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27th September 2022

Appeal to CASI filed by the Italian Aero Club (AeCI) concerning the decision against Mr. Thomas Gostner issued by the International Jury of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, on 11th July 2022

Introduction

The Italian Aero Club (AeCI) hereby notifies to the President of the FAI Air Sport General Commission (CASI) and to the FAI Secretary General, according to art. 6.4.5 of the FAI Sporting Code General Section, the **appeal** against the **International Jury decision dated 11th July 2022 (Annex M)** in response to a complaint (Annex H) and a protest (Annex K) made by the **pilot of the Italian Team Thomas Gostner (GT)** at the 4th FAI World Gliding Championship (WGC) 13,5m class 2022 in Pociunai, Lithuania against the decision to apply the following penalty:

Mr. Thomas Gostner - Cheating, First Offence, Disqualified from Competition (not returning direct home to Pociunai Airfield after Technical GNSS Outlanding by using his FES engine)

Abbreviations and persons involved:

Championship Director (CD)	Vladas Motuza, Lithuania	
Chief Scorer	Tomas Butkevičius, Lithuania	
Chief Steward (CS)	Robert Danewit, Sweden	
Steward	Milan Kmetovics, Hungary (was not present)	
International Jury (IJ)		
Jury President:	Bruno Ramseyer, Ireland	
Remote Jury members:	Frouwke Kuijpers, Netherlands	
	Peter Ryder, Germany	
Team Captain (TC)	Stefano Ghiorzo	
Team Italy Competitors	Stefano Ghiorzo	Thomas Gostner
Competition abbreviation	VS	GT
Aircraft type	VersVS, pure sailplane	VersVS, motor glider with FES (electric motor)
Special Airworthiness certificate	Experimental	Experimental
Manufacturer & Test pilot	Stefano Ghiorzo	Thomas Gostner
Penalty given	Day disqualification	Disqualification
Motivation	Attempt to obtain external help.	Cheating.
Complaint presented by	Stefano Ghiorzo	Thomas Gostner
at	06 July 2022, 16:32 LT	06 July 2022, 16:32 LT
Answer to Complaint	07 July 2022, 12:14 LT	
Protest presented at	07 July 2022, 21:44 LT	07 July 2022, 21:44 LT

Sporting rules documents applicable for the WGC

[FAI Sporting Code General Section 2022 Edition effective 1st January 2022 \(approved by the CASI on 6th November 2021\).](#)

[FAI Sporting Code Section 3 – Gliding 2021a Edition valid from 6 April 2022](#)

[FAI Sporting Code Annex A to Section 3 – Gliding \(Rules for World and Continental Gliding Championships\) Edition 2021 valid from 23 November 2021](#)

[Local Procedures 4th FAI WGC 13.5 M Class 2022 V3.0.](#)

Other governing documents

[FAI Code of Ethics Version 1.0 October 2003 \(approved by the 96th FAI General Conference hold 10th and 11th October 2003\).](#)

[Jury Guidelines Edition 2020 effective 1st January 2020.](#)

[FAI International Appeals Tribunal Manual \(issued by the CASI\) 2014 Edition effective 16th October 2014.](#)

Facts of the Case and allegation of the Appellant

The 3rd task of the WGC2022 13,5m class was held on 05 July 2022 in Pociunai, Lithuania. After the first two tasks of the competition, the overall result sees Thomas Gostner (GT) on the second place and Stefano Ghorzo (VS) on the 6th place as shown in the following overall result retrieved on [soaring spot](#):



#	OP	CN	Contestant	Team	Glider	Total
1	^4	A7	Nick Hanenburg	Netherlands	Mini LAK	1,080
2		GT	Thomas Gostner	Italy	Versus	1,016
3	^1	UB	Luka Znidarsic	Slovenia	Mini LAK FES	1,011
4	v1	AI	Linus Miezlaiskis	Lithuania	Mini LAK FES	923
5	^1	LR2	Darius Gudziunas	Lithuania	Mini LAK	881
6	v5	VS	Stefano Ghorzo	Italy	Versvs / Diana 2	712
7	^3	MC	Robin Smit	Netherlands	Mini LAK FES	702
8	v1	MA	Christoph Matkowski	Poland	Mini LAK FES	578
9	^2	LR1	Oleg Mykhaylenko	Ukraine	LAK-17B	575
10	v1	VG	Voldemars Gavars	Latvia	Mini LAK FES	442
11	v3	58	Elek Czigler	Hungary	Mini LAK FES	382

Figure 1: Standings after task 2 4th of July 2022

After an early start GT and VS (Captain of Team Italy) got distance and height advantage on the following competitors and were team flying as clearly shown in the next figure which displays the barograms of the files [275_GT.igc](#) and [275_VS.igc](#)

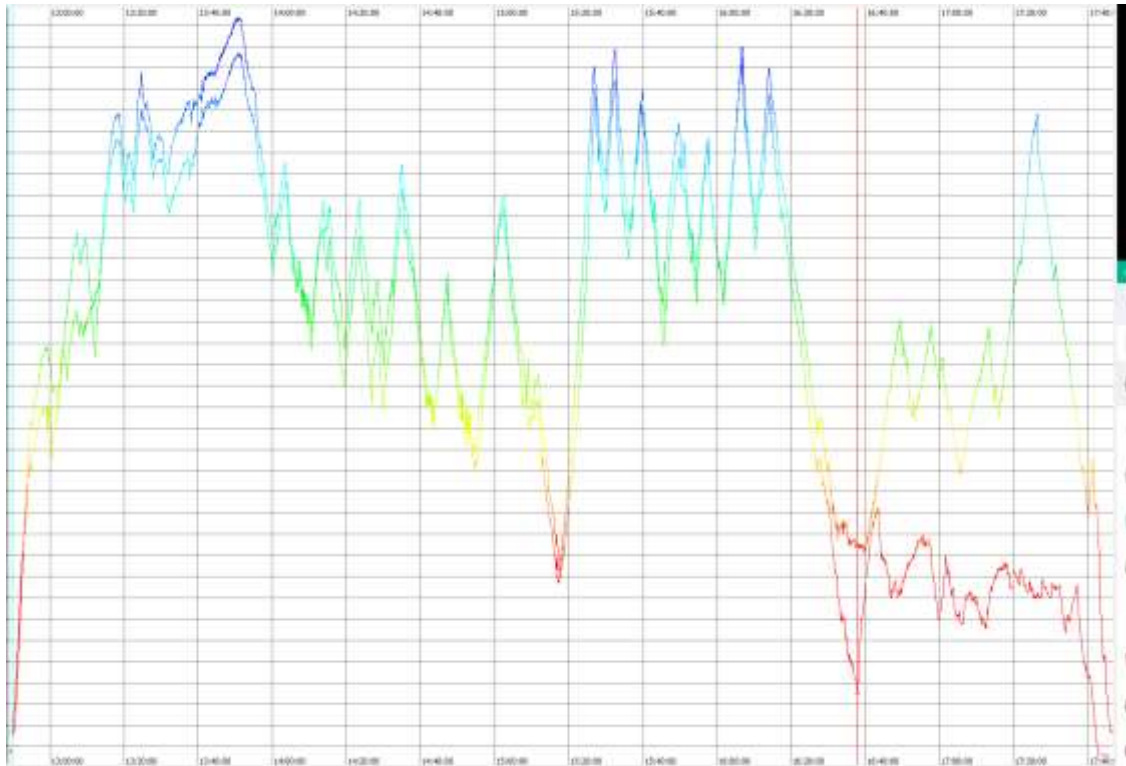


Figure 2: Barogram of GT and VS on task 3

That advantage gave them the opportunity to reach the first fractos south of the second last turning point (208Paseimeniai in Annex A) at approx. 16:33 LT. The GPS altitudes of both GT and VS through the entire task can be seen opening the mentioned IGC-files with the “SeeYou” software from Naviter and is displayed in figure 2:

With some difficulties VS could gain altitude and climbed to 1050m msl at approx. 16:50LT, while GT got lower and lower, flying to the south to find a thermal.

Not being able to gain altitude, GT was forced to start the FES engine to avoid an outlanding. He did so at a very low altitude (29m AGL) at approx. 16:38 LT. His decision was justified, because in the days before task 3, real outlandings had led to serious damages to many other gliders. In fact, during the EGC/WGC the competition ground in Lithuania, mostly consisting in forest and cultivated but not yet harvested meadows, emerged to be a safety risk for pilots who needed to perform an outlanding. As an example, another Italian pilot, Luca Urbani, who had been competing in the Club class at the 21st FAI EGC in Pociunai, crashed his LS3 glider performing an outlanding on the 5th of July and could not finish the competition.

GT's use of Means of Propulsion is considered to be an outlanding, as provided for by FAI Sporting Code Section 3 Annex A 2021 7.7.1 which states as follows:

Real Outlandings *The position and time of a real outlanding shall be determined from the Flight Log as the fix showing the glider coming to rest, the use of the MoP (Means of Propulsion), or the end of recording due to equipment failure, whichever occurs first. 7.7.1.c: The starting of a motorglider's MoP, except as allowed by 5.4d, or a complete failure of the GNSS flight record (see 5.4e) is regarded as a real outlanding.*

It also needs to be underlined that at the practice days before the competition, GT tested the functionality of the mounted FES engine to verify the functionality of the new mounted FES controller on his glider.

During the test, GT got two yellow warning messages on the FES FCU Instrument because of the overheating of the FES controller. As stated in the FES FCU Instrument manual of December 2020, page 21 (Annex B):

FES FCU Instrument, Version 1.93

December 2020

8. Warnings

8.1 Levels of warnings

There are two levels of warnings:

YELLOW Warning: is the 1st level of warnings. It cautions and directs the pilot's attention to the parameter, that needs special consideration. It is the pilot's job to manage and solve the problem. YELLOW warning message does not indicate an immediate danger.

RED Warning: is the 2nd level of warning. A RED warning means the indicated problem needs to be taken care of **IMMEDIATELY**.

Warnings are presented by:

1. LED lights

Figure 3: Levels of warning messages from FES FCU Instrument manual

The required actions for a pilot if the FES controller temperature warning appears are stated in the FES FCU Instrument manual of December 2020, page 26: (Annex B)

8.3.2 Temperature warnings

Temperature warnings fall into three categories:

- Battery pack temperatures,
- Motor temperature,
- Controller temperature.

List of all temperature warnings:

Condition	Level	Message, required action *
Battery pack warning messages, based on temperature measurements of each pack		
Battery pack temperature is below 5°C	Yellow	Battery Low < 5°C, Do not self-launch! **
Temperature difference between each Battery pack is above 3°C	Yellow	Battery temp. diff. > 3°C, Reduce power!
Temperature difference between each Battery pack is above 6°C	Red	Battery temp. diff. > 6°C, Stop FES motor!
Battery pack temperature is high, above 45°C	Yellow	Battery High > 45°C, Reduce power!
Battery pack temperature is extremely high, above 55°C	Red	Batt. Ext. High > 55°C, Stop FES motor!
Battery pack temperature is critical, above 75°C	Red	Batt. Critical > 75°C, Land immediately!
Motor temperature warning messages		
Motor temperature is high, above 70°C	Yellow	Motor High > 70°C, Reduce power!
Motor temperature is extremely high, above 90°C	Red	Motor Ext. High > 90°C, Stop FES motor!
Controller temperature warning messages		
Controller temperature is high, above 70°C	Yellow	Controller High > 70°C, Reduce power!
Controller temperature is extremely high, above 90°C	Red	Contr. Ext. High > 90°C, Stop FES motor!

* If the motor is not running, the required actions "Reduce power" or "Stop FES motor" are not displayed with the warning message.

* If power is set below 8kW, recommended action "Reduce power!" is not displayed with the warning message.

** Appears if "Self-launch" mode is set in the settings.

According to the above instructions, the YELLOW warning message states that the FES controller is overheating with a temperature above 70°C and that the pilot has to reduce power below 8 KW. On a temperature above 90°C, the warning message would have become RED and the FES engine would have stopped after a 30 seconds countdown, as stated on page 24 of the FES FCU Instrument manual of December 2020 (Annex B).

During the tests made in the practice days, GT also got a RED Voltage warning because the voltage of the battery packs was low (under 3 bottles of 10 available bottles, as shown in the next figure):

7.3 Screen with the "Power switch" turned ON

When the Power switch is turned ON the temperature of the controller becomes visible, and green "CONTROLLER READY" message appears on the bottom line of the display. After a few seconds, Voltage and Current measurement values also appear.



Figure 5: FES FCU Instrument

Therefore, and for obvious safety reasons, GT, who in the moment of deciding to start the FES engine in task 3 at approx. 16:38LT was not only at 29m AGL but was also at the limit of the battery autonomy to return to Pociunai airport (67km), decided to dose the use of the FES engine to ensure the safe return to the competition site without delay according to the sporting code rules (complying with Annex A, Section 3, 5.3.2¹). As stated in the FES Flight Manual 2020, v.1.18, page 21, **4.5.8 Cruise an climb with a running motor FES can be used for a long continuous cruise at low power settings or for climbing at higher power settings** (Annex C).

¹ 5.3.2 **Other Types of Aid** Leading, guiding, or help in finding lift by any noncompeting aircraft is prohibited. Competing sailplanes abandoning their task or still airborne after cancellation of their task must land or return to the competition site and land without delay and may not lead, guide or help in any way competitors in other classes still flying their assigned task.

As shown in the next figure, GT started the FES engine in total for 5 times:

- 1) from approx. 16:38LT to 16:40LT, GT climbed 270m of altitude in 2 minutes, (average vario +2,25 m/s) with full power; (Annex D, table 125)
- 2) from approx. 17.00LT to 17.02LT, GT climbed 150m of altitude (average vario +1,25 m/s) with full power; (Annex D table 126)
- 3) from approx. 17.04LT to 17:07LT, GT climbed 30m of altitude (average vario +0,166 m/s) with reduced power; (Annex D table 126)
- 4) from approx. 17.10LT to 17:13LT, GT climbed 30m of altitude (average vario +0,166 m/s) with reduced power; (Annex D table 127)
- 5) from approx. 17.18LT to 17:33LT, GT lost 50m of altitude (average vario - 0,055 m/s) with reduced power of 4KW; GT also encountered a windmilling problem of the FES propeller when stopping the FES engine at approx. 300m AGL (Annex D table 128 and 129)

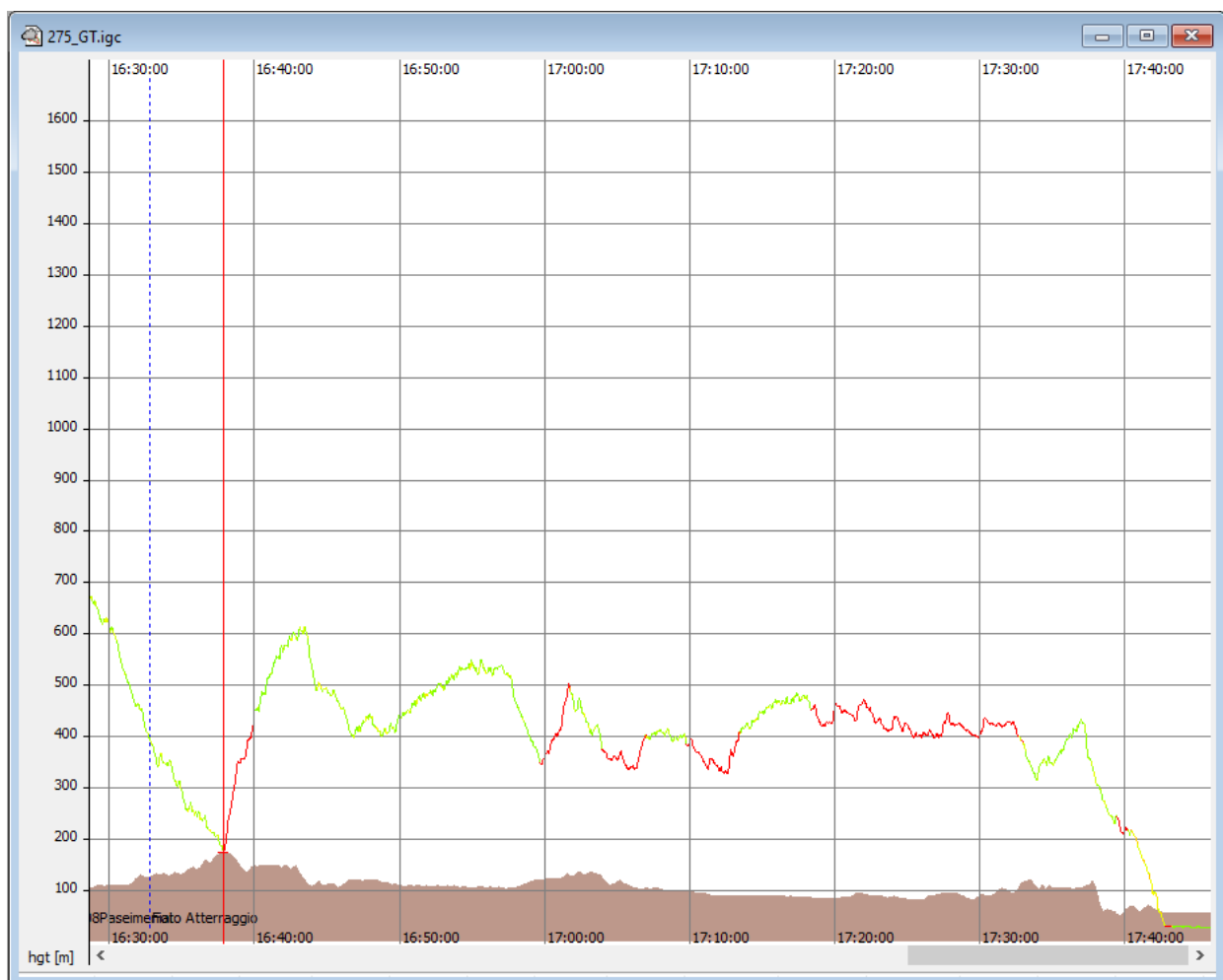


Figure 6: Barometer of GT with MoP noise level indicating that the engine was started 5 times

During the first climbs with the FES engine set with full power, GT noted in the FES FCU Instrument a continuous increase of the FES controller temperature, which can be seen on the FES Engine motor data (tables 125, 126, 127, 128 and 129 of Annex D, and here the column “Tcontroller” which is showing the gradually increasing FES controller temperature).

GT, in his quality of manufacturer, test-pilot and pilot of the experimental aircraft, was conscious that he had more than 50km to return to Pociunai airport. In order not to overheat the FES controller and for obvious safety reasons, GT therefore chose to save most of the energy given by the battery driven FES, knowing that the last 12km to Pociunai airfield are forest where he mostly needed the usage of the FES engine, keeping also in mind that in the first days of the competition in Pociunai many gliders had outlanded in not harvested fields, with considerable damage to the gliders.

GT therefore decided to dose the use of the FES Engine with the minimal battery consumption with the purpose to keep the FES controller temperature under 70°C. That's the only reason why GT decided, for safety reasons and to avoid dangerous situations in the last 12km of flight to Pociunai airport over the forest, to climb 7 times without the FES Engine, in which unfortunately he couldn't gain significant altitude, as shown in Annex E.

As a result, GT could keep the FES controller temperature under 70°C, until approx. 17:30LT at approx. 20km from Pociunai airport, where the FES FCU instrument displayed a YELLOW emergency warning of controller overheating due to the low altitude, the high external temperature, and the continuous use for several minutes of the FES engine under reduced power, with a maximum FES Controller temperature of 74,5°C (Annex D, table 128, last page, second last column). It also has to be mentioned, that the FES controller is situated 5 cm behind the pilot's head, as shown in the next figure:



Figure 7: Position of FES Controller behind the head of GT

At approx. 17:43LT, GT could reach, **without any delay**, Pociunai airport just **1 hour and 6 minutes** after starting the FES Engine for the first time, using the FES Engine for 27 minutes and flying the glider without the use of the FES engine for the remaining 39 minutes, thus fully complying with the provision of FAI Sporting Code Annex A, Section 3, 5.3.2.

While GT started his engine and thus dropped out of the race, VS was able to constantly gain altitude following a convergence line of small cumulus and to fly his way to the last turning point ("017Balbieriskis" = 52,91 km from

turning point “208Paseimeniai” and 15,22 km from “063Finish Line”) without any further communication to his team partner GT, as it is foreseen by sportsmen behaviors.

In this regard it is necessary to further explain that VS, in order to complete task 3, had to fly to turning point “017Balbieriskis” and then turn with approximately the same heading to the “063Finish Line”, in the east of Pociunai airport. The weather conditions in the higher altitude that VS could reach allowed him to complete task 3, as the only competitor, because of the exploitation of a weak convergence to the south of the entire last part of the flight, with a major off-route, over an average terrain of 200m QNH.

After the turning point “017Balbieriskis” VS made overall 8 climbs, gaining an overall altitude of 1.693m, as shown in Annex F.

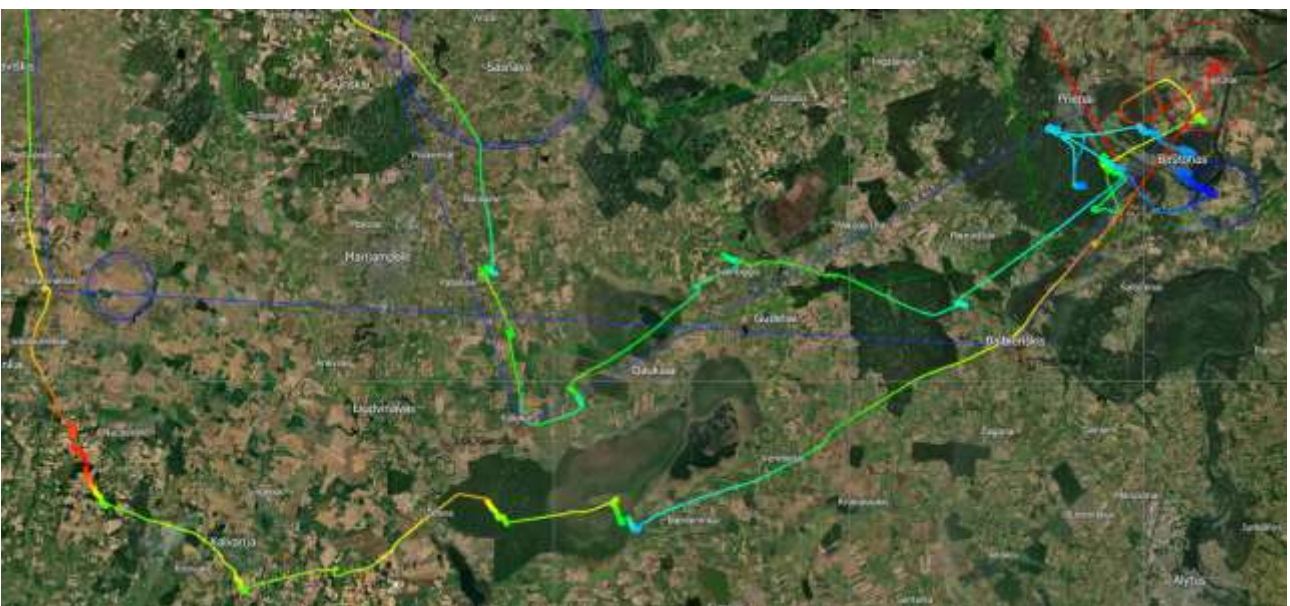


Figure 8: Trace of VS for the last part of the track from “017Balbieriskis” to Pociunai airport

It is obvious that the 2-dimensional tracks of GT and VS are similar since they originate from the same surroundings and cover the last part of the task towards the finish line centered on the Pociunai airport.

Analyzing the barograms of VS (in BLUE) and GT (in RED) in figure 9, it's obvious that after turning point "208Paseimeniai" there was in fact, after 16:47LT, a significant difference in altitude between VS and GT of more than 400-1100m. This confirms that

- VS and GT flew in different air masses;
- VS gradually increased its altitude along the route, always remaining above 700m QNH and reaching the top of climb at 1.550m QNH. With this altitude he was able to cross the finish line and land on the departure airport;

- GT after having reached just over 600m QNH (with engine use) at approx. 16:43LT remained between 350m and 500m QNH. With an average terrain altitude of 200m QNH, this means remaining 150-300m AGL.



Figure 9: Barogram of GT and VS on task 3 after passing turning point "208Paseimeniai"

To sum up the above-mentioned evidence and after having a closer look into the IGC flight files of both pilots, **VS and GT neither exploited same thermals nor flew the same track, always at a considerable altitude difference and distance**, as shown in the comparison table Annex G. Besides that, VS was always much better climbing and much higher than GT, flying into another flight band.

Therefore, it is evident that from the moment GT started the FES engine there was no intention, possibility or willing of GT to lead, help or guide other competitors and in particular VS, which is a competitor in the same class. GT also wouldn't have an advantage or benefit from this action.

In any case, GT did not lead, guide or help in any way other competitors in other classes still flying their assigned task from the moment he started the FES engine.

On 05 July 2022 VS is the winner of the 3rd round of the World Gliding Championship - 13.5m class being the only pilot who could complete the task.

Appeal regarding protest of GT at the 4th WGC2022 13,5 class in Lithuania by the Aeroclub of Italy AeCI

On the following day, 06 July 2022, results are updated and the Italian pilots, GT and VS, are awarded 0 (zero) points and severe penalties:

- GT, Cheating. First offence. Disqualification
- VS, Attempt to obtain external help. First offence, Day disqualification

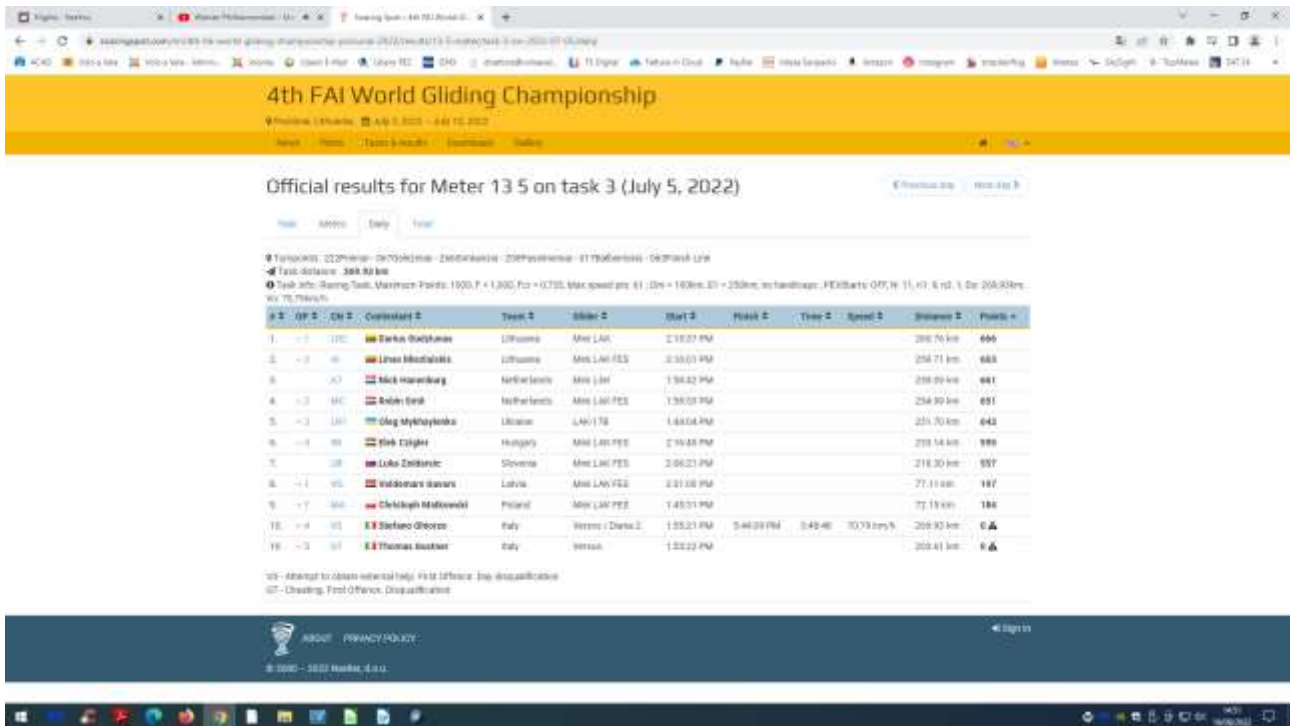


Figure 10: Results of task 3 (July 5th) with penalties shown at the bottom

At the Pilots Briefing on 06 July 2022 at 10.00 AM LT the penalties were verbally communicated to the persons concerned by the Championship Director (CD) Vladas Motuza, but without giving them a statement of reasons.

On 06 July 2022, at 16:32LT, GT presented a complaint as stated by the FAI sporting code point 6.2.6, asking to get “*detailed motivation and evidence*” for the severe penalties received and handed it out to the CD. (Annex H)

In the late afternoon of the same day the CD proposes to GT a “*compromise with all parties*” if GT agreed to a penalty of 100 points for transforming the penalty from “*cheating*” to a different penalty provided that the two nations that had previously submitted a 'Complaint' against Team Italy (i.e. Netherland and Lithuania) accepted this compromise.

At approx. 23:30 LT GT received a phone call from the CD announcing that – after consultation with the other two teams (Netherland and Lithuania) – these two teams had decided to apply a minimum penalty of 250 points for “*unsporting behaviour*”.

VS (as Team Captain of Team Italy) immediately rejected the offer, while the CD gave GT time to decide about the offered compromise until 08:00 LT of the following morning.

On 07 July 2022, 12.14 LT, just before the start of the 4th task, the CD Vldas Motuza handed out to the Captain of Team Italy VS a written answer for both the Complaints (Annex J), motivating the penalties as follows:

- 1) *Complaints from other two national teams*
- 2) *As a CD I must ensure that all competitors have equal conditions to achieve their results*
- 3) *Evidence – FR files*

Additional information: compromise achieved during conference phone call on late evening 06.07.2022 with all parties involved was rejected from Italy team side before Briefing 07.07.2022.

On 07 July 2022, 21.44 LT, after having outlanded in the 4th task, the TC VS presented two formal Protests, one for GT (Annex K) and one for VS, paying 100€ protest fee each in cash.

On 08 July 2022 GT asked the competitor and CEO of the FES engine manufacturing company [LZ Design d.o.o.](#) Luka Znidarsic to download the FES engine log files from the GT glider (Annex D). On the files downloaded by Luka Znidarsic the overheating of the FES controller was evident. Even flying with a reduced power of 4 KW, which was the minimum power to keep the altitude or a light descending of the glider, the FES controller achieved temperatures of over 70°C with a peak of 74,5°C. GT asked Luka Znidarsic to hand out and explain the log files to the Jury President before the meeting, but the Jury President was not interested in obtain these important documents and rejected the offer. What is more, the Jury President did not make them available or offer them to the remote Jury members.

On 08 July 2022 at approx. 15:50 LT, the Jury President notified Team Captain VS that at 18:00 LT he could present via ZOOM platform his case to the remote members of the International Jury:

- Ms Frouwke Kuijpers (Netherlands) and
- Mr Peter Ryder (Germany).

"In any case," said the Jury President, *"there will be no questions, explanations or cross-examination of any kind."* TC Italy (VS) accepted the participation in the meeting at which GT could attend without the right to

speak. The whole meeting lasted about 15 minutes. After that no comment followed.

On 09 July 2022, 10.30 LT at the Pilots Briefing the CD confirmed the penalties to the Italian Team members, updating the competitors on the final decision of the IJ, without stating any motivation. The Jury President reminded that the IJ has the obligation to verify the proper conduct of the championship by the organisers and that this has duly taken place. No explanation followed on the events that occurred, nor any evidence or justification was given for such severe penalties.

On the same day the Italian Team Captain (VS) decided to withdraw Italy's participation in the 2022 WGC - 13.5m class - and informed by WhatsApp message:

- the Team Captain group created by the CD (+370 69832320)
- the CD (+370 69832320), Vladas Motuza and
- the President of the International Jury, Bruno Ramseyer (+353 86 8297761)

with the following message:

TC - Italy:

Due to the terribly sad, unfair and unacceptable facts, the Italian Team withdraws his participation to the 2022 WGC in the 13.5m class, Pociunai - Lithuania, for safety and integrity reasons. The Italian NAC reserves his right to act against the WGC and FAI/IGC decision. In the end truth and fairness will prevail. Signed, Team Captain of Italy.

On the same day, after the confirmation of the penalty given to the Italian Team pilots, GT decided to derig his glider and to leave the competition site to return to Italy. During the derigging of the glider Luka Znidarsic came to GT and told him that the Jury President had asked him, after the decision already taken by the International Jury on July 8th, to hand him over the log files of the FES engine. GT told Luka Znidarsic, that he had already offered the log files to the International Jury before the decision, offer which had been rejected by the Jury President who had not been interested in achieving these relevant documents to present them to the remote Jury members prior to the decision. As GT had already decided to appeal this decision, he told to Luka Znidarsic that the files would be sent directly to the FAI with the notification of the appeal.

On July 13th 2022 the Italian Team Captain (VS) received via Whatsapp the Jury Decision dated 11th July 2022 (Annex M). The International Jury, composed by the President Bruno Ramseyer and the Remote Jury members Frouwke Kujipers and Peter Ryder, stated unanimously that they agreed with the penalties applied by the Championship Director Vladas Motuza:

Mr. Thomas Gostner - Cheating, First Offence, Disqualified from Competition (not returning direct home to Pociunai Airfield after Technical GNSS Outlanding by using his FES engine)

Overview and reasons for appeal

- 1 Illegitimate application by the International Jury and the Championship Director of the penalty defined in FAI Sporting Code General Section 2022 6.1.4. and FAI Sporting Code Section 3 Annex A 2021 8.7. and *8.6.5.a. CHEATING*

FAI Sporting Code Section 3 Annex A 2021 5.3.2 states as follows: “**Other Types of Aid.** Leading, guiding, or help in finding lift by any noncompeting aircraft is prohibited. Competing sailplanes abandoning their task or still airborne after cancellation of their task must land or return to the competition site and land without delay and may not lead, guide or help in any way competitors in other classes still flying their assigned task. Any contravention of rules in section 5.3 is considered to be cheating.”

FAI Sporting Code General Section 2022 provides as follows: *6.1.4. Cheating may be defined as an intentional breaking of rule(s) in order to obtain an advantage over other competitors or teams. Cheating is correlated to the deliberate violation of a rule.*

According to FAI Sporting Code Section 3 Annex A 2021 *8.6.5.a* “*A premeditated and deliberate attempt by a pilot, crew, or team to circumvent the rules or Local Procedures in order to gain a competitive advantage is considered to be cheating.*” Cheating is sanctioned, according to FAI Sporting Code Section 3 Annex A 2021 *8.7*, at the first offence with the disqualification of the event.

After having started the FES Engine at 16:38 LT, GT was a non-competing glider, who simply applied all the necessary safety procedures needed to return safely back to Pociunai airport without any delay, as required by FAI Sporting Code Section 3 Annex A 2021 5.3.2.

The appealed IJ decision, however, states that GT was “*not returning direct home*” which is a concept that is not contained in the FAI Sporting Code, in

particular in the list of approved penalties according to FAI Sporting Code Section 3 Annex A 2021 8.7. As it is specified in FAI Sporting Code Section 3 Annex A 2021 8.6.1, *the penalties imposed by the Championship Director shall be in accordance with the appropriate list of penalties stated in Section 8.7 below*. Therefore, GT cannot be illegitimately penalized with the most severe penalty (or any penalty at all), given that “*not returning direct home*” is not a offence defined in the FAI Sporting Code Section 3 Annex A 2021. Furthermore, GT didn't gain any competitive advantage at all, which is a necessary requirement for cheating.

Also, there was no attempt to gain or give external help to VS given that there was always a considerable altitude difference and distance between VS and GT, which can be seen by checking the IGC files of both pilots in the SeeYou flight-evaluation software, looking at the GPS altitude and the flight path they had after the turning point “208Paseimeniai” as shown in the barograms in figures 2 and 9 and in the comparison table in Annex G.

It needs to be underlined, that in the same competition, other pilots needed to start their FES engines due to the difficult weather conditions and practiced exactly the same routine to return with no delay to Pociunai airport:

On 03 July 2022, on task 1 MC Robin Smit from Netherlands (one of the nations who filed a complaint against the Italian Team) with his Mini LAK FES (IGC file downloadable at https://www.soaringspot.com/en_gb/download-contest-flight/3942-8096055341?dl=1) at approx. 15:13 LT had to start his FES engine and flew a thermal at 15:23 LT to gain some altitude, returning to Pociunai airport at approx. 15:41 LT.

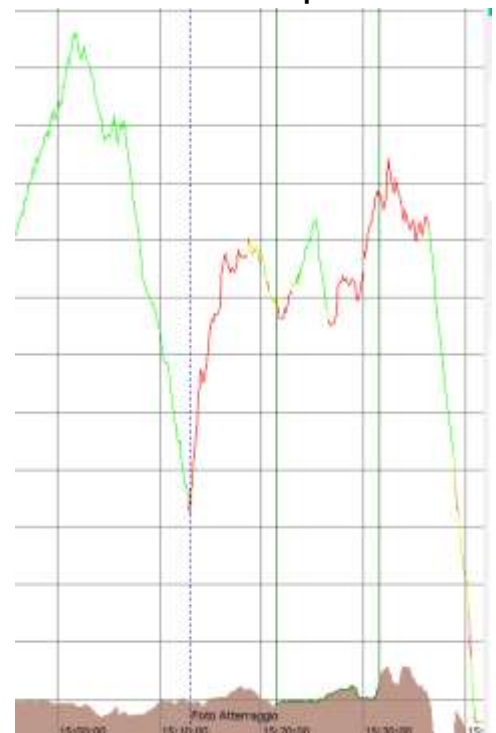


Figure 11: Barogram of the dutch pilot Robin Smit MC, who had to start the engine at 15:13LT, flew a thermal at 15:23 LT and restarted the engine at 15:27 LT



Figure 12: Flight path of MC on task 1 July 3rd 2022

On 05 July 2022, on task 3, MA Christoph Matkowski from Poland with his Mini LAK FES (file downloadable at https://www.soaringspot.com/en_gb/download-contest-flight/3942-8096055360?dl=1) at approx. 15:00 LT had to start his FES engine and flew some thermals to return to Pociunai airport at approx. 15:55 LT

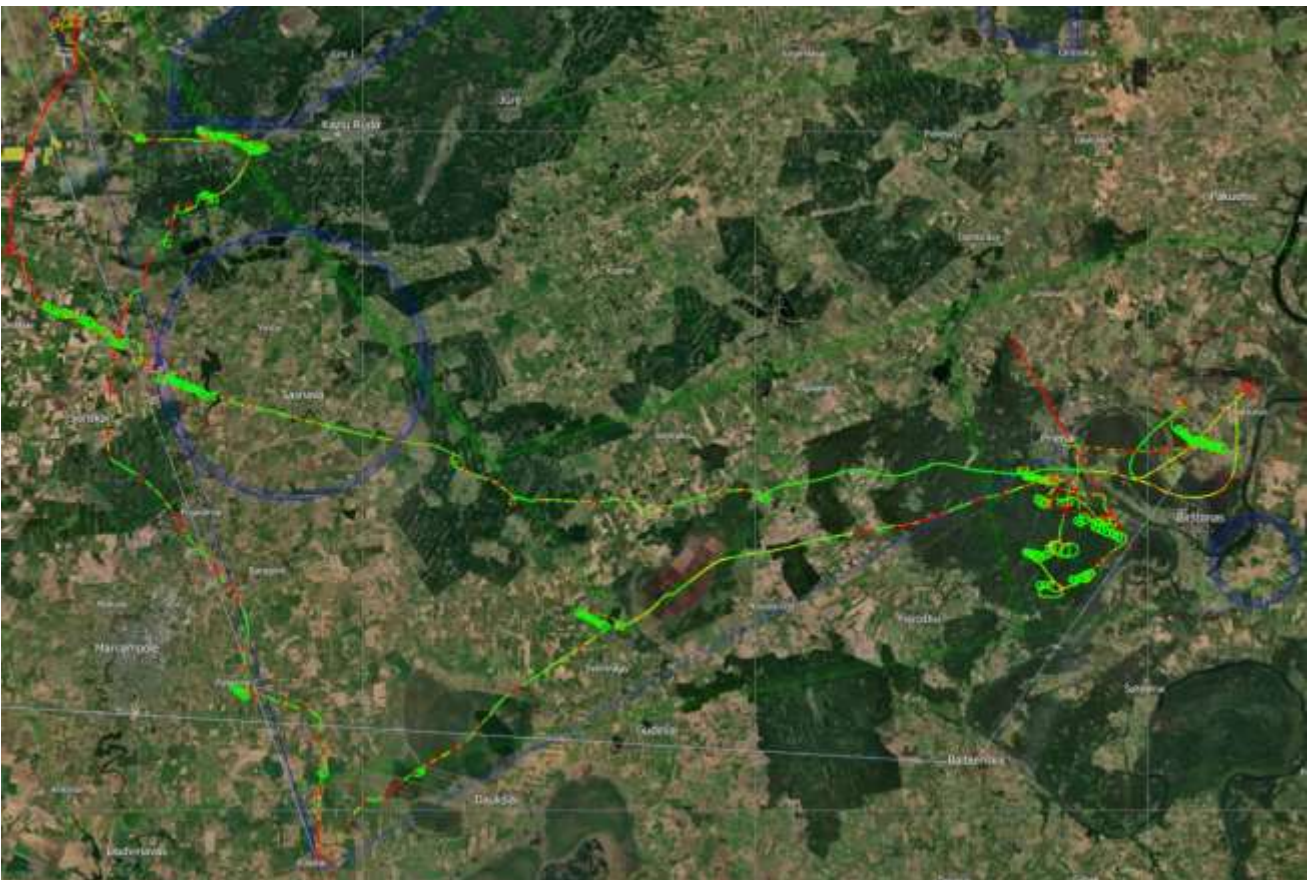


Figure 13: Flight path of MA on task 3 July 5th 2022 heading south and flying thermals to return to Pociunai airport

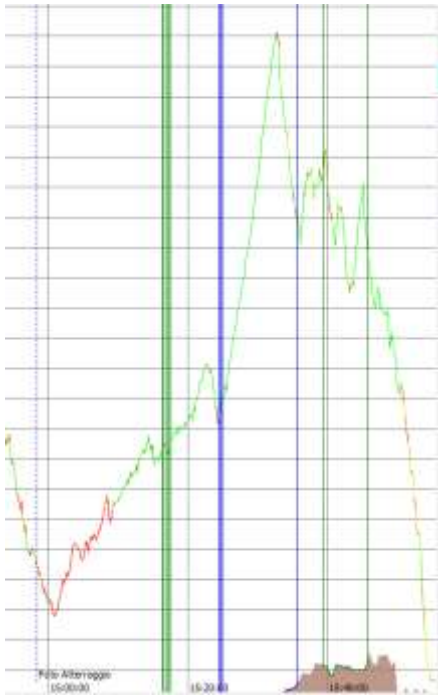


Figure 14: Barogram of MA who had to start the engine at 15:00LT and flying thermals to return to Pociunai airport

It is obvious that the Organisation, the CD and the International Jury did not treat the Italian team pilots equally, by awarding severe penalties to the Italian pilots who didn't commit any rule violation, because of two complaints of other competing teams (Netherland and Lithuania).

As it becomes clear from the facts of the case stated above, the Jury verdict is inappropriate and unlawful, given that the Italian Team and the pilots VS and GT have been at any time committed to the rules of the FAI Sporting Code and that, because of complaints of other competitors (Netherlands and Lithuania), the two pilots have been disqualified by the competition (GT) and the day 3 task (VS). Because of this inappropriate decision by the CD (from Lithuania) and the IJ (with one remote member from Netherland), the other

competitors that had filed complaints achieved the first, second, third and fourth position of the 4th FAI World Gliding Championship in 13,5m class and are the only competitors gaining an advantage by the decision made by the Lithuanian CD.

The International Jury has therefore not respected the principles of impartiality and procedural fairness granted by the FAI statute, the FAI Code of Ethics and the FAI Jury Guidelines, by penalising the protesting pilots even though the absolute absence of any element of an irregular behaviour result from the evidence presented.

This decision places the protesting pilots at a disadvantage compared to other competitors. This decision also treated the protesting pilots unequally and unfairly and was inappropriate under the circumstances. In any case, the penalties were not applied in accordance with the Sporting Code.

We therefore ask the FAI IAT to consider the illegitimate application by the International Jury and the CD of the penalties confirmed in the appealed decision and if you agree that the decision was incorrect revoke the penalties, cancel and invalidate the classification of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, withdraw/reclaim all the medals given at the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania and refer the violation of the FAI Sporting Code rules by the International Jury and the Championship director to the FAI President for the application of art. 2.9.1.1.2. of the FAI Statute.

2 Lack of impartiality of the International Jury and in particular of the Jury President – violation of art. 2.2, art. 2.2.1 and art. 2.2.2 of FAI Sporting Code Annex A to Section 3 and art. 5.4.1.2 of the FAI Sporting Code General Section 2022

As stated in the FAI Sporting Code General Section 2022

- 5.4.1.1. ***“International Jury members and FAI Judges are International Officials acting on behalf of the FAI and shall have been appointed or approved by the ASC concerned.***
- 5.4.1.2 ***An International Official may hold only one of the above offices in an event. He may not be a competitor, nor hold any operational position in the organisation.”***

As stated in the Introduction of the FAI Jury Guidelines 2020, page 6, *when the words ‘shall’ or ‘must’ are used, it means that this is a requirement as per the Sporting Code.”*

According to FAI Sporting Code Annex A to Section 3 – Gliding

2.2 STEWARDS AND JURY MEMBERS Stewards and Jury Members may not be competitors, nor hold any operational position in the organisation.

The Stewards and Jury Members must understand and speak English and possess a thorough knowledge of: the FAI Sporting Code, General Section, Section 3 including Annex A, the FAI International Jury Members Handbook, and the Local Procedures for the Championships. The Stewards and Jury will be named in the Local Procedures.

2.2.1 Stewards The IGC Bureau shall nominate a Chief Steward, at least one year prior to the event, plus at least one other Steward, of nationalities different from that of the Organisers, except that in the event of a last minute failure to attend, a replacement Steward of any nationality and acceptable to the other Stewards may be invited.

a. The nominations shall be approved by IGC.

b. One Steward shall be present at the contest site throughout all major operational activities including during the official training period.

The primary responsibility of the Chief Steward is to ensure the timely completion of all organisational aspects of the competition.

The role of the Stewards is to provide advice and/or support to the Director, the International Jury, the Team Captains and the competitors. Stewards must have extensive experience of soaring competitions and conduct themselves in accordance with the guidance provided in the IGC Steward Handbook.

2.2.2 International Jury

(omissis)

The International Jury deals with protests made by competitors. The Jury Members must strive to be neutral and independent of the Championships Director's decisions but be prepared to give advice and answer queries regarding interpretation of the rules and the general running of the event if raised by officials of the event.

These definitions should achieve the independence, fairness and impartiality of the FAI Jury members with the aim to uphold the good name of the FAI and the air sports community. As stated in the FAI Code of Ethics, *all FAI participants shall act in accordance with the highest standards of integrity.*

When representing FAI, they shall be impartial and refrain from defending the specific interests of their own country or sport.

The International Jury, with disrespect of the principles of impartiality and procedural fairness:

- did not base the decision on the evidence offered by the protesting pilots, basing the decision only on the opinion of the Organisation and the CD, who was not even present at the Jury meeting to explain to the protesting pilots the grounds and the evidence which led to these severe penalties;
- did favour the (not known) complaints of two competitor teams;
- did not present to the protesting pilots the evidence and the grounds for confirming such severe penalties;
- did not explicate the grounds and evidences in the here appealed Jury Decision dated 11th July 2022 (Annex M)

The lack of impartiality of the Jury President is even clearer when it comes to the statement in the 3rd point of the Jury Decision (Annex M) *This offer has been withdrawn today* (the 11th of July, after the Jury decision had already been taken and announced) *as Mr. Gostner instructed Mr. Znidarsic with the words "the data could be used against me"*. This is a distortion of the facts by the Jury President and can be contradicted by hearing the witness Luka Znidarsic, who offered to produce the FES engine log files to the International Jury before the hearing.

The protesting pilots claim that the lack of impartiality by the Jury President was due to the absence of the Second Steward nominated in the Local Procedures, Mr. Milan Kmetovics from Hungary, who was designated as the Championship Director in the 67TH HUNGARIAN NATIONAL GLIDING CHAMPIONSHIP and XII FLATLAND CUP which took place in Szeged from 1st to 9th of July 2022 (Annex N). The Jury President was asked by the Chief Steward Robert Danewid to assist him in operational matters (Annex O, page 18).

In taking over an operational position and acting also as a Second Steward in the competition, the Jury President willingly violated art. 5.4.1.2 of the FAI Sporting Code General Section 2022 and art. 2.2.2 of FAI Sporting Code Annex A to Section 3, in disrespect of his duties and of the principles of impartiality and procedural fairness.

We therefore ask the FAI IAT to consider the violation of art. 5.4.1.2 of the FAI Sporting Code General Section 2022 by the Jury President and if you agree revoke the penalties, cancel and invalidate the classification of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, withdraw/reclaim all the medals given at the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania and refer the violation of the FAI Sporting Code rules by the International Jury and the Jury President to the FAI President for the application of art. 2.9.1.1.2. of the FAI Statute.

3 Incorrect Jury process – violation of the FAI Jury Guidelines 2020

The FAI Jury Guidelines 2020 detail a process for hearing and deciding protests during a competition (*Section 6 Procedures when hearing a protest*).

The FAI Jury Guidelines 2020 also define that *During a protest hearing, the Jury shall hear all sides on the matter of any protest and apply the FAI regulations and the rules for the event. The facts for any protest should be established by hearing evidence from the competitor concerned, the Event Director, and any other relevant witnesses. Jurors should make every effort not to prejudge an occurrence.*

After receiving the protest, the Jury President did not follow the prescribed process. We contend that multiple failures of the Jury process as listed below resulted in an inappropriate decision:

6.1 "A protest hearing is a Jury meeting at which the Event Director and the claimant have the right to give both written and/or oral evidence before a Jury."

6.6 "... the protester have a right to give both written and oral evidence before the Jury."

As stated above, only the team captain of Italy (VS) could actively participate in the Jury meeting. On the other hand, GT could attend without the right to speak, limiting his right to defend himself, given that the Jury president, before the meeting, had stated that *"there will be no questions, explanations or cross-examination of any kind."*

Furthermore, the protesting pilots did not have the chance to present to the IJ the evidence offered before the meeting to the Jury President or to hear the witness Luka Znidarsic in front of the Jury, as the Jury President was not interested in achieving the FES engine log files to show the data to the remote Jury members.

Therefore, the Jury decision is only based on the opinion of the Organisation and the CD, who was not even present at the Jury meeting to explain the grounds and the evidence which led to these severe penalties.

We therefore ask the FAI IAT to consider the procedures used by the International Jury and the Jury President as incorrect, inappropriate and unlawful and if you agree revoke the penalties, cancel and invalidate the classification of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, withdraw/reclaim all the medals given at the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania and refer the violation of the FAI Sporting Code rules by the International Jury and the Championship Director to the FAI President for the application of art. 2.9.1.1.2. of the FAI Statute.

Conclusions

GT and VS are both regrettably feeling victims of offences they never committed. Moreover, GT feels deeply offended since he was publicly accused of cheating without even being investigated and without having the possibility to speak to the IJ. Cheating is the worst infringement and GT cannot accept to be considered a cheater without any evidence at all.

For all the before mentioned grounds of appeal, we ask the FAI International Appeals Tribunal to **revoke the International Jury decision and to cancel the penalty against GT, to cancel and invalidate the classification of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, to withdraw/reclaim all the medals given at the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania as the here appealed International Jury decision altered the outcome of the competition, which no longer reflected the real performance of the competitors during these World Championships. The here appealed Jury decision gave an advantage to the competitors who had made an unjustified protest (Lithuania and Netherlands) and a disadvantage to the Italian Team and its pilots, who have suffered from a decision that relies on an incorrect interpretation of the Sporting Code rules and the evidences presented to the IJ.**

Therefore, the Italian Aero Club (AeCI) and the pilot of the Italian Team Thomas Gostner (GT) hereby appeal the International Jury decision dated 11th July 2022 and ask the FAI International Appeal Tribunal to **declare the cancellation of the penalties, the cancellation and invalidation of the classification of the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania, the withdrawal/reclaim of all the medals given at the 4th World Gliding Championships 13,5m class in Pociunai, Lithuania and refer the violation of the FAI Sporting Code rules by the Jury President to the FAI President for the application of art. 2.9.1.1.2. of the FAI Statute.**

The copy of the bank transfer for the corresponding appeal deposit for the appeal presented by the Italian Aero Club (AeCI) and the pilot Thomas Gostner according to art. 6.4.6 of the FAI Sporting Code General Section of CHF 3.000,00 for the administrative fee has already been sent with our notice of appeal dated 22 July 2022.

Please register Ms. Margherita Acquaderni, Head Coach of the Italian national gliding team, as the representative of the appellant for any correspondence in this case at the following contact details:

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Annexes

Annex	Title	Filename
A	Task Information 13,5 m class Competition day 3 Task B	A_Task-135-m-2202-07-05-Task-B.pdf
B	FES FCU INSTRUMENT manual v1.93	B_FES FCU INSTRUMENT manual v1.93.pdf
C	FES Flight manual v1.18	C_FES Flight manual v1.18.pdf
D	E-Mail Luka Znidarsic dated 31.08.2022 with 10 files downloaded from FES and an extract of the significant tables 125, 126, 127, 128 and 129	D_FES_Engine_data.zip
E	GT Statistic and flight overview of 7 climbs	E_GT_7_climbs.pdf
F	VS Statistic and flight overview of 8 climbs	F_VS_8_climbs.pdf
G	Flight comparison table of GT and VS	G_Comparison_table_VS_GT.pdf
H	Complaint GT on 6 th July 2022, 16:32LT	H_Complaint_GT.JPG
J	Answer to complaint letters from Team Captain CD	J_Answer to complaint letters from Team Captain CD.JPG
K	Protest GT on 7 th July 2022, 21:44LT	K_Protest_GT.JPG
M	Jury decision dated 11 th July 2022	M_Jury_Decision.pdf
N	Bulletin n. 2 of the 67 th Hungarian National Gliding Championship and XII Flatland Cup	N_BULLETIN_FLC2022_no_2_ENG.pdf
O	Rev 1 of the Report to the IGC Bureau by the Chief Steward Robert Danewid dated 01.08.2022	O_cs report egc 22 wgc rev 1.pdf