



AEROKLUB POLSKI

POLSKI ZWIĄZEK SPORTOWY

członek

Fédération Aéronautique Internationale



SIEDZIBA:

ul. Komitetu Obrony Robotników 39

02-148 WARSZAWA

NIP 526-030-03-45

REGON 007026161

TELEFON Centrala: + 48 22 556 73 00

FAX: + 48 22 556 73 55

EMAIL: biuro@aeroklubpolski.pl

WWW: <http://www.aeroklubpolski.pl>

Warsaw, 21.08.2024

FAI Secretary General Mr Markus Haggene

FAI General Air Sport Commission (CASI) Mr Antonis Papadopoulos

MOTIONS to CASI Plenary 2024

Motion 1

On the interpretation of the Sporting Code SC GS (2023) regarding Appeals

Ref.: Sporting Code General Section - Edition 2023 - see concerned text in Annex below

It is our opinion that the CASI bureau decision to accept an Appeal that arrived FAI Nov 24, 2023 was in contradiction to SC GS 6.4.3 in the sense that 1) it was late (not within 90 days) and 2) not submitted by a NAC or a documented authorized representative thereof.

We therefore move that the CASI bureau decision to accept the Appeal submitted by the Balloon Federation of America dated November 24, 2023 should be declared invalid, the original competition results and positions be restored and the competition results be declared final and binding with no further avenues of Appeal.

Background

The Jury decision in question was published (announced) on August 26, 2023 at 08:59 CET. This is the first calendar day one could appeal, thus calendar day one in the 90 day appeal window.

An Appeal from the Balloon Federation of America arrived to FAI by email in the late evening CET of November 24, 2023 (the exact time has not been disclosed). The Appeal was not about the Notification of Results as in SC GS 4.10.2.

Firstly, an appeal to FAI must be received at the FAI Secretariat within 90 calendar days from the announcement of the decision.

If you agree that one can appeal on the same calendar day as the decision in question is published (in this case Aug 26) anyone with a calendar can see that Nov 24 is the 91st day and thus outside of the 90 day appeal window.

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Secondly, the Appeal was submitted by a national sport commission of a NAC, without any supportive documentation that this body is an authorized representative of the NAC. To accept an Appeal without proof of being an authorized representative of the NAC sets an unwanted precedent.

Also for this reason the Appeal should have been rejected on arrival.

Neither of the facts that

- 1) the Appeal administrative fee was received earlier (Nov 22), or
- 2) that the NAC confirmed that the national sport commission in fact is an authorized representative (2 1/2 months later on Feb 2, 2024 which clearly is a retrospective justification) should be excuses to accept the Appeal; there is no such option in the Sporting Code.

Annex:

Sporting Code General Section - Edition 2023

6.4.1 Notice of appeal For each appeal, a Notice of appeal must be made in writing in English and addressed to the FAI Secretary General by the authorised representative of the NAC(s) concerned, or by the individual(s) concerned in matters under 4.10.2. It shall be accompanied by all necessary documents.

6.4.2 Administrative fee An administrative fee must be paid to appeal. In case of a joint appeal, each of the appellants must pay the administrative fee. The amount of the administrative fee is defined by the FAI.

6.4.3 Time limit An appeal to FAI and the corresponding administrative fee(s) must be received at the FAI Secretariat within 90 calendar days from the incident, action or announcement of the decision leading to the appeal. This time limit may, in special circumstances, be extended by the CASI Bureau.

Motion 2

Recommendation to change the FAI Sporting Code General Section Chapter 6.2 to modify any right of Appeal to only those Decisions that are affected by or involve Competitor or competition official malfeasance (such as doping violations or cheating) so that the Jury's decision is final except in those unusual situations. Also reduce the time for Appeal to 21 days and require IAT to determine the Appeal within 30 days of the receipt by CASI of a valid appeal.

That might stop competition results being revised a year after publication.

SEKRETARZ GENERALNY
AEROKLUBU POLSKIEGO


Piotr Czarnecki

PREZES
AEROKLUBU POLSKIEGO

Jerzy Makula