

# **FUTURE STRUCTURE AND TERMS OF REFERENCE OF CASI**

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## **EXECUTIVE SUMMARY**

This refers to some of the recommendations in paras 14-18 and the background and reasoning for them is in the paper:

(i) **Numbers of CASI Delegates.** CASI administers the General Section of the Sporting Code on behalf of FAI. This is in addition to other current CASI responsibilities such as Tribunals and furthering Air Sport development. The administration of the matters covered by the General Section on behalf of FAI is a major and sometimes sensitive task, indicated by the large range of subjects in the General Section contents list (Annex C to this paper). Many of these subjects require frequent review due to interactions between Air Sports, technical developments and the constant number of cases affecting General Section wording that continue to be raised for CASI decision. Technical developments that affect Air Sports include systems such as GPS, GLONASS, Galileo, world mapping and measurement developments and Information Technology generally. Decisions on these matters cannot be taken by a small sub-committee without the risk of objections to their decisions by ASCs and NACs.

(i-i) **Air Sport and NAC representation.** The difference between CASI and FAI organisations such as the Statutes Working Group is that the latter recommend wording to General Conference whereas CASI decides on the wording for the next edition of the General Section. Therefore, in the event of suggested changes to the General Section, all of the Air Sports who might be affected must be represented in any discussion, for any decision to be credible and supportable. A significant number of NACs should also contribute to the discussion and decision because NACs are actively involved in ensuring that the General Section is followed, sometimes on a day-to-day basis where claim processing is concerned and during Championships and other events in their area of authority. The 2005 discussion and decision on the FAI rules on change of Nationality (the exact interpretation of the FAI "three year rule") was a successful example of this process which would simply not have had credibility if decided by a small sub-committee.

(i-ii) **Conclusion.** It is acknowledged that balancing the 10 ASC Presidents with the same number of NAC Delegates, is a compromise. However, it is one that is reasonable and should continue. There should be no question of reducing the number either of ASC Presidents or NAC delegates in the CASI Plenary.

(ii) **Location of CASI Plenary Meetings.** The location and time of the annual CASI Plenary should continue to be part of the FAI General Conference sequence of activities. Since the ASC Presidents and NAC delegates (or their representatives) are present for each FAI General Conference, a CASI meeting that includes them does not require any extra travel and little extra time while at the General Conference location.

(ii) **CASI and the CPG.** The Terms of Reference of CASI and the Commission Presidents Group (CPG, sometimes called the PresCom) should be revised to avoid overlaps between them.

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# **FUTURE STRUCTURE AND TERMS OF REFERENCE OF CASI**

## **INTRODUCTION**

### **CASI Name**

1. The FAI Air Sport General Commission is generally known as "CASI ", the initials of its name in French, Commission d'Aéronautique Sportive Internationale. The French title is not used in FAI Statutes and By-laws, which use the term "Air Sport General Commission". However, both English and French versions of the CASI name are used in the General Section (GS) of the Sporting Code and in this paper the term "CASI" is used.

### **CASI Structure - History**

2. **The "Large CASI"**. Up to and including the 1994 CASI Plenary in Turkey, any Active Member of FAI could nominate a delegate to CASI if they wished. FAI Active Members are the National Airsport Control (NAC) organisations in the nations concerned. Some NACs nominated CASI delegates, some did not. These National delegates were in addition to all of the Air Sport Commission (ASC) Presidents who were CASI delegates ex-officio. The result was a potentially large CASI Plenary with many NAC delegates and only 10 ASC Presidents. For instance, at the 1994 CASI Plenary there were about 40 delegates round the table.

3. **The Present CASI**. The lack of balance between the numbers of ASC and NAC delegates was recognised. A paper was submitted for the 1993 General Conference (GC) agenda to limit the numbers of the CASI NAC delegates. As there are 10 ASC Presidents it was felt that this should be balanced on CASI by the same number of NAC delegates. The NACs would be selected by vote at each annual General Conference. To avoid a possible complete replacement of all 10 at once and to guarantee some continuity, it was decided that five should be replaced one year and five in the next year, each to serve for two years. An NAC can put itself forward again for CASI for as many two-year terms as it likes, as long as the GC continues to elect it. The detail is in By-law 5.2.1 which is copied in Annex B to this paper so that readers do not have to look up the By-laws separately. This system was first used for the 1995 CASI Plenary in South Africa and has been in operation ever since. As well as the CASI Delegates, the FAI President and Secretary General normally attend CASI Plenaries in addition to interpreters for delegates for whom English is not fluent. Other experts attend to give advice on specific subjects. It is also traditional to allow other non-voting Observers to attend and these normally include Executive Board (EB) members, members of FAI Technical Commissions and representatives of NACs who are not voted as Delegates on CASI. Such Observers have no vote, but can speak with the permission of the CASI President.

### **Terms of Reference**

4. **Current CASI Terms of Reference (ToR)**. These are given in FAI Statutes para 5.6.1 which is copied at Annex A to this paper. In summary, they include the development of air sports including new ones; maintenance of the General Section of the Sporting Code; to set up International Appeals Tribunals in the event of disputes; and other tasks given to CASI by the General Conference or the Executive Board.

5. **Related Terms of Reference**. Half of the CASI Delegates are the Air Sport Commission Presidents. They also form a separate FAI entity, the Commission Presidents Group (CPG), which has its own Terms of Reference and is chaired by the FAI President. The CPG ToR are listed in Statute 5.6.4, copied in Annex A. In sum, these are to: consider matters of common interest of the Commissions; create areas of common policy on sporting matters for consideration by the General Conference; review the spending of FAI funds from air sport events; and make recommendations to the General Conference.

## **DISCUSSION**

6. **Rationalisation of Terms of Reference**. From the above, it can be seen that there is overlap in the current ToR for CASI and the Commission Presidents Group (CPG).

6.1 **CASI ToR**. CASI is responsible for the General Section of the Sporting Code and for a summary of its contents, see Annex C. The large number of subjects listed should be noted, many of which are fundamental to FAI activities in the international air sport world. Annex C shows that the General Section contains "matters of common interest" and "areas of common policy on sporting matters". Indeed, "areas of common policy on sporting matters" in terms of common FAI Rules and Procedures, are the very reason for the General Section. However, these words are part of the current ToR of the Commission Presidents Group (CPG) and not of CASI. It is suggested that the ToR of CASI and the CPG should be revised to reduce overlap and the above words should be added to the CASI ToR.

6.2 **CPG ToR.** It is suggested that the ToR of the Commission Presidents Group should concentrate on matters that are specific to Air Sport Commissions without wider implications involving, for instance, NACs. Such wider issues should be the business of other bodies such as CASI, the Executive Board and the General Conference. CASI has the normal structure and procedures of an FAI Air Sport Commission, that is, amongst other things, a Secretary who prepares agendas and minutes of meetings which, after approval by the Commission President, are published by FAI. The presence of non-voting Observers from other FAI bodies is also allowed. It is noted that the CPG ToR do not include these functions and it is suggested that they should, so that their proceedings are more open than at present.

7. **Could CASI and the CPG be merged?** It would be possible to merge the Terms of Reference of CASI and the Commission Presidents Group (CPG) and to have one FAI body instead of two. The question is, which body should form the basis of the new one?

7.1 **Commission Presidents.** Since CASI contains all of the members of the CPG, there is logic in the proposition that the CASI structure could deal with the matters previously considered by CASI and the CPG because there would be no loss of representation. However, Commission Presidents will always have common ground to discuss on Commission matters only, without the presence of NAC delegates. It has also been said that another reason for CPG meetings is to discuss the detail of ASC participation in future World Air Games (WAG). However, with less emphasis now on regular WAG, this reason is less strong than before.

7.2 **NAC representation.** The other question is, could the duties of CASI be taken over by the CPG? The difficulty is in how NACs should be represented in an FAI body that decides on matters such as the General Section and other matters of common interest to NACs. The large number of subjects covered by the General Section can be seen from Annex C and many are of direct concern to NACs as well as the Air Sport Commissions. It is NACs who administer such FAI rules and procedures on a day-to-day basis such as in dealing with questions, claims and administering and hosting organisations for FAI events held within their Nation. NACs normally have permanent staff. ASCs do not and their Bureaus carry on any ASC business between Plenary meetings. It therefore cannot be seen how NACs could be excluded in discussions and decisions on FAI rules and procedures that will affect them.

7.3 **Conclusion.** NACs should continue to be represented on CASI. The question is, how many NAC delegates should there be? This is addressed in para 9.

8. **ASC Representation.** The General Section directly affects all Air Sport Commissions (Contents, Annex C). It lays down the definitions of ASC responsibilities and arbitrates on any demarcations between them.

8.1 **Reduction in Representation.** ASC representation on CASI could be cut, say from 10 to 5. However, inevitably, issues would arise of concern to the ASCs not represented. This would result either in later objections from non-represented ASCs or delays in decision while such NACs were consulted. The 2005 discussion and decision on the FAI rules on change of Nationality (the exact interpretation of the FAI "three year rule") was a successful example of this process which would simply not have had credibility if decided by less than the full number of ASCs.

8.2 **Conclusion.** It is therefore concluded that all ASCs must have representation on CASI. It is suggested that this is not controversial and that any reduction in ASC representation in CASI would be a "non-starter".

9. **NAC Representation.** The question is, how should NACs be represented in bodies making decisions about FAI rules and procedures that have to be administered by NACs? They are represented in the highest FAI executive body, the General Conference (GC), and have the vast majority of votes. The other GC votes are for the Air Sport Commissions and other FAI bodies such as OSTIV. NACs are naturally not represented in the Commission Presidents Group but have 50% of the delegates in the present CASI.

9.1 **Proportion of NACs in CASI.** A representation of NACs in excess of 50% would be a move towards the pre-1994 situation. This could be regarded as unfair to the 10 Commission Presidents who could be out-voted by NACs. The reverse would apply if there were 10 Commission Presidents and, say, only 5 NAC delegates. However, it has to be recognised that there are some 80 NACs in FAI and the present arrangement of 10 NAC CASI Delegates can be criticised from the point of view of "fair representation" of this large number of NACs. However, many structures and systems are compromises, in FAI and elsewhere. The 10:10 number is one and has worked reasonably for the last 12 years. It might be argued that "working reasonably" is not good enough and that FAI should aim for a better solution. However, it is often said that: "the perfect is the enemy of the good" and FAI has to be practical.

9.1.1 Are there ASC v NAC issues? A possible disagreement along "ASC v NAC" lines is theoretically possible but does not appear to have happened. The only occasion when there was a danger of this was in 2002 in Dubrovnik when it appeared that the Commission Presidents Group (which had met just before CASI) had decided that CASI should meet out of sequence with the General Conference, at a location co-incidental with a CPG meeting. This was not on the CASI agenda but the proposal was difficult to resist in the CASI meeting that followed the Dubrovnik CPG. This was because it was not only the will of the then FAI President but because it appeared to be also the will of the CPG which made up half of the CASI Delegates. Future situations like this should be avoided. The solution is to follow the laid-down procedures on circulation of items for decision beforehand in the meeting agenda so that, if necessary, the ASC or NAC bodies can be consulted so that their CASI delegate can be briefed accordingly.

9.2 Work Load. ASC Presidents are busy people and being President of an FAI Air Sport Commission is a big job in itself, some might even say "full time". Within CASI, there is a need for a President, several Vice Presidents and a Secretary, all constituting the CASI Bureau that carries on business between Plenaries. This includes the preparation of agendas and minutes for CASI Plenaries and dealing with questions and appeals on general air sport matters. During the last 10 years the majority of Bureau members have been National delegates rather than ASC Presidents. This may be because ASC Presidents do not have the time to take on the extra task of being a Bureau member and are content that these important functions are fulfilled by their NAC Delegate colleagues. A factor is that the Plenary is the final authority for Commission policy, not its Bureau who are there to carry out that policy between Plenaries.

9.3 Conclusion. Balancing the ASC Presidents on CASI with the same number of NAC delegates, is a compromise but one which is reasonable and should continue.

10. Overall Numbers of CASI Delegates. It has been suggested in the past that a committee of 20 is too big, particularly when the agenda may be short. However, the logic for giving all 10 ASC Presidents the right to attend is strong, as is the need to balance them with at least the same number of NAC Delegates. In practice the present size of the CASI Plenary, works, and is a reduction compared to the pre-1995 structure. In terms of travel to what is normally a half-day Plenary, as long as the Plenary is part of the FAI General Conference period of activities, virtually all CASI Delegates will attend the General Conference anyway and so no additional travel will be needed, just an extra half day for the CASI Plenary. Other CASI matters not completely resolved during the Plenary can be progressed in the margins of the General Conference, followed by the traditional short CASI meeting afterwards to clear up remaining points and to elect the CASI Bureau for the next year. These were major factors in the decision made at the CASI Plenary in May 2005 to return future Plenaries to the General Conference period and not to hold them at a different time and place, a policy that caused controversy between 2003 and 2005.

11. Observers at CASI. It is normal procedure that Observers are allowed to attend CASI Plenaries. FAI procedure is that Observers can only speak with the permission of the President and have no vote. As pointed out in para 3, as well as the FAI President, Secretary General and interpreters, other Observers normally include Executive Board (EB) members, members of FAI and ASC Technical Commissions and representatives of NACs who are not voted as Delegates on CASI. It is suggested that this is put on a more formal basis by including such procedures in the CASI Terms of Reference.

12. The CASI General Section Review Group. This is an informal group of CASI delegates that looks at proposed amendments to the General Section and makes recommendations on them to the Plenary. It is not mentioned in FAI Statutes or By-Laws and has no executive power, the Plenary is not obliged to accept such recommendations but normally does. At present it has four members. It is suggested that this group should either be put on a more formal basis or its functions transferred to the Bureau, the latter already having a formal structure within FAI By-Laws. There is a case for saying that filtering agenda items and making recommendations to the Plenary is a legitimate Bureau activity and there is no need for such a Group separate from the Bureau. However, if it is decided to formalise the Review Group, members should be elected each year by the Plenary and there should be five members rather than four so that in the event of a vote within the Group, a tie is less likely.

13. Mechanism for change in FAI. For a change to FAI Statutes, a 2/3 majority of General Conference votes are required (Statute 1.4.2, see Annex A). For a change to FAI By-Laws, a majority of votes is required (BL 3.5.1, see Annex B). As pointed out in para 9 of this paper, the vast majority of General Conference votes are with the NACs. It would therefore appear that any proposed changes to the Terms of Reference of CASI and any other FAI body must be acceptable to NACs or it is unlikely that they will gain approval at General Conference.

## RECOMMENDATIONS

14. **Terms of Reference.** The Terms of Reference of CASI and the Commission Presidents Group (CPG) should be revised to avoid overlaps between them. The large range of CASI responsibilities indicated in the General Section contents list (Annex C) should be recognised.

14.1 **Terms of Reference.** "Matters of common interest" and "areas of common policy on sporting matters" are legitimate terms of reference for CASI and should be added. They are entirely compatible with the subjects covered by the current General Section of the Sporting Code (Annex C), a major CASI task. The ToR of the Commission Presidents Group should be adjusted to avoid overlap with those of CASI and to reflect subjects that are specific to the Air Sport Commissions and do not involve other bodies such as NACs. In addition, the CPG organisation and procedures should generally follow those of an Air Sport Commission, particularly in the appointment of a Secretary, the publication of agendas and minutes by FAI and the presence of non-voting Observers from other FAI bodies.

14.2 **FAI Statute Change.** Changes in Terms of Reference such as those indicated above, require amendment to FAI Statutes. A Statute change requires a 2/3 majority of votes at the FAI General Conference after a proposal has been included in the General Conference agenda. Such a proposal could be made by CASI (after a decision by the CASI Plenary), by the CPG, by the Executive Board or by an NAC.

15. **CASI Delegates.** It is acknowledged that balancing the 10 ASC Presidents with the same number of NAC Delegates, is a compromise. However, it is one which is reasonable and should continue. There should be no question of reducing the number either of ASC Presidents or NAC delegates in the CASI Plenary. If anything, there is a case for increased NAC representation because there are some 80 NACs in FAI, but it is acknowledged that having more NACs than ASCs in CASI could be seen as undesirable by ASCs because, in theory, ASCs could be out-voted by the NACs.

16. **Attendance of Observers.** CASI Terms of Reference should include the attendance of Observers under the normal FAI procedure that Observers have no vote and can only speak with the permission of the President. Para 11 refers.

17. **CASI General Section Review Group.** This should either be put on a more formal basis or its functions taken over by the CASI Bureau. Para 12 refers.

18. **CASI Plenary Location.** The location and time of the annual CASI Plenary should continue to be part of the FAI General Conference sequence of activities.

### Annexes:

- A. Statutes references
  - B. By-laws references
  - C. General Section of the Sporting Code - Contents List
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## **Annex A to CASI Review paper**

### **FAI Statutes - References to the Air Sport General Commission (CASI)**

#### **Terms and Definitions**

**International Appeals Tribunal.** A body established by the FAI Air Sport General Commission to hear and make final judgement on an appeal against a decision relating to a dispute of a sporting nature.

#### **Numbered Statutes**

1.4.2. Changes to the Statutes shall only be made at a General Conference at which at least half of the Active Members of FAI in good standing are present or represented and provided that the amendment is placed on the Agenda sent to all the Members of FAI at least two months before the Conference convenes, with a detailed description of the proposed text. Decision shall be taken on a two thirds majority of the votes belonging to the Active Members present or represented.

1.6.1.1. - The General Section of the Sporting Code, which contains rules common to all air sports, is established by the FAI Air Sport General Commission.

#### **5.5. THE FAI AIR SPORT COMMISSIONS**

5.5.1. FAI contest, championship and record activity shall be conducted generally under the direction of the following FAI Air Sport Commissions ;

- 5.5.1.1. - The FAI Air Sport General Commission with duties and powers as listed in Paragraph 5.6.1.
- 5.5.1.2. - Specialised Air Sport Commissions with duties and powers as listed in Paragraph 5.6.2.

#### **5.6. DUTIES AND POWERS**

5.6.1. The FAI Air Sport General Commission shall :

- 5.6.1.1. - seek to further the development of air sports ;
- 5.6.1.2. - establish and keep current the General Section of the Sporting Code;
- 5.6.1.3. - advise the General Conference on appropriate measures to develop and encourage air sports which appear to be outside the mandate of existing FAI Commissions ;
- 5.6.1.4. - when so directed by the Executive Board, serve as the FAI final court of appeal in all disputes or difficult cases concerning international sporting events and record attempts ;
- 5.6.1.5. - in the event of an appeal against a decision relating to a dispute of a sporting nature, investigate whether the appeal should be accepted, and if in the affirmative, establish an International Appeals Tribunal;
- 5.6.1.6. - carry out other tasks related to air sports as assigned by the General Conference or the Executive Board.

#### **5.6.4. COMMISSION PRESIDENTS' GROUP**

5.6.4.1. The Presidents of the Air Sport Commissions shall serve, ex-officio, as members of the Commission Presidents' Group. If a President of an Air Sport Commission is unable to attend, he may appoint a current member of his Commission to attend in his place. This body shall meet not less than annually to :

- 5.6.4.1.1. - consider the work and matters of common interest of the various Commissions;
- 5.6.4.1.2. - create areas of common policy on sporting matters for General Conference determination;
- 5.6.4.1.3. - review proposed and past expenditure of FAI funds derived from air sport events; and
- 5.6.4.1.4. - present to the General Conference appropriate advice or recommendations.

5.6.4.2. The President of FAI shall be the chairman of these meetings.

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## **Annex B to CASI Review paper**

### **By-laws to FAI Statutes - References to the Air Sport General Commission (CASI)**

BL 3.5.1. Unless stated otherwise in the Statutes or these By-Laws, decisions of the General Conference shall be taken on an absolute majority vote of the Active Members and Air Sport Commissions present or represented.

## BL 5.2. THE FAI AIR SPORT GENERAL COMMISSION

BL 5.2.1. The Commission shall consist of :

BL 5.2.1.1. Ten Active Members, each with one vote, to be elected by the General Conference. Prior to the election, Active Members shall declare the principal, and if desired alternate representatives who will be designated if the Member is elected.

BL 5.2.1.2. Presidents or duly appointed representatives of the FAI Air Sport Commissions, each with one vote.

BL 5.2.2. Annually, five members of the Air Sport General Commission elected under 5.2.1.1 above shall go out of office by rotation. They may be re-elected for an unlimited number of terms. Elections shall be by secret ballot. For each round of voting, one ballot paper will be issued for each vote present at the General Conference. Only ballot papers containing the number of candidates' names corresponding to the predeclared number of Air Sport General Commission vacancies shall be valid. A simple majority shall be required for election. If the number of candidates achieving a simple majority in the first round of voting exceeds the number of vacancies available, candidates will be elected in descending order of votes cast. If the number of candidates achieving a simple majority in the first round is insufficient to fill the vacancies, a second and subsequent rounds of voting will take place as required amongst those who did not achieve a majority, until the vacancies available are filled with candidates achieving a majority of votes cast. FAI Members elected to the Air Sport General Commission shall serve for a two-year term.

BL 5.2.3. The officials of the Bureau as described in 5.4.1. shall be elected annually in accordance with the procedures set forth below. 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.

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### Commission Presidents Group

BL 4.3. The Executive Board's Agenda shall be approved by the FAI President and shall be attached to the notice convening the meeting. It shall include all matters referred to the Executive Board by the General Conference and the **Presidents of Commissions Group**, as well as day to day business within the Executive Board 's competence.

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## Annex C to CASI Review paper - Contents of the General Section of the FAI Sporting Code

### Chapter 1 - PRINCIPLES & AUTHORITY OF FAI

- 1.1 Principles
- 1.2 Sporting Code
- 1.3 Sporting Authority
  - 1.3.1 National Airsport Control (NAC)
  - 1.3.2 Delegation
- 1.4 FAI International Air Sport Commissions (Table)

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- 2.2 Definitions
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  - 8.1.1 Statutory Rights
  - 8.1.2 Holder's Responsibility
  - 8.1.3 Issue of Sporting Licences
  - 8.1.4 Sporting Licence Form
  - 8.1.5 Validity of Sporting Licences

- 8.1.6 Withdrawal of Sporting Licence
- 8.1.7 Sample Form of Sporting Licence
- 8.1.8 Other forms of Sporting Licence
- 8.2 Certificates of Proficiency

#### **Chapter 9 - APPEALS TO THE FAI**

- 9.1 Right of Appeal
- 9.2 Notice of Appeal
- 9.3 Time Limit
- 9.4 Treatment of Appeals
- 9.5 Publication of Decision

#### **Chapter 10 - AMENDMENTS**

#### **ANNEX A:**

#### **FAI PREFERRED TERMINOLOGY**

Principle, Drafting Specialised Sections of the Code, Exceptions

#### **Flight Definitions.**

- A1 Flight.
- A2 Free Flight.
- A3 Free Fall.
- A4 Flight Performance.
- A5 Uncompleted Flight.
- A6 Types of Flight.
  - A6.1 Distance Flight
  - A6.2 Speed Flight
  - A6.3 Goal Flight
  - A6.4 Duration Flight
  - A6.5 Height Flights
    - A6.5.1 Height Flight
    - A6.5.2 Altitude Flight
    - A6.5.3 Gain of Height Flight
  - A6.6 Time of Climb Flight
- A7 Courses
  - A7.1 Approved Course
  - A7.2 Declared Course
  - A7.3 Closed-Circuit Course
    - A7.3.1 Out-and-return Flight
    - A7.3.2 Triangular Course
    - A7.3.3 Polygon Course
    - A7.3.4 Lap
- A8 Start of a Flight Performance
  - A8.1 Start point
  - A8.2 Start time
  - A8.3 Start altitude
  - A8.4 Start line
  - A8.5 Types of start
  - A8.6 Take-off point
  - A8.7 Take-off place
  - A8.8 Point of Release
- A9 Turn Point
  - A9.1 Reaching a Turn Point
- A.10 Control Point
- A.11 Position Check Point
- A.12 Finish of a Flight Performance
  - A.12.1 Finish point
  - A.12.2 Finish time
  - A.12.3 Finish altitude
  - A.12.4 Finish line
    - A.12.4.1 Crossing a Finish Line
  - A.12.5 Landing Point
  - A.12.6 Landing Time
  - A.12.7 Landing Place
  - A.12.8 Target Landing
- A13 Observation Zones
  - A13.1 Turn Point
  - A13.2 Start and Finish Points
  - A13.3 Proof of Presence in the Observation Zone (OZ)

#### **GLOSSARY**

- Numerical Glossary
- Other Documents Available
- Alphabetical Glossary

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