that the Disciplinary Investigating Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Judicial Board that a second Disciplinary Investigating Officer be appointed independently to investigate the complaint. If such a request is made the Judicial Board shall, within 14 days of the request, appoint a second Disciplinary Investigating Officer to investigate and make a decision in accordance with Regulation 35.6.13. This process may only be applied once in relation to any complaint.

### *Procedures relating to Charging by World Sailing*

- 35.6.16 If a charge is issued against a Participant, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Judicial Board, which shall:
- (a) state briefly the nature of the alleged Misconduct;
  - (b) identify the rule(s) alleged to have been breached; and
  - (c) provide copies of documents or other material referred to in the charge.
- 35.6.17 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 35.6.18 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the Independent Panel appointed deciding upon some alternative procedure.

### *Hearing and Determination of the Charge*

- 35.6.19 Within fourteen days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 35.6.20 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 35.6.21 The penalties that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F. When considering sanctions, the Independent Panel shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
  - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

### *Appeals against the decision of the MNA or the Independent Panel*

- 35.6.22 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 below.
- 35.6.23 There is a right of appeal from the decision of the MNA to:
- (a) an alternative dispute resolution body appointed by the MNA if those arrangements have been approved by World Sailing; or
  - (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the MNA imposes a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant.
- 35.6.24 There is a right of appeal from the Independent Panel if, and only if, the decision imposes:
- (a) a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility in the case of a competitor, boat owner or support person; or
  - (b) any sanction imposed (except a warning, reprimand, admonishment or fine) in the case of World Sailing committee or commission members, World Sailing officers, World Sailing Race Officials or World Sailing Representatives.
- 35.6.25 Any appeal shall be made in writing within fourteen days of the decision appealed against.
- 35.6.26 If the appeal is made to the Judicial Board, the Judicial Board shall, within fourteen days of receipt of the appeal appoint an Independent Panel (the Independent Appeal Panel) to hear and determine the appeal.
- 35.6.27 The procedure to be adopted by the Independent Appeal Panel will be governed by Rules of Procedure published by the Judicial Board.
- 35.6.28 World Sailing, MNA and Participants hereby agree to be bound by the decision of the Independent Appeal Panel, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

### **35.7 Part F – Penalties**

- 35.7.1 The following penalties may be imposed on Participants by World Sailing or MNA:
- (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 Representatives;
  - (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) any sanction set out in the World Sailing Code of Ethics;
  - (i) make a report to a MNA, 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 or the MNA to impose.

### **35.8 Part G – Appeals and Reviews of Other Decisions made by or within World Sailing**

- 35.8.1 The provisions of this Part of this Code apply to any appeal or review of any decision made within or by World Sailing where the World Sailing Constitution or Regulations expressly permit any such appeal or review.
- 35.8.2 Any appeal or request for a review shall be made in writing to the Chief Executive Officer within the relevant time limit specified in the World Sailing Constitution or Regulations, or if no such time limit is specified, within fourteen days of the notification of the decision being appealed or reviewed.
- 35.8.3 The Chief Executive Officer shall pass the appeal or request for review to the Judicial Board, who shall, within fourteen days of receipt, appoint an Independent Panel to hear and determine the appeal or review.
- 35.8.4 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the appeal or review by the Independent Panel.
- 35.8.5 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.

### **35.9 Part H – 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 the Participant.
- 35.9.3 The time limit for lodging an appeal shall be fourteen days from receipt of the written decision of the Independent Panel 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.