

Interpretation Number	Interpretation of Regulation	Issue	Date of Interpretation
002-04	19 and 21	Anti-Doping Code and Eligibility issues for America's Cup Team Members	13 November 2002

For the Purpose of this interpretation of the ISAF Regulations it is limited to competitors in the 2003 America's Cup

Team Prada represents Yacht Club Punta Ala which is affiliated to the Italian Sailing Federation.

Team Prada's Challenge, boat, team are Italian for the purpose of America's Cup Rules (Protocol XXXI).

In order to comply with the Protocol governing the XXXI America's Cup, Team Prada's sailors must be either Italians or permanently resident in Italy, when their passports are from a foreign country.

For all the above reasons Team Prada believe that the reference Member National Authority for Team Prada is the Italian Sailing Federation (Federazione Italiana Vela).

Furthermore, if Team Prada has to be considered responsible for all the sailing-team during the whole of the America's Cup 2003 under ISAF Rules (in-competition and out-of-competition periods) and if, meanwhile, Team Prada has to comply with the Rules (Protocol) governing the America's Cup during the same period, it is difficult to consider that a Team Prada sailor could be deemed one time "non Italian" and another time "Italian".

There are also practical reasons to support this approach as can be seen in the following cases, which may well apply to all teams involved in America's Cup with sailors of various passports.

Case 1

A sailor of Team Prada is of Italian nationality with a FIV membership.

This sailor needs special medications.

Obviously the Italian Sailing Federation (FIV) is his Member National Authority.

Team Prada's-Doctor requests a dispensation to the Medical Officer of the Italian Sailing Federation (F.I.V.).

The FIV-Doctor could agree or not with the Team-Doctor, anyway the procedure is one with only one result according to the judgement of FIV-Doctor.

Case 2

A sailor of Team Prada is a permanent resident of Italy, has a foreign passport and is also a member of FIV.

This sailor needs exactly the same special medications as the sailor of Case 1 above.

Team Prada believe that the Italian Sailing Federation (FIV) again is deemed the Member National Authority. If a problem will arise about that sailor and a penalty will be imposed, ISAF Code 19 at point 19.9 (Team Disqualification) is very clear:

...the boat upon which the offending sailor was a crew member shall be disqualified...

If an Italian boat is penalized, ISAF will notify it to Italian Sailing Federation (FIV) as Member National Authority.

We should now consider the possible involvement of the Country of passport of the sailor .

Assuming the Team-Doctor had to do the same request to the FIV Doctor and to the Other-Country Doctor, this procedure would become a “double-procedure” and its outcome could be different from that of Case 1.

In particular what happens if there is disagreement between FIV Doctor and the Other-Country Doctor?

In the best scenario the result would be a delay in the beginning of the therapy for the sailor of Case 2 if compared with the sailor of Case 1.

In the worst scenario the disagreement between the Doctors of the two Member National Authorities will continue and, in this case, who is the relevant medical authority?

If the Other-Country Doctor is the relevant medical authority or even the only one, this problem is solved, but then another issue arises, probably worst.

As result of that, we may get the case where in the same team, for the same disease, it will not be allowed to cure two sailors with the same treatment because they have different passports, even if they are sailing for the same country and are both Members of the same MNA (FIV).

Probably it will seem unfair and it will not look good for our sport.

Question 1

In reference to the above, Team Prada kindly ask if their interpretation to consider the Italian Sailing Federation (FIV) as the only Member National Authority is the correct one.

As a consequence of that, if special medications will be necessary for a sailor of Team Prada, under ISAF Regulations 19, the Team-Doctor will send the request for the dispensation to the Medical Officer of Italian Sailing Federation.

May Team Prada consider that ISAF has the same judgment about Italian Sailing Federation (F.I.V.) being the only Member National Authority for Team Prada and all its sailors?

Obviously all the sailors not having an Italian passport would be permanently resident in Italy and will therefore be affiliated to Italian Sailing Federation (FIV) through Yacht Club Punta Ala.

Furthermore it seems to be not in contrast with ISAF Regulation 21 (Eligibility) should the sailors with non Italian passport decide to keep until the completion of Prada America's Cup 2003 program both the membership cards of Italian Sailing Federation and of another MNA.

Interpretation 1

For the question pertaining to the Team Doctors, the Italian Sailing Federation (FIV) is the only Member National Authority for Italian sailors. The FIV is also the authority for Team Prada and all its sailors including those holding a foreign passport but qualifying for eligibility in ISAF Special Events under the ISAF Eligibility Code, 19.2 (b) (i) and (ii). The America's Cup is a Special Event under the ISAF Regulations.

Question 2

If the above interpretation of ISAF Rules is correct.

Is a competitor eligible for ISAF events, under ISAF Regulations 21, where he is affiliated to two different MNAs at the same time?

"Two different MNAs " meaning:

- the Member National Authority of the country where the competitor is a permanent resident, and
- the Member National Authority of the country of which the competitor has the passport.

Interpretation 2

1. Holders of foreign passports claiming permanent residence in another country for the purpose of the sailing in the America's Cup are eligible to compete in other ISAF events of their national MNA.

2. The holder of a foreign passport may enter an ISAF event in the country where the sailor is a permanent resident providing the MNA of residence permits foreign passport holders to compete in the event.