

BUREAU INTERIM DECISIONS OPEN DEBATE

Due to the uncertainty of how the plenary meeting is going to develop and how the items on the Agenda are to be handled, we felt it was necessary to forward this Annex in order to open a discussion on the subject of how decisions are made in between ISC Plenary Meetings and how a possible cancelation of an event should be handled in the future. It is foreseeable that we may encounter a similar situation due to a pandemic not only in the near future but also in the years to come.

During the past year an unprecedented situation occurred due to the COVID19 pandemic which in the end affected the entire world. Our Sport, organizations and competitors were also affected in all the aspects including competitions. There were several competitions scheduled and decision needed to be taken urgently since it soon became clear that they could not take place as programmed.

The Bureau considered that the 2nd FAI European Indoor Skydiving Championships & 4th FAI World Cup of Indoor Skydiving scheduled for April had to be first postponed (IBD n° 2) until October and finally cancelled completely (IBD n° 8). The Bureau at the time considered and applied SC5, paragraph 4.4.4 (2) when it considered the reason for cancellation to be force majeure, but the paragraph actually says that this applies If an FCE does take place but is stopped by reason of a decision of the Jury or by reason of force majeure as agreed to by the Jury. Obviously, the Jury never made such decision since the competition never started so it could not be stopped. The paragraph that should have been applied is 4.4.4 (1) where it says that If an FCE does not take place, all entry fees that have been paid will be returned in full.

Strangely IBD n° 6 postpones the Mondial in Tanay to the year 2021, when this decision could have been delayed until authorized by the Plenary, and there is no economical compensation to the organizer who surely has also incurred in expenses already.

The situation was in fact extraordinary due to the unstable situation with the pandemic. Teams had already paid their entry fees, made travel and accommodation arrangements and had incurred in expenses. The Organizer was also in the last stage of preparations and was also affected by the cancelation. The IBDs allowed the organizer to retain 20% of the entry fees which is a very arguable decision that unfairly penalizes the teams and delegations that were going to participate and had already paid their entries.

Our rules in the Internal Regulations, paragraph 3.1 it states that the Plenary Meeting shall be the policy and decision-making forum of the ISC and authority for any procedures or actions may only come from the Plenary Meeting. In 4.3 regarding the duties and powers of the Bureau it states that The Bureau shall act as a decision making and executive body with the power to make decisions on matters that arise between Plenary Meetings. And finally, in 4.6 it says that any decision made by the Bureau is subject to ratification by the ISC and may be modified or repealed by the ISC.

Obviously it seems too late to repeal the decision since we very much doubt that the IBD 8 can be reverted and that the delegations can recover the 20% of their entry fees retained. There are some possible solutions that have been expressed by others. One would be that the ISC returns the 20% to the delegations from the ISC funds. Another solution could be that the organizer is allowed to organize the next IS event and that the 20 % is considered entry fees already paid. Possibly the Organizer should seek compensation from the local authorities and not from the competitors. There are other solutions but all would be difficult to implement.

The proposal that we would like to push forward is one that would guarantee that the rules are applied as written and only deviate from them when there is no rule to apply. If this special case of a pandemic needs to be covered we would like to see that the entry fees paid by the delegations is guaranteed to be recoverable funds except for the cases already covered in our rules.

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