



January 13, 2020

Update: Emirates Team New Zealand

Clarification of next steps for the Wind Limits / Match Conditions Dispute with the Challengers.

Principally due to a disagreement over Wind Limits for racing in Auckland, the Match Conditions were unable to be agreed with the Challenger of Record by the due date of 20 December 2019.

As required by the Protocol, the issue has now been referred to the Arbitration Panel for mediation between the Defender and Challenger of Record. A successful mediation will require agreement between the Parties but if unsuccessful then the Protocol requires the Arbitration Panel to make a decision on the issues of disagreement by 20 March 2020.

By way of background, the America's Cup Deed of Gift requires racing rules and conditions to be agreed by mutual consent between the Defender and Challenger but with the modern day America's Cup involving multi challengers this is modified by the Protocol under which all teams enter. Under the AC 36 Protocol, the Challenger of Record has the responsibility to represent all Challengers and that responsibility involves consulting with other Challengers before taking a position with the Defender on issues such as race conditions.

The Defender does not deal with the other Challengers direct on such issues but works on the basis that the Challenger of Record is presenting the collective position of the Challengers when undertaking such negotiations, not just the view of its own sailing team, Luna Rossa. In fact, in the various negotiations Emirates Team New Zealand has had with the Challenger of Record there have been many practical examples where the COR has made specific reference to the views of the other Challengers when taking a particular stance.

Emirates Team New Zealand was therefore very surprised to learn that the current stance of the Challenger of Record in relation to wind limits does not reflect the collective position of all Challengers. The Defender's position on the Wind Limits is what is needed to ensure a quality event in Auckland for the benefit of the New Zealand public, international visitors and the world audience.

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maxon Group is an Official Supplier to Emirates Team New Zealand. We follow the progress of their journey as Defender in the 36th America's Cup campaign, March 2021.

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