

World Sailing Limited
(company registration number 79772C) (World Sailing)
Council Resolution

Purpose/Objective:

To correct an oversight/administrative error made in the Special Resolution passed by the MNAs on the 23rd May whereby Ms Tatiana Ermakova's membership of the Race Officials Committee and the Q&A Panel was not included in the 23rd May Resolution when it should have been.

Council Resolution:

THAT the following individual be and is hereby temporarily suspended with immediate effect from the World Sailing bodies listed against her name below in accordance with Council's application of Article 104 and Part 2 of Schedule D of the Articles of Association:

Name	Surname	Designation
Tatiana	Ermakova	Race Officials Committee; the Q&A Panel

Explanatory Note

This explanatory note is made available for general information purposes only. We ask that you carefully read and consider the Council Resolution and this explanatory note before voting on this matter at the Council meeting.

PART 1: BACKGROUND

In March World Sailing joined the International Olympic Committee (IOC) and global sports organisations in taking the decision to suspend participation of Russian and Belarusian athletes and officials in World Sailing owned and sanctioned competitions and events until further notice.

By implementing these measures, World Sailing is supporting a united and coordinated approach within the global sports movement.

This decision was in line with the IOC Executive Board's recommendation, aimed at preserving the integrity of competitions and ensuring the safety of all participants, and had been unanimously agreed by the World Sailing Executive Board. On 6 April 2022, the World Sailing Board agreed to set in motion the processes and approvals from its stakeholders to enable in extraordinary circumstances the temporary suspension of the participation of members of committees, commissions, working parties, the Council and any other relevant body of World Sailing, with a view to temporarily suspending all such Russian and Belarussian members in light of the war in Ukraine.

On 23 May 2022, the World Sailing MNAs passed a written special resolution (80% voted in favour):

- to change World Sailing's articles of association, by the insertion of new article 104 and Schedule D; and
- temporarily suspending Tatiana Ermakova as a Council member for Group H pursuant to article 104 Part 1 of Schedule D,

(together the "**Member Written Resolutions**").

On the same day, Council passed a written resolution (the "**Council Written Resolution**") (80% voted in favour) temporarily suspending the following individuals from the relevant World Sailing bodies listed below in accordance with Article 104 and Part 2 of Schedule D:

Name	Surname	Designation
Natalia	Chubenko	International Judges Sub-Committee, International Umpires Sub-Committee, Racing Rules Sub-Committee, Women's Forum
Anna	Deyanova	International Race Officer, Women's Forum
Yana	Dobzhitskaya	International Judges Sub-Committee, Women's Forum, Match Racing Sub-Committee, Events Appointment Working Party
Tatiana	Ermakova	Women's Forum

Polina	Golovina	Development & Regions Committee, Women's Forum
Pavel	Sobolev	Development & Regions Committee
Tatiana	Kurbatova Lueders	Oceanic & Offshore Committee, Women's Forum
Anastasia	Maletina	Youth Events Sub-Committee, Women's Forum

Whilst the Council Written Resolution did not list Ms Ermakova's designations as a member of the Race Officials Committee (the "**ROC**") and the Q&A Panel, World Sailing nevertheless informed her that she was temporarily suspended from those bodies and Ms Ermakova was not participating as a member of those bodies from 23 May 2022 until August 2022.

Appeals

On 29 May 2022, the above referenced individuals appealed their temporary suspensions. An Independent Panel comprising individuals nominated by Sport Resolutions was appointed by World Sailing's Judicial Board on 6 July 2022 in order to hear the appeals.

The Independent Panel issued its decision on 12 August 2022, which found in World Sailing's favour and dismissed the appeals in all material respects, save that it was found that World Sailing was not entitled to temporarily suspend individuals from committees or bodies that they were not members of or which were not referred to in the written resolutions approving the temporary suspensions. Specifically, Natalia Chubenko was not a member of the International Judges Sub-Committee, as listed in the Council Written Resolution, and therefore was not suspended from that body; and Anna Deyanova could not be suspended as an International Race Officer, as that designation did not fall within the definition of a 'Relevant Body' in accordance with Article 104 and Part 2 of Schedule D.

PART 2: MS ERMAKOVA'S MEMBERSHIP OF THE ROC AND Q&A PANEL

World Sailing were advised that Ms Ermakova should not be prevented from participating as a member of the ROC and the Q&A Panel given the Independent Panel found she has not been temporarily suspended from those bodies. World Sailing advised the ROC that Ms Ermakova should not be prevented from participating as a member of the ROC and the Q&A Panel until such point that Council decides otherwise.

The Board has further considered the implications of allowing Ms Ermakova to continue as a member of the ROC and the Q&A Panel, noting that she is temporarily suspended from Council and the Women's Forum, and the individuals referred to above also remain temporarily suspended from various World Sailing bodies (save for Ms Chubenko's and Ms Deyanova's designations referred to at the end of Part 1 above). The Board sought and received legal advice which recommended to the Board that a further special resolution be put to Council for it to vote on Ms Ermakova's temporary suspension from the ROC and the Q&A Panel, making the following points, amongst others:

- In light of the Board's 6 April 2022 decision that all Russian and Belarussian members of World Sailing's committees, commissions, working parties, the Council and other relevant bodies should be temporarily suspended, a consistent approach should be taken to ensure that all such individuals are temporarily suspended (including Ms Ermakova from the ROC and the Q&A Panel). Indeed, World Sailing may face criticism (particularly in light of the Independent Panel's decision) if it is not seen to be acting consistently or rectifying its mistakes.
- Had Ms Ermakova's designations as a member of the ROC and the Q&A Panel been included in the Council Written Resolution, she would have been temporarily suspended from those bodies. Council is therefore voting to rectify that oversight.
- If steps are not taken to temporarily suspend Ms Ermakova as a member of the ROC and the Q&A Panel, this may run the risk of:
 - Ms Ermakova bringing a further challenge against her temporary suspensions from Council and the Women's Forum; and/or
 - The other Russian and Belarussian individuals who have been temporarily suspended bringing a further challenge against their temporary suspensions.

The reason for these concerns is that it is inconsistent for World Sailing to maintain temporary suspensions against the appellants and Ms Ermakova (in respect of Council and the Women's Forum) on the one hand, but permit Ms Ermakova to participate in the ROC and the Q&A Panel on the other. Such appeals would be brought on the basis that World Sailing is applying its articles of association in an inconsistent and arbitrary manner, to the detriment of the individuals bringing any such appeal (noting that sports governing bodies have a duty to not act irrationally, arbitrarily or capriciously in the exercise of their powers).

The Board carefully considered the matter and decided to put to the Council the Resolution above to vote on temporarily suspending Ms Ermakova as a member of the ROC and the Q&A Panel

PART 3: RELEVANT PROVISIONS

ARTICLE 104

Notwithstanding any other Article or Regulation, the provisions of Schedule D shall apply and take precedence over any conflicting Article or Regulation.

Schedule D PART 2

TEMPORARY SUSPENSION OF MEMBERS OF COMMITTEES, SUB-COMMITTEES AND OTHER BODIES OF THE FEDERATION

- (a) In order to take protective measures to preserve sporting integrity and ensure the safety of the Federation, its members and stakeholders, and the sport of sailing, Council may temporarily suspend one or more members of a committee, sub-committee, commission, working party, forum, Judicial Board or members of any Divisions and Sections (a "Relevant Body") by a decision of a Council Meeting or a written resolution (which shall be valid and effective as if it had been passed at a duly convened Council meeting) passed by a 75% majority of the votes cast:
 - (i) the member is
 - (1) a national of;
 - (2) a member of the Member National Authority of; or
 - (3) affiliated to the Member National Authority of,

a country or territory whose actions Council determines (under the threshold set out at paragraph (a) above) are contrary to the values or best interests of the Federation, its members or stakeholders, or the sport of sailing; and
 - (ii) Council determines (under the threshold set out at paragraph (a) above) that it is no longer appropriate for that member to continue as a member of the Relevant Body because the actions of the country or territory in question are so objectionable that only the suspension of the member is sufficient to address the potential damage to the values, best interests or reputation of the Federation, its members or stakeholders, or the sport of sailing, that may be caused by the member's ongoing membership of the Relevant Body.
- (b) Council shall promptly notify any affected member(s) of any Relevant Body of such decision and shall publish the decision on the Federation's website.
- (c) The Board shall review any suspension at least every three months. If the Board determines that there has been a material change in circumstances giving rise to the suspension, the Board shall promptly notify any affected member and ask Council to reconsider any such suspension. The Board shall then promptly notify the decision of Council to any affected member and publish the decision of Council on the Federation's website.
- (d) Whilst such a suspension is in force, no affected member of a Relevant Body has any privileges or rights in respect of the applicable Relevant Body, nor may they participate in any proceedings of the applicable Relevant Body. This includes, but is not limited to, attending meetings, receiving papers and communications, receiving minutes, counting for the purpose of quorum and voting, and appointing an alternate member (as the case may be).
- (e) Any affected member of a Relevant Body may appeal against (i) a decision to suspend them in accordance with paragraph (a); or (ii) a decision to maintain their suspension in accordance with paragraph (c). The affected member of a Relevant

Body shall submit their written grounds of appeal and any documents on which they rely to the Chief Executive Officer of the Federation within seven days of being notified of any such decision to suspend them or to maintain their suspension. The Board, acting on behalf of the Federation, shall then within seven days file its written response to the grounds of appeal and any documents on which it relies. The appeal will then be heard by an Independent Panel appointed by the Judicial Board in accordance with the Regulations. Any suspension shall remain in force pending the Independent Panel's decision.