

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 Categorizations

22.2 The Categorizations 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 18th or after his/her 70th 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

- (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 24th 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.

- 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

Any question can be sent to World Sailing by email to categorization@sailing.org