

# THE ROYAL AERO CLUB OF THE UNITED KINGDOM



Paper dated: 31 March 2006

## PROPOSALS FOR AMENDMENTS TO FAI STATUTES AND BY-LAWS

*It is some time since the disbandment of the previous Statutes Committee of which the late Dr Tom Zealley of the UK was chairman for many years. After the formation of the new Statutes Working Group at the 2004 Madrid General Conference, the UK took the opportunity to review the Statutes and By-laws and would like to put forward the following proposals for amendment. This paper supersedes our 2005 paper and adds the exact wording that was asked for at the Paris General Conference. Several proposals involve the Commission Presidents Group, CASI and general sporting matters and it is suggested that these bodies be given an opportunity to comment on proposals relevant to them.*

## STATUTES

### **Cover page**

This says: "approved by the FAI General Conference 28-29 September 2000". As there is no amendment page, the specific reference to year 2000 is not understood. We therefore propose that the 2007 edition should say: "approved by the FAI General Conference, October 2006". In future years, subsequent Conference dates should be used for future editions of Statutes.

### **Terms and Definitions**

Active Member of FAI. This definition does not mention the term National Airport Control (NAC) that is used later in Statutes and extensively in other documents such as the General Section and other sections of the Sporting Code. We believe that the term NAC refers to the supervisory responsibilities of an Active Member in a particular sporting discipline. There is also the question of who "elects" an Active Member and this word should either be clarified or deleted. Also, the definition of Active Member should agree with that for FAI Sporting Powers. We therefore propose that the wording be changed to: *"A national organisation that is elected by the FAI General Conference to represent that Country in FAI activities and to have Sporting Powers on behalf of FAI within that Country and represents the greatest number of aeronautic and astronautic disciplines in its Country. Within a particular discipline the Active Member or an organisation delegated by it to have Sporting Powers is said to be the National Airport Control (NAC) authority for that discipline within the Country concerned"*

Aeronautics. To read: *For FAI purposes, aerial activity up to an altitude of 100 kilometres.* Reason: The existing words "the earth's surface" give a datum that is not constant, varying from below sea level to an altitude of some 9000m. In contrast, "Altitude" is a common worldwide datum and is standard aviation terminology. More precise lower altitude datums can then be defined in the General Section of the Sporting Code. These would include Mean Sea Level (MSL) and the surface of the WGS84 ellipsoid depending on the sensor and altitude scale used. For instance, pressure altitude to the ICAO ISA or GPS altitude above the WGS94 ellipsoid.

Astronautics. To read: *For FAI purposes, activities taking place at altitudes of over 100*

*kilometres.* Reason: As for Aeronautics, above.

FAI Air Sport Commission. There is no provision for CASI in this definition. The following addition is proposed: "... or, in the case of the Air Sport General Commission, the General Section of the Sporting Code and other general matters of interest and co-ordination across air sports and FAI-related NAC activities."

FAI Sporting Code. Presently, this duplicates and could conflict with what follows under the definition "Sporting Code". It is proposed that this is shortened to: "See under "Sporting Code", to avoid having similar material in two different places. Our proposal is supported by the fact that the present wording under "FAI Sporting Code" does not include astronautics.

General Conference. This definition does not say what the General Conference is, or give a cross-reference. It is proposed that the words "See chapter 3" are added.

Good Standing. It is proposed that a definition of "Good Standing" should be included, so that this frequently-used FAI wording is clearly understood. The following is proposed: "Good standing - An FAI member in good standing is one that has fulfilled its obligations to FAI. Obligations are listed in FAI Statute 2.4.2.2."

International Appeals Tribunal. A cross-reference would be helpful. Add: "See Statute 1.10."

National Airsport Control (NAC). There is no definition of this important term that is used later in Statutes and extensively used in other FAI documents. The following is proposed: "National Airsport Control (NAC). See above under Active Member."

Obligations to FAI. New definition, to read: "Obligations to FAI are listed in FAI Statute 2.4.2.2. See also above under "Good Standing"."

Plurality vote. This does not read very clearly. The following is proposed: "In a vote of more than two alternatives, where the decision is in favour of the largest number of votes cast for any of the alternatives. An absolute majority is not necessarily required."

### **1.8.2 Sporting Powers**

This gives Sporting Powers to the Executive Board but not to NACs, which seems to be a reversal of their normal roles. The following wording is proposed: "Sporting Powers are administered worldwide by each FAI Air Sport Commission for their particular Air Sport and by a National Airsport Control (NAC) authority for each Air Sport within the Country concerned. See also under "Active Member" in Terms and Definitions."

**1.12.3** We note that the 2005 UK proposal to re-number the sub-paragraphs under 1.12.3 has been carried out in the 2006 edition of Statutes.

**2.4.2.2.6.** We note that the 2005 UK proposal to alter the wording of this paragraph has been carried out in the 2006 edition of Statutes.

**2.6.2.1** It is proposed that the last words should be: "... approved by the Executive Board and confirmed by the next General Conference". This allows for actions between General Conferences and avoids delays in dealing with the Affiliate Member concerned.

**5.3. & 5.4.** This states that these paras were deleted in 2000 and 2001. It is suggested that a failure to close up the numbers for several years gives the appearance of bad housekeeping, particularly in these days of word processing and the availability of documents through web pages. We propose that the paras in Chapter 5 be re-numbered and the present gap in text closed up.

#### **5.5.1.1 and 5.6.1 refer to FAI Air Sport General Commission.**

5.6.1.1 General Section. It is proposed to delete the words: "Establish and". Reason, the GS is already established and the job of CASI is to keep it current, as it says in the rest of 5.6.1.1.

5.6.1.3 It is proposed that "Executive Board" is added before "the General Conference". CASI should be able to make recommendations to the EB between annual General Conferences.

5.6.1.4 Appeals. It is proposed to delete the words "*when so directed by the Executive Board*," because normal procedure is that CASI deals with appeals directly without any EB involvement.

5.6.1.5 The present wording has rather cumbersome English, and the following is proposed: If an Appeal is made against a decision relating to a sporting dispute, establish an International Appeals Tribunal if there is a possible case for the appeal."

#### **5.6.3 on the Air Sport Commissions**

5.6.3.3 on Gliding states: "all matters (except aerobatic competition) relating to gliding." However, this does not seem to recognise that Hang Gliding and Paragliding are administered by CIVL and not IGC. This has been raised before by the UK, but the anomaly still exists. The following wording is suggested: "all matters relating to gliding except those administered by other FAI Commissions, such as Aerobatic Competitions, Hang Gliding and Paragliding". It is suggested that the Statutes Working Group seeks the views of the Presidents of CIMA, CIVL and IGC on this wording.

#### **5.6.4 Commission Presidents' Group (CPG).**

Since CPG membership overlaps with CASI and constitutes 50% of CASI membership, it is suggested that the relationship between the CPG and CASI be established more closely to avoid duplication. For instance, 5.6.4.1.1 and 5.6.4.1.2 on CPG activities overlap with those of CASI. The present wording is: "consider the work and matters of common interest of the various Commissions" and "create areas of common policy on sporting matters for General Conference determination". It is suggested that CASI responsibilities also include "matters of common interest" and "common policy on Sporting matters", and both are reflected in the General Section of the Sporting Code that is the responsibility of CASI. We propose that 5.6.4.1.2 should say "*maintain areas of common policy on matters specific to Air Sport Commissions*" and that 5.6.4.1.4 should read "*present advice or recommendations to the Executive Board, General Conference and/or CASI as appropriate*."

5.6.4.2 states that the President of FAI chairs CPG meetings. However, there is no mention of a

Secretary, or procedures for the agenda and minutes. The lack of CPG minutes has been commented on by the UK during previous General Conferences. Now that the CPG sometimes meets with the full Executive Board, the availability of these important proceedings to NACs and other FAI organisations is considered even more important. Rather than invent special procedures, it is proposed that existing Commission procedures should be used. We propose that the following words be added to 5.6.4.2: "... and a Secretary shall be elected from within the members." The Secretary should not be the FAI Secretary General as he already has a very high workload. We also propose that general procedures should be in a short new 5.6.4.3 so that procedures are separated from officials. We therefore propose: "5.6.4.3. General procedures including the production of agendas and minutes and postings of these on the FAI web pages shall follow the same procedures as for the Commissions (By-laws section 5)."

**5.8 Statutes Working Group** - At the moment, there is no reference to the SWG in the FAI Constitution. The SWG Terms of Reference, composition, election and procedures should therefore be added in an appropriate place. It is suggested that the existing short 5.8 be re-numbered 5.9 and the SWG item be in a new 5.8. The detail for the new 5.8 should be based on what was minuted about the SWG after the Madrid General Conference. It is proposed that the SWG produce a draft for the new 5.8, for consideration by General Conference.

## **BY-LAWS**

Cover page. Same comment as for cover page of Statutes.

4.3 Executive Board agendas. This mentions the "Presidents of Commissions Group" (a different term to that used in Statutes), but not the Air Sport Commissions or FAI Active members. These other organisations should be added, and the words "Presidents of Commissions Group" should be changed to "Commission Presidents' Group" to be consistent with the wording used in Statutes. The following wording is therefore suggested: "It shall include matters referred to the Executive Board by the General Conference, the Commission Presidents' Group, the Air Sport Commissions (including CASI), Active and Associate Members (see 4.8) as well as ... "

4.7 Executive Board minutes. While recognising that President Portmann has generously stated that he will allow EB minutes to be distributed, we believe that a statement should be made in By-Laws so that the policy is written down for the future. We propose to replace "as directed by the FAI President" by "in accordance with the procedures that also apply to FAI Commissions (By-laws Section 5) unless the Executive Board decides that a specific item is too sensitive for such a distribution."

5.2.1.1 CASI NAC members, change "designated" to "nominated", better English. Add at the end: "these nominations may be changed during the period of office by an official notification from the NAC to FAI." Reason, current procedure but not currently stated in By-laws.

5.2.3 CASI Bureau members, says: "Their terms of office shall correspond to the FAI Year ending with the Annual General Conference and without regard to the actual date of their election." It is proposed that simpler wording be used, starting with the end of the previous sentence: " .... the procedures in

5.3 below. Their terms of office shall start immediately after election and continue until the next election."

5.5.4 Deleted paras. This states that this para was deleted in 1993. It is suggested that a failure to close up the numbers for 12 years gives the appearance of bad housekeeping, particularly in these days of word processing and the availability of documents through web pages. There are other examples of blank paras that should also be removed, followed by the re-numbering of paras in the closed-up order. Other examples include para 5.1 of By-laws.

5.6.3. Location of Commission meetings. The larger Commissions do not normally meet at Avenue Mon-Repos 24 this para implies, but at nearby locations normally arranged by the FAI Secretariat such as the Olympic Museum. This has been raised before by the UK but this para still appears to be factually inaccurate. The following is suggested: "Commissions shall normally meet at or in the general location of FAI Headquarters, as arranged by the FAI Secretariat".

5.4.15 Observers attending Commission meetings. At the moment, nothing is said about the attendance of Observers at Commission Plenary meetings. A new para is suggested setting out what happens now and putting it on a proper footing in FAI procedures: 5.4.15 Attendance of Observers. Observers may attend Commission Plenary meetings subject to the availability of room and the permission of the Commission President, which should normally be given unless there are good reasons to the contrary. Observers may be experts in one or more of the matters relevant to the Commission or be persons from other FAI bodies who express an interest in Commission proceedings. Observers have no vote and may only speak to the meeting with the permission of the Commission President."

Chapter 12. Awards. Many awards are named after distinguished individuals. The "History" paragraph for some awards has a brief description and dates of the individual's achievement. However, in several cases this is not done and it is proposed that it should be, to preserve the memory of the achievement of the distinguished individual concerned. This is both for reasons of standard presentation and also because an individual famous in one discipline may not be as well known to the general sport aviation community, or to the general public. It is proposed that the ASCs concerned should be asked to draft not more than 50 words describing the individual's main achievements and relevant dates, so that these words can be added to the History para for the award in due course. If agreed by Conference, it is suggested that the FAI Secretariat would ask the appropriate ASCs and co-ordinate the wording for the next edition of By-laws, subject to Executive Board approval.

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