

AGENDA ITEM 7.1a

REPORT OF THE PRESIDENT, INTERNATIONAL JURY

Supplement to the Report Programme 4 Pilot Selection

Mike Heuer



Attached are various documents related to the matter of pilot selection for Programme 4 (the Final Freestyle).

This issue is discussed in the Jury President, Contest Director, and Chief Judge Reports for the World Aerobatic Championships and these documents will aid in the discussion during plenary.

Attachments:

Letter to Michael Golan and Andrea Fossi – 11 October 2009
Steve Green E-mail regarding Fossi and Golan Letters – 3 September 2009
Michael Golan Letter – 28 August 2009
Andrea Fossi E-mail – 1 September 2009
WAC Jury Policy Letter 09-2
WAC Jury Policy Letter 09-5

11 October 2009

**TO: Mr. Andrea Fossi
Mr. Michael Golan**



Dear Mr. Fossi and Mr. Golan:

I received your messages of September 1st and August 28th respectively and apologize for not replying sooner.

I wished to consult with my colleagues on the International Jury, the WAC organizers, and the Chief Judge. Their reports on the WAC can be found at the following link:
www.fai.org/aerobatics/meetings/2009.

CIVA will meet in Oshkosh, Wisconsin, USA on 17 and 18 October and will consider the reports of the Jury, Contest Director, and Chief Judge. The issue of pilot selection for Programme 4 is covered in their reports as well as “urgent proposals” that have been submitted to CIVA.

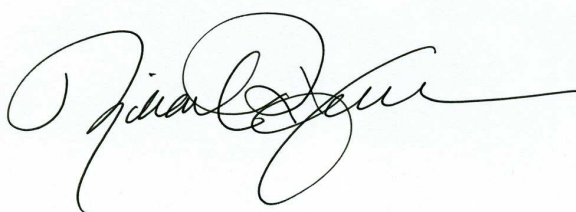
You are welcome to make your views known further by writing the CIVA Delegates at civa-delegates@fai.org.

To make sure Delegates are fully informed, I am sending your letters to all who will be attending the meeting in Oshkosh as well as other messages from the US and British Teams and WAC Jury Policy Letter 09-4.

Please be advised that you have the right to appeal the International Jury’s decision to the FAI. Please refer to Chapter 9 of the FAI Sporting Code, General Section. It can be found on the FAI website (www.fai.org).

After our discussions in Oshkosh, the Summary of Conclusions and Minutes will be available as soon as possible so you can review the discussion and decisions taken by CIVA at that time.

Sincerely,



**Michael R. HEUER
President of CIVA**



**CIVA 2009
Oshkosh, USA**

From: SteveGreenSRG@aol.com

Sent: Thursday, September 03, 2009 6:23 AM

To: ACCassidy@aol.com; mikeheuer@comcast.net; osmo.jalovaara@qdc.fi;
bob.chomono@wanadoo.fr; graham.hill2@homecall.co.uk

Subject: Re: FW: Letter from Andrea Fossi regarding program 4 WAC 2009

Hello Mike,

.....

1. Any implication that decisions made regarding eligibility of pilots for the 4 minute free were made for political reasons (i.e. to favour particular pilots) are based on speculation by those making the accusation and are both ill-informed and untrue. The decisions made were based on the need to set a cautious selection policy in view of the circumstances we found ourselves at WAC. Personally I'm not willing to play politics with the contest - I just want to see the best pilot win, regardless of nationality. So I refute the accusation. I know that is not why the decision was taken, based on the discussions held between the Jury and the Organisers (to which neither of the complainants were party).

2. If pilots cannot score 60% in sequences they have practiced then I think we have a right to question if they should continue in the contest, especially into the 4 Minute Free which requires excellent spatial and situational awareness to remain safe. As a sport, as administrators and as organisers we have a duty of care that extends beyond the CIVA rules that requires us to act in a way that ensures the safety of participants and non-participants. I believe that we exercised that duty in making the decision regarding the 4 minute selection policy.

3. Mark Jefferies' letter was not sent by the British Team, but by Mark. Mark was not selected by the British Team to compete in the 4 minute free. The accusation that the WAC Organisers conspired with Mark in any way is refuted.

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Steve Green

(CIVA President's Note: Steve Green's email has been edited and only what he wished to communicate publicly is included above.)



**CIVA 2009
Oshkosh, USA**

From: Andrea [anda@calzaturificiofossi.com]

Sent: Tuesday, September 01, 2009 8:19 AM

To: 'Michael R. Heuer'; 'Mike Heuer'

Subject: R: WAC Programme 4

I've returned to Italy and had a chance today to read the protest letter that my friend Michael Golan wrote on behalf of team Israel protesting your jury decision 09-08 concerning the 4 minutes freestyle program, and the decision not to allow pilot with less than 60% average to fly it.

I'd like to express team Italy exact feeling regarding that matter, namely that your decision was based on a non existing rule (the 60% can and should only apply to the Q "qualify" program).

I feel many pilots must at this point feel anger and disbelief at your decision. It adds up and combine with the hard feeling created by been judged as unsafe pilots by the USA Team Manager as expressed in their protest that you have declined to agree with (previous Jury decision 09-04) after the mortal accident of an American pilot.

To this, one must add the very hard feeling as being considered an unsafe pilot from the English Team, based on their letter also attached to Jury decision 09-04 and the letter written By Mark Jefferies. These are essentially the same people. The British Organization of WAC that have decided to make the Contest in Silverstone. One can only imagine what could have happened if the American's Pilot crashed on the Porsche Center.

Safety, it seems obvious, is an elusive issue when it comes to Aerobatics, which is why one should never call another "unsafe" Just to gain politically, nor should the rules be changed based on perceived safety just to appease some competitors, which is exactly what Mr. Golan suggesting has happened, and I agree whit him, in this letter.

The 4 minutes freestyle competition must remain the "Jewel Crown" for the best placed pilots in precision programs, or be opened to all pilots independently of their scoring. Adding perceived "safety" to this is a big mistake.

Watching the same pilots perform freestyle I can easy tell that not necessary a good or safe pilot in the precision programs can be a good or safe pilot in freestyle .

Respectfully

Andrea Fossi



Michael Golan
Team Israel

Aug 28, 2009 22:30

To: Mike Heuer
International Jury President

RE: WAC 2009 Jury policy 09-08

Dear Sir,

I hereby protest, in the strongest possible terms, your decision 09-08 which in effect excluded me (my team) from flying the 4-minute program (program 4), being known to me only at 21:00 tonight in an unexpected briefing from the organizers while I was still eating dinner, less than 24 hours before the event, in complete contradiction to your own letter "procedure for the selection of pilots – wac 2009 program 4" dated August 6, and jury policy letter 09-04.

This is not a "protest" in the sense mentioned in Part 6 regulations, since it is rather meaningless to protest to the jury its own decision. However, I do intend to protest the matter to the FAI relevant body. I'm writing to inform you that you have, in my opinion, overstepped your mandate and have in effect deemed me unsafe in order to appease some of the bigger teams, something I find hard to accept.

Your 09-08 decision claims to "have decided to invoke the 60% rule with regards to using results from program Q and program 1 in order to determine who can fly for safety reasons".

I refer you to regulation Part 6, 1.3.1.1 b) which clearly stated "The Q flight will be a qualification flight...Any pilot scoring less than 60% will not continue ... unless the pilot is, in the judgment of the international Jury and Board of Judges, capable of safely flying the remaining programs."

Clearly, the Q flight is a "qualify" flight that can be used to measure safety, but the combined average score of program Q and 1 **together** are **not** such a safety measure. You therefore can not and should not have attempted to invoke this rule. Once I was allowed to fly program 1, it is plain that the rule was not invoked because nobody felt I was "unsafe" to fly program 1, and the rule cannot be applied in a retroactive manner. Furthermore, I was already assigned to fly the next program (2) as pilot # 34, so again, it is clear that even if you somehow interpreted the rule to combine program Q and program 1, I was still deemed "safe" to fly the "remaining programs".

Safety is not and should not be made into a mockery. Either I was safe to fly program 1 and 2, and would be safe to fly program 4, or I was unsafe and shouldn't have been allowed to fly 1 2 nor 4. There is no middle ground. Life is at stake.

By the stroke of your pen, or in fact your keyboard, you've created a new rule that does not exist, past the completion of program 1, to retroactively call some pilots "unsafe" and



disallow them to fly program 4. From the American and British team letters attached to letter 09-04, it is clear why such a decision appease some of the teams. This added up to the letter written to you today by Mark Jeffries which also outrageously called some competing pilots safety into question while claiming himself to be pretty much the best pilot in the world.

You have in fact, Sir, called my safety into question, just so that some other pilots could fly program 4 to appease the organizers, the British team, and the sponsors and media. I've flown in WAC 2007, EAC 2008, and Advanced World/European contests in 2006, 2005, 2004, and was never called unsafe! This is nothing less than outrageous. I fly airshows in my own country down to 50 feet, with crowd as large as 50,000, and have a clean safety record. How dare you?!

Be as it may, if I was politely asked to give up my program 4 spot in favor of other pilots, I'd agreed. But to invoke a non-existing "safety" rule and call me unsafe just to have it your way politically, is something that I will not let fly.

This further goes against your own explanation, in Jury letter 09-04, that you've decided not to invoke 1.4.1.6 (change of rules) regarding program 4 selection, despite the US and GB teams calling the small countries competitors "unsafe". This letter clearly indicates that according to General Section 3.1.6 every country has the right to assign pilots program 4. Israel, when submitting my application, has clearly indicated my desire to fly program 4. What we have here, in fact, is a decision that pilots that have entered program 4 "only" are automatically considered "safe" while pilots who have entered both programs (program 4 and the classical championship) can be considered unsafe by you based on their results in the classical championship – something that obviously, again, go against General Section 3.1.6. Furthermore, your letter 09-04 suggests that any deviation of this rule would require 1.4.1.6, something that you've failed to invoke today.

Finally, your letter from August 6, "Procedures for the selection of pilots Wac 2009 program 4" have clearly laid out the foundation of the selection procedure before the contest was started. If in fact you'd have implied the 60% safety rule be used, or in fact any safety issue, my team would have had the option to decide to only enter program 4 (since then, clearly, one cannot be disqualified on a safety issue), but this was not stated in your letter but rather the opposite – that all countries will have a fair chance entering program 4.

Since my entry fee included participation in all the event's programs, and since you've excluded me from program 4 on unfair and unreasonable grounds, in contrary to the rules, as you've very eloquently explained yourself in 09-04, I've decided to leave immediately tomorrow morning in protest of your decision and request that my entry fee be refunded.

Respectfully,

Michael Golan
Team Israel

To the International Jury

WAC 2009 Silverstone

Ref 4 mins pilot selection.

Dear Sir's

It is widely known that I am an extremely experienced freestyle and airshow pilot within the UK and Europe and have regularly placed first or second in national and international competition.

WAC 2009 is a show case for our sport and will be publicised around the world. It is vitally important that first and above all else safety is paramount.

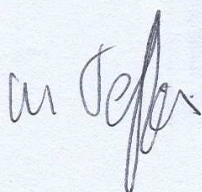
For the future of sport aerobatics in the UK it would normally be expected by the general public that a UK national pilot be represent his country in this prestigious event.

I also find it extremely perverse that pilots who have shown no spatial awareness at all and who are placed in the bottom 40-50% of the contest results can nominate themselves (being single nation "teams") and the rules do not permit there exclusion, likewise these single pilot nations can enter the contest whom no one has ever seen fly internationally.

I respectfully request that I am permitted to represent my country as a UK national, if that is not possible I would like to fly as "HC" as Melissa Pemberton has in this contest although this would not be my preferred way forward.

Yours faithfully

Mark Jefferies.

A handwritten signature in dark ink, appearing to read 'm Jefferies'.



WAC 2009 Jury Policy 09-2

Procedures for the Selection of Pilots WAC 2009 – Programme 4

Mike Heuer
President, International Jury
mike@mheuer.com

FAI Sporting Code, Section 6, Part 1, Section 1.3.1.1.(d):

“The decision on the number of competitors who will fly the Final Freestyle Programme will be made by the International Jury in consultation with the organisers, but will be not less than 10 pilots nor more than 20. Priority in selection will be given to those additional pilots entered by NACs for this programme only, then to the pilots of other NACs and then to further pilots from all NACs in their order of ranking in the programmes so far completed.”

Scenario #1 - 20 Pilots to Fly (preferred):

1. First priority will given to pilots who are entered for this programme only. As of this writing, there are three (Eric Vazeille, GBR; Ramon Alonso, ESP; and Jurgis Kairys, LIT).

Notes: Eric Vazeille holds an FAI Sporting License from Great Britain as he meets the residency requirements of the FAI Sporting Code.

2. The remaining 17 slots would normally be offered first to one pilot from each other country. This list of countries would not include Great Britain, Spain, or Lithuania. Team Managers are to then to confirm whether they wish to nominate a competing pilot and, if so, give the name to the organizers by the deadline established by the Contest Director.

Notes: 16 countries (not including Great Britain, Spain, Lithuania) have provisionally indicated they may enter a pilot for Programme 4. Lithuania is entering one pilot for Programme 4 only.

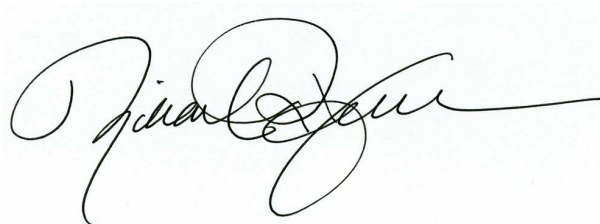
3. After this nomination, any remaining slots will be offered to all other pilots in their order of ranking (in the programmes so far completed). This third step would permit duplicating nationalities.

Notes: Rule 1.3.1.1.(e) states that if weather forecasts indicate that Programme 3 cannot be completed, Programme 4 will take priority. The worst case scenario would be a projected failure to complete even with a 50% cut of the competitors by the International Jury. At WAC 2009, Programme 4 is scheduled for Saturday, 29 August, at 11.30 to 12.30 and 13.20 to 15.00. This 2:40 time period is enough to

complete 20 pilots in Programme 4 with one warm-up pilot. The practical application of 1.3.1.1.(e) means, in this case, that the scheduled time for Programme 4 on the WAC schedule will not be used for classic flight programmes. It will remain inviolate.

Scenario #2 – 10 Pilots to Fly (limited time due to weather):

1. First priority will be given to pilots who are entered for this programme only (see Scenario #1, point 1 above).
2. The remaining 7 slots will be offered to pilots in their order of ranking (in programmes so far completed) and will be limited to one pilot per country. This step will not include Great Britain, Spain, or Lithuania.

A handwritten signature in black ink, appearing to read 'J. J. J. J.', written in a cursive style.

Version 1.4
12 August 2009
MRH



WAC 2009 Jury Policy 09-5

Waiving the Rules Programme 4

Mike Heuer
President, International Jury
mike@mheuer.com

FAI Sporting Code, Section 6, Part 1

1.4.1.6 The International Jury may temporarily vary any rules approved by the International Aerobatics Commission (CIVA) during a contest under the following circumstances:

- a) There is an absolute majority within the International Jury, when conducting a vote to introduce a temporary variation to the regulations, and*
- b) There is a two-thirds majority amongst the participating teams' Chief Delegates, when conducting a vote to introduce a temporary variation to the regulations.*

The International Jury received messages from the US and British Teams in the last few days regarding the rules for selection of pilots for Programme 4. Those messages are attached to this document as a matter of public record since they required a discussion by the International Jury and the WAC organizers.

The International Jury has voted not to invoke the provisions of 1.4.1.6 which allow a waiver of the rules. A waiver required a vote by the Jury and the Team Managers and the question did not survive the International Jury. We realize that the new rules have been controversial but I would hasten to add that these rules have been available on the CIVA website since last November.

This has not been a “last minute” decision. Policy Letters issued by the Jury have been discussed by both Jury members and the WAC organization. They are published for the purpose of clarifying problems before the competition begins and to make sure everyone is aware of the Jury’s interpretation of the rules. This has not been done in the past but it was our desire to improve communication to a standard well above previous competitions and the WAC organizers have done an exceptional job in this regard as well.

Background

Programme 4 (the Final Freestyle) has been a “stand-alone” event for many years. At one time in our history, Programme 4 was included in the final results for the World Aerobatic

Championships but is not today. Therefore, it must be understood that it is a “trophy event” all on its own.

While always conducted in conjunction with the WAC, its special status has required rule-making to deal with it since proposals were adopted last year at the CIVA plenary meeting in Salzburg to open Programme 4 to outside pilots who would not compete in the WAC in the “classical” or “technical” flight programmes.

Because it is a stand-alone event and outside pilots are now allowed, rules had to be written to require organizers to permit entries from every NAC participating in WAC in addition to the NACs who took the decision to enter pilots in this event only. To put it simply, all NACs who are members of FAI have this right (General Section 3.1.6).

The Programme 4-only pilots had to be given priority with the remaining slots (to bring us to a total of 10 to 20 in accordance with the rules) going to all participating NACs. If there were any remaining slots, these could be filled with entries from duplicating countries. This is the information the Policy Letter provided you prior to WAC.

Some Additional Information

Some research into past WACs and results from Programme 4 yields some interesting information. This information should be kept in mind when discussing waivers of rules and future proposals for changes as a result of our experiences here. Some have suggested use of rank order to determine who should be eligible to fly Programme 4.

In 2001 and 2005, Klaus Schrodtt (GER) was the winner of Programme 4. In 2005, he was 29th overall in the WAC results. In 2001, he was 19th overall.

In 2007, the winner was Zach Heffley (USA) and placed 14th overall. It should be noted that Zach was the third highest placing pilot within the American Team.

In 2003, Mikhail Mamistov (RUS) was the winner of Programme 4 and placed 7th overall. He was the 4th highest placing pilot within the Russian Team.

Further information:

2001 – 6 countries of 13 entered in WAC flew Programme 4.

2003 – 4 countries of 11 entered in WAC flew Programme 4.

2005 - All 8 countries participated in Programme 4.

2007 – 5 countries of 11 entered in WAC flew Programme 4.

Conclusions that could be drawn from this are:

A high placing in the WAC classical competition flights does not guarantee a good result in Programme 4. In 2005, a pilot who placed 29th went on to win the programme. Clearly, there are indeed “specialists” in this programme.

In the past four WACs, there has been a poor representation of all the countries participating in WAC in Programme 4 and sometimes less than 50%.

For the Future ...

CIVA can make any rule it wishes to govern this flight programme as with all other aspects of competition aerobatics as long as we do not violate the provisions of the General Section of FAI Sporting Code. General Section takes priority.

General Section 3.1.6 can be interpreted to mean that “participants from all NACs” must be allowed to enter Programme 4 since it is a separate trophy event.

That said, CIVA could discuss several options to include:

- Including Programme 4 results in the overall World Aerobatic Championships results. It would no longer be a separate trophy event. Those who propose using rank order to determine eligibility for Programme 4 may support this idea. The argument could also be made that since Programme 4 is a recognized aerobatic competition discipline, that in order to determine a World Champion, pilots should be tested in this style of flying as well as the technical programmes that precede it. However, arguments against using rank order are supported by the fact that previous World Champions in Programme 4 have not always placed high in the technical flights.
- Delete rules allowing outside pilots to enter Programme 4. This would open more slots but would have to be justified in view of the fact that Programme 4 is a separate trophy event and a “World Championship” in its own right.
- Another option would be to determine eligibility requirements for Programme 4, setting down “qualifications” to be able to participate in this programme. No such qualification requirements exist in the current rules and could be based on rankings from the classical flight programmes. Once again, though, this ignores the “Freestyle specialists” on Teams.

There are many good ideas out there and some of these have been discussed already within the CIVA Rules and Judging Sub-Committees. There are other aspects to consider here as well. I have not even touched on the gender issue.

Men’s and Women’s Medals are presented in Programme 4 and how do we make sure there are sufficient women to declare Men’s and Women’s Medal winners?

CIVA welcomes this discussion and I urge you to forward your comments to your national CIVA Delegate. This subject will be on the Agenda for the CIVA plenary meeting in Oshkosh on 17-18 October 2009.

A handwritten signature in black ink, appearing to read 'John B. ...', written over a light blue rectangular background.

Attachment



**CIVA 2009
Oshkosh, USA**

From: dc.aeros@tiscali.co.uk [mailto:dc.aeros@tiscali.co.uk]
Sent: Monday, August 17, 2009 7:06 PM
To: mike@mheuer.com
Cc: mikeheuer@comcast.net; stevegreensrg@aol.com
Subject: 4 mins programme

To; Mike Heuer
President International Jury.

From: David Cowden
Team Manager
Team GBR

Date: 14th August 2009

Re: Proposed Selection Process - The 4 Minute Freestyle (Programme 4)

Dear Mike

The British team wish to raise the following observations concerning the selection of pilots for the 4 Minute Freestyle Championships.

Firstly, the team members are a little puzzled at what appears to be a late refinement/ interpretation to the rules emerging so close to the actual championships. It is acknowledged that the principal change took place at the CIVA meeting last year. We think it should be appreciated that highly experienced pilots (i.e. pilots who have competed in this discipline in previous competitions, and to the satisfaction of the judging fraternity in terms of their competence) have invested substantial amounts of their time and financial resources over the last few months, specifically with this discipline in mind.

The team have no problem whatsoever with the inclusion of the 3 very experienced pilots (namely, Eric Vazeille, Ramon Alonso and Jurgis Kairys) as priority entries. It is the fact that the rules appear to say that the remaining 17 pilots will come (one each) from the remaining 16 countries in the competition, irrespective of where their pilots were placed in the final rankings in the previously completed programmes.

As the team now understands it; this effectively means that pilots who have very little experience in freestyle flying on the international stage or in isolation in their own country (a factor that imposes its own additional stresses) could if they wish (and irrespective of where they were placed in the previous rankings) elect to take up one of the seventeen slots available.

This is seen as rather contrary to an ethos of safety consciousness. The British team are aware that there are judges, on duty at WAC 2009, who will, in the past, have already



witnessed flights by inexperienced pilots that have been quite worrying from a competency/safety perspective.

It is for these very substantial reasons that the British team would like to urge the International Jury to re-examine the rules in terms of the selection process for the 4 minute free-style event even at this late stage.

Accordingly, we make the following 2 proposals for your consideration.

1. The total complement of pilots participating in this event should be the three priority pilots and 20 or so other pilots selected on the basis of their particular ranking in the programmes so far completed. or
2. Alternatively, to eliminate the possibility of the competition being confined to say 6 French, 6 Russian, 6 Americans and 2 other nations pilots competing we would propose; - 3 priority pilots, 20 ranked pilots with the "medal team" (3) from each nation (in the top 20) thus opening the field to further nations who have shown safety, skill and handling ability.

We are confident that either of these proposals would be supported by the other Nations. Selecting the pilots based on the old rules guarantees a high standard of showmanship, so important to those sponsors already involved in WAC 2009 as well as for potential sponsors at future events. The chances of attracting much needed sponsorship in this particular sport is greatly enhanced if we provide superior quality 'display' flying worthy of TV and other media coverage.

We applaud the intention of CIVA wishing to include lesser pilots/nations/countries etc, this is nevertheless the World Championships and at this stage it should purely be focused on excellence. Any other sport does not let the lesser teams compete against the greater ones in the World Championships. For the 2011 WAC if they wish to include an all nations 4 minute free-style it should be held as a separate event on a separate day.

As a footnote, if Scenario #2 came about, it could be argued that the winner of the Aresti Championship might not actually be successful in being selected for the 4 minute free-style.

Probably not the intended outcome from the rule variation!

In light of the above we strongly request that this matter be given a priority jury discussion with a decision notifying team managers prior to the first briefing.

Team GBR Manager

David Cowden



**CIVA 2009
Oshkosh, USA**

From: Norm DeWitt [mailto:norm.dewitt@gmail.com]
Sent: Sunday, August 16, 2009 1:32 PM
To: CDirectorWAC09@aol.com
Subject: Complaint on the 4-Minute Freestyle selection Process

Dear Steve,

The US Team wishes to register a complaint under FAI General Section 5.1.2.

The US Aerobatic Team has voiced serious safety concerns to me with respect to the most recent CIVA rule change on pilot selection for the 4-Minute Free program at the 2009 WAC. I would like to request that the Contest Jury convene to review this rule change, and if found to raise a potential safety issue, be set aside for this WAC.

The US Team would suggest that the three pilots flying only the 4 Minute be selected, followed by the top 20 pilots in rank order of finish. This process would assure that the most qualified, experienced, and highest placing pilots be allowed to compete in this event.

The new rule change potentially allows a pilot from any country, regardless of experience, to compete in this program subjecting himself/herself to the pressures of the event that will be internationally televised. This has the potential for disaster. It should also be pointed out that the current rule might exclude the medal winners of the classic programs.

The US Team respectfully awaits your review.

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Norm DeWitt
US Team Manager
President, Unlimited Aerobatics USA Inc.