# Adjudication on protest by Marco Busetta re Task 4 of the British Winter Open by a protest committee formed in accordance with British Paragliding Competition Rules. DATE: 05/02/2022 TIME: 10:30am COMMITTEE: Brett Janaway (TD), Mike Coupe (Panel), Malin Lobb (Panel)

**Summary judgement:**

The judgement of the protest committee is that the protest is denied.

The committee agreed with many of the statements, and in particular feel that the organisation could have done more to provide a more complete airspace file. However, the committee feels that the information given by the meet director on the airspace in question in combination with your personal responsibility to fly in accordance with air-law, was sufficient to allow you to fly the task legally. It is notable that following the task, you demonstrated to the meet director that you had the appropriate airspace files on an electronic device.

**Detailed response**:

STORY

During the safety briefing, before the first task day, the airspace file was confirmed to be the one given by the organisation. File named XrrYxJ3B2ug.txt

Agreed

At no moment during the safety briefing was it mentioned the need to upload to our instruments ALSO the standard airspace file of the area.

Agreed, however all pilots by entering the British Winter Open competition agree to fly under the published British Competition rules, of which section 12.2 states: *Pilots must be fully conversant with air law and must be in possession of an approved air map or the map issued by the competition organiser and an altimeter.*

Irrespective of the air-file issued by organisation, all pilots are required to fly in accordance with air-law.

Because of this me, as many other pilots, only downloaded and activated the file given us by the organisation.

During task 4 briefing it was explained that close to the course there were some airspaces that were NOT present in the file given to us. The meet director just said that it was OK because we all should follow local rules and airspaces anyways, even if these were not provided by organisers.

Agreed. All pilots must be fully conversant and fly in accordance with air law by default.

Note that on takeoff there was no internet connection to download the file, nobody from the organisation was there to share it with pilots. Simply unfair.

Because of this the meet director simply said that pilots should not fly over the cities of Tulua and Buga. And that it was our responsibility to have the colombian airspace file from "XC track" Android app (thing that was not even mentioned at safety briefing).

The committee agrees that only giving a vague ground reference for a restricted airspace is inappropriate. However, the meet director also stated that the class D airspace must be avoided.

To be noted also that the competition was allowed to enter some regular Colombian airspaces, but not others. As a matter of fact during other tasks we passed through some airspaces that were listed in the XC track database.

Not relevant to this protest.

And because of this all pilots expected the airspace file given to us to be the one to follow. Following the XC track file would have been extremely "messy", because the flying area if fully populated of airspaces. Also the airspace file provided by XC track can change version through the time.

Not relevant.

I followed the briefing and understood as said that we shouldn't fly over the cities and, even if inaccurate indication, I didn't.

Sebastian Ospina (committee) at task 4 breafing said to everybody something like that the optimized route doesn't not mean to bring pilots to the mountains and "bad" valleys where to land so during a tricky phase of the flight, with heavy shadow around, I decided to glide outside toward the flat to search for better thermals and/or safer landings, away from Buga city, passing next to the official "GOVT Offices", avoiding it in what the only considered active nearby.

The next day i was not even informed officially to have entered an airspace (in the provisional results I was 1st), i heard rumors about it.

The provisional results were issued with a narrative comment, in the official communication channel, stating that they were subject to determinations on airspace infringements. They were then later reissued with the penalties, and again a narrative was given in the official communication channel.

I am now officially informed that my task is scored 0 because of airspace infrangement.

And because of the above mentioned reasons I am filing a complaint.

FAULTS LIST FROM ORGANISERS:

- Airspaces where provided officially at safety briefing without mentioning that any pilot must upload/respect other spaces (for that pilots can assume directors got special permissions).

This is the responsibility of organiser to provide the right airspace file to make everyone will have the same.

The committee agree that this point has merit, and that the organisation should provide more complete airspace files. However, the committee feels that this does not absolve an individual pilot from personal responsibility as per the British Rules, section 12.2.

As in the section 7 of FAI rules:

« 4.6.2 Controlled Airspace

The organisers shall specify in the Local Regulations or at briefing, controlled airspace or other areas where flight by competing gliders is prohibited or restricted. Suchareas shall be precisely marked on published maps and PROVIDED as openair.txt format files for display on instruments and scoring checks.

The organiser may establish prohibited airspace that may differ from official airspace as needed, and this airspace created for the competition shall be treated as official airspace with the same penalties. The entire flight from launch to landing will be considered for such violations irrespective of the task being active or stopped, the course started or finished. »

Any exceptions from Fai section 7 must be WRITTEN on the local rules

FAI cat 2 competitions are not governed by section 7. However as stated previously, the committee finds that the organisation should provide more complete airspace files, but again this does not absolve the pilot from personal responsibility as per the British Rules.

If before a task a communication is given at take-off that there is a new additional airspace to those already provided at the registration day or inserted in the official open air file, this variation must be WRITTEN on the task board and the open air file can be downloaded from a link provided by the organizer.

If there is no data signal at take-off, nothing could be easier, the file MUST be physically downloadable from a device by the organization and uploaded to all the pilots in the race.

Pilots must fly in accordance with the British Rules, including those relevant to air law.

- Furthermore we flew 4 task without informations about activation status of "unofficial" airspaces. Like the "SKE 13", "SKPE /PEREIRA /CARTAGO etc.. A valid reason to ask for clearance/invalidate tasks.

Agreed but not relevant to the protest.

- Approximation cannot be done with airspaces, simply telling pilots something like "don't fly above a city" or "stay on the left of a road or river"

Agreed as above. However pilots were also told to avoid class D airspace.

MY REQUEST

- Restore scoring before penalties