

Interpretation Number	Interpretation of Regulation	Issue	Date of Interpretation
007-01	Article 46(b), Regulations 1.6, 1.7, 1.9, 1.15(a), 16.1	Selection of events for the Olympic Games	28 March 2007 (Questions 1 through 8) 3 June 2007 (Questions 9 and 10)

Article and Regulation References

Article 46 (b)

'Decisions overturning a previous vote under ISAF Regulation 16.1.1(b) require a two-thirds vote in favour of the resolution by all Council members entitled to vote.'

Regulation 1.6(b)

'.....submissions or proposal shall be received at the ISAF Secretariat in respect of the Mid-Year meeting 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 Executive Committee shall determine whether a submission is urgent.'

Regulation 1.7

'A late submission may only be considered upon the approval of the President and then only when he considers that a matter of urgency is involved.'

Regulation 1.9

'The Council shall not resolve any matter of 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 of the Council.'

Regulation 1.15(a)

'The procedure for deciding on Committee recommendations not based on official submissions is as follows

(a) recommendations that are either pending from previous Committee Meetings or new items deemed urgent and requiring immediate Council decision may be presented to Council.....

Regulation 16.1.1

'Council shall make the following decisions on Olympic Events and Equipment (classes)(b) at the November meeting of Council five years before the Olympic Sailing Competition, decide the Events. Council will decide the list of possible Events at the prior mid-year meeting.'

Regulation 16.1.3(a)

'decisions made under 16.1.1(b) may only be overturned with a vote in favour of two-thirds of all Council members entitled to vote.'

This interpretation is made at the request of Mr Charley Cook, ISAF Council Member and Vice-Chairman of the Constitution Committee. Mr Cook submitted his request as a series of questions and this interpretation is made as replies to those questions.

Constitution Committee Interpretation

Question 1.

Does Regulation 16.1.1(b) require Council to consider and approve at the 2007 Mid Year Meeting a list of possible events for 2012?

Interpretation 1

This question in fact raises two issues. Firstly is the 2007 mid-year meeting the one referred to in the second part of the regulation? Secondly does the regulation require Council to prepare the list?

The meeting in November 2007 is five years before the 2012 Olympic Games and is therefore the meeting that is appropriate for the selection of Events for those Games. Regulation 16.1.1(b) requires Council to prepare a list of possible Events at the prior mid-year meeting. The relevant meeting is therefore the 2007 mid-year meeting.

The provision in Regulation 16.1.1(b) relating to the preparation of the list is mandatory. It requires the Council to provide a list of possible Events so that the actual Events to be sailed in 2012 can be selected in November

Question 2

If the answer to Question 1 is 'Yes', how does the subject and (and the actual events to be considered) get before Council? As a recommendation of the Events Committee or Executive Committee? Based upon submissions? Some other fashion?

Interpretation 2

While decisions under this item are clearly very important, there is no special provision specifying how the item is brought before Council.

The subject can be presented to Council in two ways either by committee recommendations under regulation 1.15 or by submissions under regulation 1.6. Both the Executive Committee and the Events Committee can make recommendations. Submissions may be made by any party authorised to do so by Regulation 1.1.

Question 3

If the subject gets before Council based upon a recommendation of the Events Committee or Executive Committee, must there first be a decision by the Executive Committee or Council under Regulation 1.15 (a) that the subject of the recommendation is 'urgent'?

Interpretation 3

It is for the Executive Committee to decide if submissions are urgent. There is no express provision which states what body decides if recommendations are urgent under Regulation 1.15. The Constitution Committee considers that it is for Council itself to make that decision. However see the Answers 4 and 5 on this subject.

Question 4

Do Regulations 1.9 and 1.15 (a) mean that the issue of possible events may only be considered by Council at the 2007 Mid Year meeting if (1) a submission has been timely made and determined to be urgent by the Executive Committee, or (2) a recommendation of the Events Committee is deemed 'urgent.'?

Question 5

If the Executive Committee intends to permit consideration of the Events Committee recommendations as 'urgent' must it also consider any timely submissions on the same subject as 'urgent' and put them forward for consideration?

Interpretation 4 and 5

The question to be considered by the by the appropriate body for either submissions or recommendations is whether they are urgent and nothing else. In view of the fact that the list must be prepared in May 2007, the Constitution Committee takes the view that any submissions or committee recommendations on the subject must be urgent.

Committee recommendations are governed by Regulation 1.15. That regulation does not specify what body is responsible to decide whether such a recommendation is 'urgent and requiring an immediate Council decision.' In the absence of such a specification, the Constitution Committee considers that it is a decision ultimately for Council itself. The Committee would expect Council to accept any operational decision in that respect made by the Executive Committee pursuant to Article 68(a), unless Council took the view that such a decision was manifestly wrong.

Submissions are governed by Regulation 1.6, which provides that only urgent submissions may be considered at the mid-year meeting and that the Executive Committee is to determine whether a submission is urgent.

The question of whether a submission is timely and whether late submissions should be considered is dealt with below.

Question 6

In the alternative, if the answer to Question 1 is YES, must the Executive Committee put forward for consideration any timely submissions in respect of the list of possible events?

Interpretation 6

As has already been stated, the Constitution Committee considers that any such submissions should be considered as urgent and that any failure to do so could lead to difficulties.

Question 7

Is (was) the deadline for any such submissions August 1, 2006? March 9, 2007 (approximately)? Some other date?

Interpretation 7

By Regulation 1.6, submissions for the Mid Year meeting must be received by the ISAF Secretariat not less than eight weeks before the meeting. This year the meeting starts on the 5 May. Eight weeks before that date is the 9 March.

Question 8

In the event the Regulations require that timely submissions in respect of the list of possible events be put forward, does Regulation 1.7 permit the Executive Committee to put forward submissions filed late by MNAs that may have misunderstood the process for considering possible events?

Interpretation 8

It is for the President to approve a late submission not the Executive Committee. He must first decide whether the matter is urgent or not. He will be aware of the view of the Constitution Committee expressed above on that issue. Once he has decided that it is urgent, it is entirely in his discretion to approve that a late submission should go forward or not.

The Constitution Committee understands that there has been some misunderstanding as to the correct procedure for preparation of the list and that some people or bodies entitled to make submissions have failed to do so on the understanding that the list could be added to by submission at the Annual Conference. The President may feel that it is would be right for him to approve any late submissions dealing with this subject so that no one and no body can consider that he or it has not been treated fairly.

Question 9

May Council at the Annual Conference select events that were not approved by Council in May as 'possible events'?

Interpretation 9

Yes. Any decision of Council made in respect of Regulation 161.1.(b) may be overturned by a vote of Council where two-thirds of those entitled to vote are in favour. The decision of Council to include certain events in the list is equally a decision to exclude any other events. That decision may be overruled by a two-thirds vote.

Question 10

Does a decision at the Annual Conference to select an event that was not on the list of 'possible events' approved in May require a 2/3 vote of Council?

Interpretation 10

Yes. See above.