



FAI Disciplinary Code

Approved by the CASI Plenary Meeting xxxx



2022 Edition

Effective xxxx

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FAI DISCIPLINARY CODE

2022 EDITION

AMENDMENT RECORD

Amendments and complete amended versions of the FAI Disciplinary Code are published by the FAI Secretariat. Where an amendment is agreed, the complete new FAI Disciplinary Code will be published on the appropriate FAI web page as soon as it is ready. It will take effect on the first of the month agreed for implementation.

EDITION	IMPLEMENTATION DATE	APPROVAL	BRIEF DESCRIPTION OF THE CHANGE
2022	xxxx	xxxx	Initial version

1 GENERAL PROVISIONS

1.1 PRINCIPLE

The FAI Disciplinary Code contains the procedures and provisions applicable for disciplinary matters that occur within FAI.

The FAI Executive Board tasks the FAI Air Sport General Commission (CASI) to maintain the FAI Disciplinary Code.

1.2 SCOPE OF APPLICATION

The scope of application of the FAI Disciplinary Code is identical to the scope of application specified in the FAI Code of Ethics.

1.3 AMENDMENTS

- 1.3.1 The FAI Disciplinary Code may be amended by the CASI. Any amendment shall be decided by the CASI Plenary Meeting unless the CASI Plenary Meeting exceptionally authorises the CASI Bureau to act accordingly.

The voting system for the CASI Plenary Meeting is that of a simple majority

- 1.3.2 Amendments shall come into force on the date agreed by the CASI Plenary Meeting. The present Volume should be revised by the CASI Bureau in accordance with any changes in the FAI Statutes or By-Laws which affect existing provisions.
- 1.3.3 Amended versions of the FAI Disciplinary Code are published by the FAI Secretariat, acting for the CASI. When an amended version is finalised, it will be published on the appropriate FAI web page.

The FAI web reference for the latest version is as follows: *Mention the link to the FAI website to download the FAI Disciplinary Code.*

2 OFFENCES POTENTIALLY SUBJECT TO A DISCIPLINARY PROCEDURE

2.1 CATEGORIES OF OFFENCES

Offences subject to a disciplinary procedure can be categorised as follows:

- i) Breach of ethics according to the current FAI Code of Ethics.
- ii) Institutional offence.
- iii) Violent behaviour.
- iv) Sport-related issues.

2.2 BREACH OF ETHICS

Any breach of the provisions defined in the FAI Code of Ethics may justify a disciplinary procedure as regulated in the present document.

2.3 INSTITUTIONAL OFFENCE

- 2.3.1 A violation by FAI Members and Bodies, or their constituents, of the FAI Constitution and Sporting Code, other FAI rules and decisions will be considered an institutional offence.
- 2.3.2 Failing of a FAI member organisation to deal appropriately with individual member violations or the failure of a FAI member organisation to carry out its obligations to FAI, including payment of dues, will be considered as institutional offences.
- 2.3.3 The following violations by an organiser and/or the concerned NAC in FAI sporting events can be considered as institutional offences:
- i) Organisation of a FAI sporting event without respecting the bidding and registration process defined by FAI or the Air Sport Commission concerned.

- ii) Participation in a First or Second category sporting events of persons not holding a valid FAI Sporting Licence as specified in the FAI Sporting Code.
- iii) Participation in a First Category sporting event of a non-eligible National team. This may, but not only, concern a NAC which is not in good standing, or a country which is not a member of FAI.
- iv) Withdrawal from the organisation of a First Category sporting event without a prior agreement of the Air Sport Commission Bureau, or withdrawal of a Second Category sporting event with insufficient delay and without a duly justified reason.

2.3.4 Institutional offence from FAI Members and Bodies

2.3.4.1 A violation of the FAI Constitution and other FAI rules and decisions may be sanctioned according to the respective provisions defined in the FAI Statutes, and in addition as provided herein.

2.3.4.2 The FAI Statutes state provisions for the following cases:

- i) Violation by an individual member of a FAI member organisation.
- ii) Violation by a FAI member organisation or other FAI body or one of its individual members.

2.3.4.3 Unless otherwise specified, offences will be sanctioned regardless of whether they have been committed intentionally or unintentionally.

2.4 VIOLENT BEHAVIOUR

2.4.1 Any action, attitude or public statement displaying improper use of physical or emotional force may be considered violent behaviour.

2.4.2 Violent behaviour concerns sporting activities, but also non-sporting activities such as meetings.

2.4.3 Violent behaviour may be subject to a disciplinary procedure as regulated in the present document.

2.5 SPORT-RELATED ISSUES

2.5.1 Doping

2.5.1.1 Global regulations applicable for an anti-doping rule violation are defined in the World Anti-Doping Code, published by the World Anti-Doping Agency (WADA).

2.5.1.2 Regulations applicable for anti-doping rule violation in air sports are defined in the FAI Anti-Doping Rules document. This document is based on the World Anti-Doping Code and on WADA's Model Rules for International Federations.

2.5.1.3 The "FAI Anti-Doping Rules" document includes:

- i) Definition of doping.
- ii) Specification of the circumstances and conduct which constitute anti-doping rule violation.
- iii) Reference to the Prohibited List.
- iv) Provisions relative to testing and investigations for anti-doping purpose.
- v) Detailed process to apply anti-doping rules violation matters including possibility to appeal.

2.5.1.4 Considering the above-mentioned, the present document does not apply for doping matters. The official document to refer to is the FAI Anti-Doping Rules document.

2.5.2 Alcohol

2.5.2.1 Applicable law in the host country must be followed. The Organiser is responsible for informing the Air Sport Commission and person(s) concerned when this is the case.

2.5.3 FAI international sporting event or record attempt

- 2.5.3.1 For any FAI international sporting event or record attempt, regulations and provisions defined in the FAI Sporting Code General Section will prevail in case of infringements to the FAI Sporting Code.

3 DISCIPLINARY PROCEDURE

3.1 INVESTIGATION OF AN OFFENCE ALLEGATION

- 3.1.1 Any person or body who is suspected of having committed an offence covered by the present document must be informed by the competent FAI body of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions. Notices shall be sent directly to the person concerned. If the contact details of the person or body in question are not known to FAI, the NAC concerned will be requested to provide those details.
- 3.1.2 Upon request by the competent FAI body, the concerned person or body in question must provide, within 30 days or as otherwise agreed, any information considered being relevant to the investigation of the alleged violation, such as a statement setting out the relevant facts and circumstances around the alleged violation or records relating to the alleged violation.

3.2 LAUNCHING OF A DISCIPLINARY PROCEDURE

- 3.2.1 For an offence concerning the FAI Executive Board, or a member of the Executive Board including the FAI President, launching of a disciplinary procedure may only be decided by the FAI General Conference.
- 3.2.2 For any other offence, the FAI Executive Board has the power to decide to launch a disciplinary procedure respecting the FAI Statute provisions when concerned.
- 3.2.3 Before launching a disciplinary procedure under 3.2.2, the FAI Executive Board may appoint one person, or more, to conduct a preliminary investigation.
- 3.2.4 The person(s) appointed for the preliminary investigation shall carry out their mission in complete impartiality and objectivity. They may hear any person whose information appears useful or request information necessary for the procedure from any person. At the end of the preliminary investigation, they must send a written summary investigation report to the FAI Executive Board.
- 3.2.5 Under no circumstances, the person(s) in charge of a preliminary investigation have any authority to make decisions regarding the case.

3.3 RIGHT OF A PROSECUTED PERSON OR BODY

- 3.3.1 In every disciplinary procedure launched in application of the present document, the following rights must be respected for a person or body prosecuted:
- i) To receive information regarding the charges.
 - ii) To have a fair, timely and impartial hearing and/or the possibility to submit a defence in writing.
 - iii) To be represented and/or accompanied by a legal counsel subject to supporting the corresponding expenses.
- 3.3.2 Except in case of a provisional measure for urgent matters, a sanction may not be imposed before the person or body concerned has had the opportunity to present the case.

3.4 CONFIDENTIALITY

- 3.4.1 The principle of confidentiality must be strictly respected by the competent FAI body during all the procedures; information should only be exchanged with persons and bodies on a need-to-know basis.

3.4.2 Confidentiality must also be strictly respected by any person or body concerned by a disciplinary procedure until there is public disclosure of the case.

3.5 FAI DISCIPLINARY TRIBUNALS

3.5.1 A Disciplinary First Instance Tribunal is appointed to deal with any matter for which a disciplinary procedure has been launched.

3.5.2 In case of an appeal against a decision of the Disciplinary First Instance Tribunal, a Disciplinary Appeal Tribunal is appointed to deal with the appeal.

3.5.3 Those two Disciplinary Tribunals have powers of sanction. They shall decide independently and may not receive instructions.

3.5.4 The Disciplinary Appeal Tribunal is the FAI final authority.

3.5.5 FAI President or FAI Executive Board cannot change the decision of the First Instance or Disciplinary Appeal Tribunals.

3.5.6 Members of those Disciplinary Tribunals are bound by an obligation of confidentiality in respect of facts, acts and information of which they have knowledge by reason of their duties.

3.5.7 The Chairperson of each of the two Tribunals will be proposed by the FAI Executive Board and approved by the FAI General Conference. They must have the appropriate qualifications, and, as much as possible, an experience of similar legal matters. Each is appointed for a term of four (4) years which may be renewed without limitation.

3.5.8 In case the First or Second Instance Disciplinary Tribunal Chairperson resigns before the end of his(her) term, or is unavailable, or deficient, the FAI Executive Board may, when necessary, appoint a new person in replacement without waiting for the next FAI General Conference. In such a situation, the FAI General Conference will be requested to confirm the replacement with a retroactive effect.

3.5.9 If one of the Tribunal Chairpersons is subject to a potential conflict of interest in a case, or is not available for any reason, the FAI Executive Board appoints a substitute Chairperson for the case concerned from among the members of the FAI Disciplinary Panel.

3.5.10 For each case, the Disciplinary First Instance Tribunal and, if need be, the Disciplinary Appeal Tribunal must each include three (3) persons including the Chairperson. The two additional persons will be chosen by the Tribunal Chairperson from the members appointed to the FAI Disciplinary Panel. When it may be duly justified for the case, the Trib

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3.5.12 unal Chairperson may appoint one person who is not a member of the FAI Disciplinary Panel.

3.5.13 The choice of the two persons other than the Tribunal Chairperson must be made taking care that they are not of the same nationality as the parties directly concerned by the disciplinary procedure, and more globally have no potential conflict of interest in the case concerned.

3.5.14 A person appointed to the Disciplinary First Instance Tribunal cannot be appointed, for the same case, to the Disciplinary Appeal Tribunal.

3.5.15 If a member of the FAI Disciplinary Panel has been appointed for the preliminary investigation, he(he) cannot be appointed as a member of either of the two Disciplinary Tribunals.

3.6 FAI DISCIPLINARY PANEL

3.6.1 The FAI Disciplinary Panel is composed of a minimum of seven (7) and a maximum of eleven (11) persons. Those persons will be nominated by the FAI Executive Board

considering their qualifications for the function and confirmed by the FAI General Conference.

- 3.6.2 The FAI Executive Board may nominate for the FAI Disciplinary Panel persons from across the FAI members and FAI bodies but also from outside and may request the FAI Members and the Air Sport Commissions to do proposals of persons.
- 3.6.3 Each member is appointed for a term of four (4) years which may be renewed without limitation.
- 3.6.4 In case a member resigns before the end of his(her) term, or is unavailable, or is failing, the FAI Executive Board may appoint a new person in replacement when the minimum of seven persons stated for the FAI Disciplinary Panel is not satisfied. In such a situation, the FAI General Conference will be requested to confirm the appointment with a retroactive effect.

3.7 COMMON PROVISIONS TO BOTH DISCIPLINARY TRIBUNALS

- 3.7.1 The Tribunal Chairperson may appoint either a member of the Tribunal or another person to act as secretary who shall, in particular, be in charge of establishing and maintaining an appeal file including adequate records of the proceedings during the hearing(s). The hearing records can be written minutes (summary) and/or audio or video recordings.
- 3.7.2 Any party concerned (person or body prosecuted, or appellant) which wants to be represented and/or accompanied by a legal counsel must inform the Tribunal Chairperson as soon as possible and provide the name of the representative and/or legal counsel.
- 3.7.3 The working language for each Tribunal will be English. Proceedings will be written in English unless otherwise decided by the FAI Executive Board.
- 3.7.4 The transmission of documents and decisions shall be carried out by electronic mail. It is considered that the use of electronic mail offers acceptable reliability of the identification of the parties, integrity of the documents sent and security and confidentiality of exchanges between persons. It also enables the establishment of the date and time of the transmission of the documents and their receipt by the recipient.
- 3.7.5 The Tribunal Chairperson will organise an oral hearing with the parties concerned. The oral hearing may be done with physical presence, and/or using a video conference tool giving the possibility to identify the participants and record the debates. The time of an oral hearing using video conference means will be defined taking into account the time zone differences in order that every remote participant may, as much as is possible, participate at a reasonable time.
- 3.7.6 If the Tribunal considers it is in a position to decide without an oral hearing, the parties concerned must agree not to have one. In that case, the parties concerned will submit their position and arguments in writing to the Tribunal.
- 3.7.7 Upon request before the oral hearing, the parties concerned may have access to the entire file which may be sent by electronic means.
- 3.7.8 A party concerned who does not speak or understand English sufficiently may ask, at their own expense, to be assisted for the oral hearing by an interpreter.
- 3.7.9 The parties concerned may request that the Tribunal hear witness(es) of their choice but must indicate in advance on which points each witness will testify. The Tribunal Chairperson will then determine the relevance of the witness(es) who will either be heard or not. Any witness who is no longer available or is not present at a hearing will not be a cause to prevent the oral hearing from being conducted.
- 3.7.10 The Tribunal may contact witnesses at its own discretion at any moment before or after the oral hearing.
- 3.7.11 The hearing shall be conducted by the Tribunal Chairperson who shall issue all appropriate directions to allow an orderly conduct of the hearing. The person(s) and/or

body(ies) prosecuted or, if need be, the appointed representative(s) shall be entitled to present their arguments.

- 3.7.12 The Tribunal will deliberate “in private”. This deliberation will take place in a time frame and in a manner established by the Tribunal Chairperson. Where the duties of secretary are performed by a person who is not a Tribunal member, that person may attend the deliberation but shall not take part in the discussion.
- 3.7.13 The deliberation must be kept strictly confidential.
- 3.7.14 After due deliberation, the Tribunal will deliver the decision. The Tribunal decision will be taken by simple majority. The decision will be established in a written summary form, dated and signed by the Tribunal Chairperson on behalf of the Tribunal. It shall, where appropriate, mention the date(s) on which the sanction(s) take effect and the details of their implementation.
- 3.7.15 The Tribunal decision must be notified by the Tribunal Chairperson to the parties concerned, with a copy to the FAI President and FAI General Secretary.
- 3.7.16 The decision or the notification letter shall state the possibility and deadline for appeal.
- 3.7.17 The Tribunal’s decision shall become enforceable as soon as it had been notified. It will be put into effect on behalf the FAI Secretary General.
- 3.7.18 The issuance of the decision closes the Tribunal proceedings.
- 3.7.19 The Tribunal Chairperson must forward the complete file of the procedure to the FAI Secretary General.
- 3.7.20 The FAI may publish the Tribunal decision, and/or a summary of the judgement. The names of the person(s) and/or body(ies) concerned may be mentioned when appropriate. These persons(s) and/or body(ies) may not use the publication in order to institute proceedings against FAI, or against any person who has been involved in the publication.
- 3.7.21 The FAI Secretary General is in charge of the publication. In any case, the decision may not be published until it has been put into effect.

3.8 DISCIPLINARY PROCEDURE

- 3.8.1 The following provisions must be considered in addition to the provisions common to both Disciplinary Tribunals stated in 3.7.
- 3.8.2 The FAI President will request, in writing, the Disciplinary First Instance Tribunal Chairperson to handle any matter for which a disciplinary procedure has been launched by the FAI General Conference under 3.2.1, or by the Executive Board under 3.2.2. The disciplinary procedure will from that moment be considered officially launched.
- 3.8.3 The FAI General Secretary will transfer to the Tribunal Chairperson, by electronic means, all documents available relative to the matter, including the report to the Executive Board of the preliminary investigation, if one has been conducted.
- 3.8.4 The FAI General Secretary will inform by (or in) writing to the person(s) and/or body(ies) being prosecuted that a referral to the Disciplinary First Instance Tribunal has been made for the disciplinary proceedings against them. This must include the name and email address of the Tribunal Chairperson. It will also be mentioned that the written document is the reference document for disciplinary procedure provisions.
- 3.8.5 The Tribunal must make its decision within (4) months after the disciplinary procedure has been officially launched. In exceptional circumstances, this period may be extended by one (1) month a reasoned decision of the Tribunal Chairperson notified to the person(s) and/or body(ies) being prosecuted with a copy to the FAI Secretary General and all relevant parties concerned.

3.9 SANCTIONS

- 3.9.1 The Disciplinary First Instance Tribunal decides the sanction to be applied in accordance with the type and seriousness of the violation. The following sanctions, but not only, may be considered depending on the violation or offence concerned:
- i) Warning, admonishment, reprimand.
 - ii) Fine, financial penalty.
 - iii) Provisional withdrawal or suspension of the FAI Sporting Licence for either a specified period or permanently.
 - iv) Temporary or permanent suspension from a FAI function or position, or ineligibility to be elected for a FAI function for a specified period.
 - v) Temporary or permanent ban from participating in FAI sporting events.
 - vi) Temporary or permanent ban from directly or indirectly organising FAI sporting events.
 - vii) Withdrawal of FAI sporting powers.
 - viii) Suspension or expulsion from FAI.
- 3.9.2 One or more sanctions may be applied subject to the principle of proportionality.
- 3.9.3 The sanctions, other than a warning, admonishment or reprimand, may be totally or partially conditional.
- 3.9.4 In application with the FAI Statute provisions, suspension or expulsion of a Member must be decided by the FAI General Conference. Consequently, the Disciplinary First Instance Tribunal may only recommend such a sanction.
- 3.9.5 The decision to impose the sanction(s) may include a financial contribution by the person(s) and/or body(ies) sanctioned to the costs incurred, on condition that they are duly justified as being in connection with the disciplinary procedure.

3.10 PROVISIONAL MEASURE

- 3.10.1 For a disciplinary procedure launched under 3.2.2 and when the circumstances justify it, in particular with regard to the seriousness of the facts, the FAI Executive Board may decide a provisional measure against the person(s) and/or body(ies) prosecuted, pending the decision the Disciplinary First Instance Tribunal.
- 3.10.2 The FAI Executive Board provisional measure decision shall be notified to the person(s) and/or body(ies) prosecuted.
- 3.10.3 The provisional measure ends if it is withdrawn by the FAI Executive Board or the Disciplinary First Instance Tribunal. It shall also end if the Disciplinary First Instance Tribunal is not able to take its decision within the time limit set.

3.11 PROCEDURE TO APPEAL

- 3.11.1 An appeal may be filed against decisions of the Disciplinary First Instance Tribunal imposing a sanction.
- 3.11.2 Decisions imposing a warning, admonishment, reprimand, or a fine, financial penalty of up to CHF 1,000 per person involved or a combination thereof, are final and not subject to appeal.
- 3.11.3 Only the person(s) and/or the body(ies) sanctioned may appeal against the decision of the Disciplinary First Instance Tribunal to the Disciplinary Appeal Tribunal.
- 3.11.4 The appellant(s) shall present their arguments to FAI, in writing in English, in a Notice of Appeal.
- 3.11.5 The Notice of Appeal must be addressed to the FAI Secretary General. It shall be accompanied by a copy of the decision appealed against.

- 3.11.6 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 CHF 3,000.
- 3.11.7 The Notice of Appeal must be received at FAI within a period of thirty (30) calendar days from notification of the Disciplinary First Instance Tribunal decision, failing which the appeal will be considered inadmissible. Absence of receipt by FAI of the administrative fee within an additional ten (10) calendar days will result in the appeal being considered withdrawn.
- 3.11.8 Upon receipt of a Notice of Appeal, the FAI Secretary General must ensure that it has been filed in accordance with the provisions above. If the appeal is admissible, the FAI Secretary General will transmit to the Disciplinary Appeal Tribunal Chairperson for management of the appeal the Notice of Appeal and the complete file of the procedure conducted by the Disciplinary First Instance Tribunal.

3.12 MANAGEMENT OF THE APPEAL

- 3.12.1 The following provisions must be considered in addition to the provisions common to both Disciplinary Tribunals stated in 3.7.
- 3.12.2 The Disciplinary Appeal Tribunal Chairperson shall begin to organise the Tribunal and the treatment of the appeal as soon as he/she received the Notice of Appeal.
- 3.12.3 The Tribunal will instruct the matter on the basis of the Notice of Appeal and the complete file of the procedure conducted by the Disciplinary First Instance Tribunal.
- 3.12.4 The Tribunal shall decide within four (4) months after receipt of the Notice of Appeal and the complete file of the procedure conducted by the Disciplinary First Instance Tribunal. In exceptional circumstances, this period may be extended by one (1) month by a reasoned decision of the Tribunal Chairperson notified to the appellant, with a copy to the FAI Secretary General and parties concerned.
- 3.12.5 The appeal does not have suspensive effect unless otherwise decided by the Tribunal.
- 3.12.6 The appellant or, if need be, the appointed representative can withdraw the appeal in writing at any moment until the oral hearing has been held. A withdrawal made orally at the oral hearing must be confirmed in writing within the two days following the oral hearing. As soon as an appeal is withdrawn, the Tribunal Chairperson shall inform the FAI President with a copy to the FAI Secretary General.
- 3.12.7 The Tribunal may set aside the Disciplinary First Instance Tribunal decision against which the appeal is lodged. According to the circumstances, the Tribunal may reduce or increase the sanction(s) imposed by the Disciplinary First Instance Tribunal. Nevertheless, in case the person(s) and/or body(ies) sanctioned are the only appellants, the sanction imposed by the Disciplinary First Instance Tribunal may not be increased.
- 3.12.8 The Tribunal may decide a total or partial reimbursement of the administrative fee only if the appellant has withdrawn the appeal according to 3.12.6, or if the Tribunal considers that the appeal was well founded.

3.13 FURTHER APPEAL

- 3.13.1 Decisions of the Disciplinary Appeal Tribunal are final unless an appeal is filed within twenty-one (21) calendar days following receipt of the Tribunal's decision to the Court of Arbitration for Sport (CAS) in Lausanne.



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