

## **SPORTING CODE GENERAL SECTION REVIEW**

### **MAIN ISSUES TO BE DISCUSSED BY CASI**

#### **MEMBERS NOT IN GOOD STANDING**

The General Section refers to Members who have fulfilled or not their obligations, which is the statutory definition of Members “not in good standing”. A Member becomes not in good standing on April 1 of any year if it has not paid in full its membership fee to the FAI on March 31.

The General Section restrictions for Members not in good standing are very clear

- Events organised by the NAC cannot be recognised (SC GS 4.3.2)
- NACs cannot participate in any international sporting event (SC GS 4.5.5.1).

These restrictions are so harsh that they are ignored, which is probably good for the sake of the sport. If these restrictions were followed, a large part of airsport activities as we know them would disappear.

(On April 1, 2021, 45% of the FAI Members were not in good standing. On September 16, 2021, were still not in good standing: Russia, Argentina, Belarus, Mexico, Bahrain, Bosnia and Herzegovina, Bulgaria, Chinese Taipei, Colombia, Ecuador, Iran, Iraq, Malaysia, Monaco, Mongolia, Nepal, Palestine, Peru, Venezuela and Botswana.)

If the rules were implemented, the consequences would defeat some of the FAI aims and objectives, starting with “bringing together the air sports men and women of the world in international competition” (Statutes 1.2.3).

It is crucial, and maybe urgent, to find realistic rules that sanction a faulty NAC without penalising the organisers of events and the people who fly in them – our ultimate clients.

An easy patch would be to replace “that have not fulfilled their obligations” by “that are suspended”. The suspension of a NAC happens much later down the road and gives some time to get ready. Still, some consequences would remain harsh and unjust. How can you organise any event or train and prepare for any event if you are from a NAC that may be suspended soon? On the fatal January 1<sup>st</sup>, everything falls apart. If the event is a Cat 1, the concerned ASC is also punished because its Officials may have been chosen, taken time off, made their travel and lodging arrangements... And of course, the sanction fee is gone.

So the “suspended” patch needs moderation. A solution could be: events registered on the calendar before the suspension are allowed and any pilots can fly in them.

#### **Last minutes!...**

The FAI lawyer reviewed the issue. He said, due to the reference in Chapter 7 of the Statutes not in good standing due to members defaulting on membership fees, that it specifically does not remove the rights of a NAC other than that right to vote at the GC. In other words, a NAC cannot lose the privilege to organise events or send its pilots to events as our SC GS have stated since at least 2005 (I don't have previous years).

The ‘Suspended Members’ following point needs reexamination in this light.

#### **SUSPENDED MEMBERS**

##### **Officials**

For our International Officials, the same kind of issue as above happens when a NAC is suspended: they cannot officiate anymore (SC GS 5.4.1.3).

We could apply the same solution as above: any Official already appointed can officiate, but I find this solution not satisfactory.

I think that International Officials appointed or approved by ASCs should not be defined by who their NAC is, but by who appoints them. The status of the NAC should have no consequence on their right to officiate. Consequently, International Officials should not have Sporting Licences issued by NACs, but FAI ID issued by the ASCs (to be defined).

## **Sporting Licence**

Being a Suspended Member also has consequences on the right to issue Sporting Licences. Statutes 2.4.3.1 reserve this right to Active Members. When a Member is suspended, the right is lost.

Currently, the FAI Secretary General can issue Sporting Licences for pilots with no NAC, but not for pilots of Suspended Members. When Members are suspended many years in a row (e.g. on and off for Mexico since 2015), the sport is greatly affected and the FAI fails to fulfil its aims and objectives.

A solution should be found. I suggest that the Sporting Code allows the Secretary General to issue Sporting Licences to pilots from Suspended Members so they can be FAI Participants (not NAC Participants, of course) in International events. The validity of the Sporting Licences would be limited, so when the Members become Active, pilots are issued new Sporting Licences and represent their NAC.

## **ORGANISER AGREEMENT**

The current Organiser Agreement has never been approved by anyone (CASI, EB or GC). It contains many items that should be defined in the Sporting Code. The Sporting Code must be the reference of the Organiser Agreement, not the opposite.

A specific Working Group is currently working on the Organiser Agreement. It is suggested to wait for its proposals.

Specific issues:

- Who signs the OA? Currently the ASC is just a witness, it has no responsibility. Some ASC are refusing to sign the OA and it has no consequence. IMO, the ASC should have the delegated authority to sign the OA.
- Bids. No proposals yet for changes in the SC GS, but it needs to be reviewed in parallel with the revision of the Organiser Agreement.
- Suspension, cancellation of event. Very important. To be defined. The current SC GS rules covers very little. The current Organiser Agreement is too vague to be practical (it does not define precisely who takes the cancellation decision). Both can be interpreted in contradictory ways.

## **1 – PRINCIPLES AND AUTHORITY OF FAI**

The enforcement of the Sporting Code is not exercised by the sole Members (as per current 1.3.1), but is shared by the NACs, ASCs and EB.

*Background – To be in line with reality.*

## **3 – SPORTING LICENCES**

- The conditions in which each NAC is issuing, suspending or withdrawing Sporting Licences is defined in writing in the NAC regulation (administrative process, duration, fee...).

*Background – The NAC responsibility to define the conditions in which it issues, suspends or withdraws SL is not questioned, but the conditions must be known.*

- A Sporting Licence has a minimum life-span (until the end of the calendar year).

*Background – So we don't see SL issued for just one event.*

- The Secretary General or his representative, authorised by the Executive Board and the ASC concerned, shall issue a Sporting Licence to an individual, on his request, if he cannot obtain a Sporting Licence under specified provisions.

*Background 1 – The Secretary General cannot refuse. Both EB and ASC must approve to avoid political or sporting mess.*

*Background 2 – “Under specified provisions” must be discussed in the discussion on what we do when Members are suspended.*

- The disciplines and subdisciplines included in the database are defined in agreement with the CASI.

*Background – So ASC's disciplines are not spread out in unwanted subdisciplines.*

- When a NAC or the FAI refuses to issue, or suspend, or withdraw a Sporting Licence, on request of the concerned person the NAC or the FAI must justify in writing why such decision is taken.

*Background – The power of the NAC and FAI are not questioned, but the conditions must be known.*

#### **4 – SPORTING EVENTS**

- Participants are separated in three categories: Contenders (the competitors and team leaders if there is a team event), Officials (FAI or operational), Assistants.

The Contenders need a FAI Sporting Licence. Officials should need a specific FAI ID (linked to an insurance, to be defined). Assistants do not need Licences or IDs.

*Background – A needed clarification. Team leaders' involvement justify a mandatory Sporting Licence. An ID for Officials can be easily implemented: it would be linked to a FAI travel insurance as requested for many years by ASCs and currently discussed.*

- World Air Games : CASI approves the General Rules.

*Background – It is suggested to globally review how the WAG are approved: principle, content, rules, Cat 1 status, location, etc. This should be the subject of another specific working group.*

- NACs are responsible for ensuring that holders of their FAI Sporting Licences abide by the FAI rules. ASCs are identically responsible for SL issued by the Secretary General.

*Background – Missing in the current SC.*

- First Category events. Rules are found in the General Section and in the Specialised Sections. Rules may be changed during an event as authorised in the Specialised Sections.

*Background – To be in line with the reality of our events. Adjustments may be badly needed.*

- Second Category events. Rules are based, as far as appropriate, on those for First Category events except under provisions defined in the Specialised Sections.

*Background – To be in line with the reality of our events. A Cat 2 might be vastly different from a Cat 1.*

- FAI Calendar. Registration must be received as a minimum 30 days before the event, except under exceptional circumstances, by ASC decision.

*Background – Reality shows that registration may be late due to glitches in the chain of command, with no mistake from the organisers. Also, the pandemic showed that we need flexibility in dire situations.*

- Multi-sport events. Contenders are selected according to the following principles. The relevant ASCs sets the minimum performance standards required for participation and the number of contenders. NAC Contenders are chosen in agreement between the NAC and the ASC. FAI Contenders are chosen by the ASC.

*Background – These general principles cover all cases and ways to select contenders.*

#### **5 – CONTROL OF SPORTING EVENTS**

- FAI Officials are Jurors, Judges, Stewards or Controllers. Operational Officials are Event Directors and other officials as required by the ASC. The FAI Officials are appointed by and are under the responsibility of the ASCs.

*Background – To be in line with the reality of our events.*

- Jury in Second Category events. ASCs must define in their Specialised Sections the complaint, protest and appeal process.

*Background – To respect the basic rights of a contender that has been penalised.*

#### **6 – PENALTIES, COMPLAINTS, PROTESTS, APPEALS**

As proposed by Bruno Delor...

- Categories of offenses – Clarifications concerning technical and serious infringements. Characterization of cheating and of unsporting behavior.

- Penalties – Additional provisions regarding disqualification from the event (case of a violation during an event of the alcohol limit defined by FAI, reporting on a disqualification...).
- Disciplinary procedure – Possibility for an ASC Bureau to ask the FAI Executive Board to consider a disciplinary procedure after a very serious matter has been reported to the ASC President.
- Complaints and Protests – Additional provisions to cover the following situations: Prior to the event - During the event - After the event - Record attempt.
- Joint complaints, joint protests or joint appeals – In that situation, a protest fee must be paid by each protesting person or NAC and the administrative fee must be paid by each appellant.
- Treatment of appeals – Simplification of the process justified by the fact that FAI Statutes 5.2.3.2.4 becomes without interest considering that all matters which may occur before or after an event are now covered in the General Section.
- International Appeals Tribunal – Modification of the composition with the Chairperson selected from the members of the FAI Disciplinary Panel (See FAI Ethics & disciplinary Code), one member from the ASC concerned and the other member from the CASI members representing the NACs.