

	<b>Sporting Licences – Issuing and Withdrawal (SC GS 3.3.2, SC GS 3.7)</b>		
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## 1 INTRODUCTORY NOTE & CHANGE IN SCOPE

It had been intended to submit a comprehensive revision clarifying the issuance and removal of Sporting Licences, **covering both those issued by Members (SC GS 3.3.1) and those issued directly by FAI through the Secretary General (SC GS 3.3.2).**

This follows advice received from FAI's legal counsel, who considered the current wording insufficient and in need of strengthening.

As no common position has yet been reached regarding Member-issued Sporting Licences, this element has been withdrawn from the present draft.

The matter of FAI-issued Sporting Licences, however, remains of immediate and practical importance within the Secretariat, and clarification is regarded as essential.

The following considerations are therefore placed before CASI for deliberation and resolution of this identified gap in the existing rules.

## 2 SITUATION & REASON WHY

### 2.1 SPORTING CODE GENERAL SECTION

Issuing by NACs: *NACs shall issue licences to citizens or residents on proof of identity...(SC GS 3.3.1).*

Issuing by FAI: *The Secretary General shall issue a FAI Sporting Licence to individuals, on their requests, if they cannot obtain a Sporting Licence under the provisions of 3.5.1. (SC GS 3.3.2)*

Withdrawal of FAI-issued SLs: Similarly, *"When the FAI Secretary General withdraws temporarily or permanently a Sporting Licence issued by the FAI, he shall update the Sporting Licences database as soon as possible."* (SC GS 3.7).

Event-linked withdrawal: *Disqualification from an event may be grounds for disciplinary action by the NAC concerned... which may consider withdrawal of the licence (SC GS 6.1.5).*

### 2.2 IDENTIFIED GAPS

For the process of FAI-issued Sporting Licences, the following are missing and leave the action without sufficient procedural guidance or oversight.

- **Issuance**
  - The current wording imposes an unconditional obligation on the Secretary General to issue a Sporting Licence upon request, leaving no discretion to decline or assess eligibility beyond confirming that the individual cannot obtain it under paragraph 3.5.1.
  - No defined reasons or process to decline issuing such Sporting Licence.
- **Withdrawal**
  - No defined reasons for suspension or cancellation (disciplinary offence, anti-doping violation, loss of eligibility, non-payment, etc.).
- **Procedure**
  - There is no defined requirement for due process (notification, hearing, decision-making authority, appeals).



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- **Safeguards**

- No link to the FAI Disciplinary Code or to general principles of proportionality and fairness.

Comment: Some of the items mentioned above may also apply to NAC-issued SLs; however, this matter is beyond the scope of the present paper.

### 2.3 SUMMARY

Withdrawal is mentioned in both Statutes and the General Section but only as a possibility, with no framework for:

- Justification (valid grounds),
- Procedure (steps, rights of the athlete),
- Safeguards (appeal, oversight).

## 3 PROPOSAL FOR AMENDMENT TO SC GS CHAPTER 3.7

### Note:

Leave all rules in place for NAC-issued SLs, but insert below suggested text for FAI-issued SLs. This may require a new sub-chapter under 3.7 addressing NAC-issued Sporting Licences.

### 3.7.1 Grounds for Rejecting the Issuance and Withdrawal of SLs issued under 3.3.2 SC GS:

The issuance or withdrawal of a Sporting Licence may only occur on the following grounds:

- a. Proven breach of the FAI Sporting Code, the FAI Disciplinary Code, or the FAI Anti-Doping Rules, or other policies, guidelines or provisions that fall under the FAI Code of Ethics.
- b. Proven ineligibility of the holder (citizenship, residency, or age requirements no longer met).
- c. Serious misconduct that undermines the integrity of air sport, as determined through due process.
- d. Violation of domestic air sport regulations or laws.

### 3.7.2 Procedure

- a. The issuing authority (FAI Secretary General) must notify the applicant or licence holder in writing of the intention not to issue or to withdraw, stating the grounds.
- b. The applicant or licence holder must be given the opportunity to be heard, either in writing or in person, within a reasonable time limit.
- c. A reasoned decision must be issued and communicated to the applicant or licence holder and, in the case of an issued Sporting licence, recorded in the FAI Sporting Licence database.

### 3.7.3 Appeals

Decisions of the FAI Secretary General are subject to appeal before the FAI Executive Board, and thereafter to the FAI Air Sport General Commission's International Appeals Tribunal.

### 3.7.4 Safeguards

Any withdrawal of a Sporting Licence must be proportionate, time-limited where appropriate, and consistent with the principles of fairness and natural justice.

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