



AERO CLUB D'ITALIA
Il Commissario Straordinario

July 13, 2005

Page 1

Fédération Aéronautique Internationale
Avenue Mon-Repos 24
CH-1005 Lausanne
Switzerland

Attn: Mr. Sandy Pimenoff, CASI President

Re: FAI Air Sport General Commission (CASI) interpretation of paragraph 8.1.3.6 of the Sporting Code, General Section given at the 20 May 2005 Meeting.

A clarification as to the interpretation of FAI Sporting Code, General Section, paragraph 8.1.3.6 was requested to the CASI Secretary, Mr. Ian W. Strachan, in November 2004. That rule requires that, in first category events, a resident (but not citizen) of a country may represent the NAC of such country if he was resident there during the three years preceding the event and he did not represent a different NAC in FAI sport activities during that period.

At the FAI Meeting of the Air Sport General Commission (CASI) held in Lausanne on May 20, 2005, unexpectedly the above rule was interpreted as meaning that "...the three-year period means effectively 1095 days...". Said interpretation was communicated to the Aero Club D'Italia on May 27, 2005 by the Secretary General. Sincerely, we are very concerned about the above interpretation and I wonder whether it could be re-visited and re-discussed in the light of the following reasons:

1. The interpretation given by CASI to the FAI Sporting Code, General Section, paragraph 8.1.3.6.2, seems to neglect that, if the three-year period is to be calculated as 1095 days, the possibility for a competitor in that specific situation to take part in a FAI sport event (particular major events) during the third year depends entirely on the dates decided by



July 13, 2005

Page 2

the organizing body and therefore on fortuitousness. Few days, but even one day, could exclude the participation of one person or could allow the participation of another one.

For example, if a competitor has discontinued his original NAC representation activity at the end of September of a given year and the World Championship is regularly held next year between 20 and 30 September and again in the same calendar dates two years later, he/she would in practice be excluded – in representation of a different NAC – from the participation in that event for two consecutive times, until the third edition two additional years later. And this for a difference of few days! Taking the same example, the situation could be even more striking in case that competitor, having discontinued his original representation, on 15 September finds that the dates of the World Championship three years later are anticipated at the beginning of September instead that at the end.

2. There could be additional situations altering the position of the competitor which are completely outside his/her control. For example, despite the provision of paragraph 3.5.6.1 of the Sporting Code, General Section, which provides that World and Continental Championship be held every two years in any discipline or class, in a particular discipline the World Championship has recently been held in two consecutive years. This would increase the numbers of years which the competitors should wait in order to take part again in the same championship with the additional effect that he/she is likely to be excluded from that championship for two consecutive times.
3. If it were a question of applying state law, one would perhaps accept a very strict interpretation in spite of its apparent unfairness.

But here we are considering a Sporting Code provision which was certainly aimed to avoid unjustified or anti-sporting conducts, but not to strike competitors with harsh rules having the effect of discouraging them from participating in air sport activities.

It is submitted that the interpretation should be consistent with the need to avoid that a competitor could represent, in the same FAI sport event, in one occasion one country and in the subsequent occasion another country. Since the various events (for example, the World Parachuting Championship or the World Cup) are organized on alternate years, the third-year period of non-representation of a different NAC guarantees that in consecutive events organized every two years one competitor could not represent different NACs.



July 13, 2005

Page 3

In our opinion therefore, paragraph 8.1.3.6.2 should be enforced in such a way as to allow the participation of a competitor in that sport event taking place in the third year, provided that he/she did not represent any other NAC in the previous edition of the same event and, of course, in any other FAI event taking place in the intermediate period.

This interpretation seems more equitable and understandable. It would also meet the expectations of the competitors that the sporting rules are not unjustifiably punitive.

Hopefully, the interpretation made on May 20, 2005 by the FAI Air Sport General Commission (CASI) should then be further clarified in the sense that, while the three-year period mentioned in paragraph 8.1.3.6.2 should correspond to 1095 days from the previous event in which the person concerned represented a different NAC, nevertheless during the third calendar year such person is allowed to take part in a FAI sport event, in representation of the NAC of the new residency, if he/she had not represented a different NAC in the immediate previous edition of the same event and he/she did not represent a different NAC in any other FAI event which took place in the intermediate period running from the last event in which he/she represented in fact a different NAC.