

REPORT

INTRODUCTION

By way of an introduction, I wish to clearly state what, in my firm opinion, has occurred:

- 1. The UCI has been – since the outstart some 50 years ago – and still is one of the forerunners of anti-doping;**
- 2. As regards my period as President from 1992 to 2005, I guarantee that there has never been a positive doping case that has not been treated according to the rules, nor has there been a policy of favouring riders or teams. The anti-doping activities of the UCI were in the hands of persons of the highest ethical standards (professionals as well as volunteers);**
- 3. The poor image of cycling in terms of anti-doping is based on a wrong perception rather than on facts (by which I do not mean to play down the doping problem in cycling as shown by scandals such as Festina and Puerto and the many riders found positive by the UCI). The WADA and in particular its previous President Mr R. Pound have largely contributed to shaping that negative perception by means of an ongoing smear campaign often based upon sheer lies and false allegations. It is my conviction (and not only mine!) that Mr Pound has personal reasons of revenge;**
- 4. Mr Pound is to a large extent personally responsible for the fact that the WADA is a poorly performing anti-doping agency with a very low success record. The WADA's performance has come under heavy criticism within the Olympic Movement. Mr Pound and the WADA's management follow since years a mostly unreasonable and unjustified "naming and shaming" policy to keep away the attention of the WADA's own failures. Especially the UCI and Cycling, also in the Lance Armstrong case(!), were used as scapegoats.**

These items will be treated and documented in detail in this report.

I. The UCI and the fight against doping: reality versus perception.

*"The evil that men do lives after them;
the good is oft interred with their bones" (W. Shakespeare).*

With a few exceptions the perception in the press and in the public of the fight against doping by the UCI has always been negative. Although the UCI went to great lengths in the fight against doping, and introduced important innovations resulting in the discovery of positive cases, the doping cases as such caught all attention rather than the efforts made to discover them. Those who knew better gave praise for the UCI's efforts, but it was given privately, as it was felt risky to do it publicly. Even some who praised privately, criticized in public. In my experience, it was the WADA's policy to criticize UCI in public and consequently, on account of the WADA's status and power in the field of anti-doping, it became the politically correct thing for others to follow suite, or at least to avoid public praise.

From my part, during all the years that I was president of the UCI I have defended the UCI and cycling in public against the attacks levelled at the organisation that I presided over. I believe it was part of my mission as president. I tried to do so to the best of my ability and with all means that I found appropriate under the circumstances. However, I never closed my eyes at the existing problems, even when I took the defence of the UCI. This applies in particular to doping. I made the then governing bodies of cycling aware of the problem of doping and of my vision on that in 1983, long before I became president of the UCI. And after I became president, I initiated, with the help of excellent advisors and staff, the anti-doping programme that the UCI developed over the years. Never any defence of the UCI in the field of doping meant a compromise in UCI's anti-doping program.

One should also look at the standards that the UCI set in its fight against doping, and examine whether failure to meet those standards does not leave the UCI's anti-doping effort still at a level that exceeds that of the fight against doping in sports in general. For example, there have been many articles criticizing the UCI for perceived failure in one or the other EPO or corticosteroids cases, while no mention whatsoever was made about the fact that at the same time, and even for years thereafter, other sports did not even test for EPO or corticosteroids.

While the CIRC was not given a mission to investigate the fight against doping in other sports, an assessment of the fight against doping in cycling is not possible without making comparisons with the fight against doping by the other anti-doping organisations.

The general impression is that doping is endemic in cycling and in cycling alone. That is factually wrong. It is not cycling that has the greatest percentage of positive cases, while cycling does the most testing compared with the number of riders. The UCI was also the first IF that professionalized, including in the field of anti-doping with a big scale programme. It was the first IF to introduce many innovations.

You will find more details on this in Attachments 1, 2a, 2b, 2c, 2d and 3.

In addition to these, Attachment 4a is a document I wrote and presented to the Olympic Movement stakeholders in January 1999, a month before the first World Anti-Doping Conference, initiated and organized by the IOC, which led to the creation of the WADA. (Attachment 4.b is a copy of a press article, to prove that it was widely distributed.)

I would urge you to read this document carefully, since I explained already at that time the immense problems the IF's were facing with the fight against the scourge of doping, while I stressed at the same time that a "simple" repression policy would be absolutely insufficient and inadequate (see the last sentence of this paper!). This is crucial, since under the leadership of Mr R. Pound, the WADA did exactly what in my opinion it should not have done, predominantly applying a strategy of repression (controls and sanctions). But as we have learned over the last 12–13 years, what is the use of control when doping products and methods cannot be detected and/or are very

vulnerable to fraud (as was the case with EPO). This, I dare to say, is a very fundamental error that has cost the world of sports not only money (close to half a billion dollars yearly for some 800 positive and sanctioned cases, hence some \$600.000 per case!) but also, more importantly, the loss of confidence of clean athletes in whether they are well protected against cheaters by an efficient and effective anti-doping-programme.

Allow me, very briefly, to summarize what, in my opinion should be the basis of a successful anti-doping-strategy. You will see that the various elements appear several times in this report, but I have attached 4c and 4d as proof here.

1. Controls and sanctions are necessary and unavoidable; however, these alone are not the solution;
2. The anti-doping issue is a difficult matter which includes elements of ethics (why is product "x" forbidden, i.c. the list) and various legal, medical and organisational aspects. In-depth research will be needed to establish the true extent of the doping problem (for each sport) and the real motivations of athletes to use doping;
3. IF's are not equipped to implement adequate anti-doping policies;
4. Governments have to be heavily involved and committed;
5. Maximum information to athletes, starting at junior level;
6. A system of medical monitoring ("suivi medical") (I mentioned this as early as in 1988!);
7. For cycling, a team of 5–6 specialized doctors that are all the time available for the riders and the team doctors. These medical confidants will become the eyes and ears of the UCI's anti-doping department; they will be quickly alerted if things are found to be "wrong" with certain riders or teams.

As I will explain in Chapters II and III the fundamental difference of opinion regarding the anti-doping strategy, together with the fact that over the years Mr Pound had come to realise how his own policy became an almost total failure (he in fact admits this in a devastating report he wrote in 2012 on the WADA's (in)efficiency; copy attached under 20.c), which resulted in an unpleasant, bitterly revengeful attitude towards me, climaxing in serious attempts to damage my reputation, including in the Lance Armstrong case.

EPO

In the eyes of the public, EPO is associated immediately and exclusively with cycling. Of course the EPO scandal at the 1998 Tour de France is largely responsible for this. Yet the EPO spotlight on cycling leaves a lot of dark areas around it.

In fact, EPO and blood transfusions were not first introduced in cycling (see Attachment 5). The sports world was fully aware that EPO was used in a number of sports.

A few years before the infamous Festina Tour of 1998, the UCI was concerned about the use of EPO in cycling, and sought remedies. The UCI financed research projects for finding a method to detect the use of EPO. Time after time it was announced that a detection method would be available very soon. When it became clear that there would not, the UCI introduced measures that, under the circumstances, were in its opinion the most it could do: a haematocrit control coupled with a no-start rule, health checks and health monitoring.

For more details on the UCI's actions I refer to the brief that the UCI submitted to the Court of Appeals of Douai in the Festina case, as well as to the decision of the Court confirming that the UCI took all reasonable measures it could (attachments 21.a – in particular pages 18 to 27 - and 21.b).

As soon as the UCI was informed that the Paris laboratory was confident that its sole urinary EPO detection method was reliable, the UCI took the initiative to validate that test at its own cost and its own risk, both legal and financial. Other sports followed, but it took another two years before the WADA validated the test that the UCI had introduced in the fight against doping. Where the CAS had already accepted the test as valid proof in January 2002 (CAS 2001/A/343 UCI v/ Hamburger, 28 January 2002; CAS 2001/A/345 Meier v/ Swiss Cycling, 28 January 2002), one wonders why it took so long for the WADA to accept a test for a prohibited substance that was so disastrous for sports.

Therefore I respectfully request that the CIRC examine the questions I put forward in this, and the following, sections of this document.

1. What did the UCI really do in the fight against doping?
2. What did other bodies that currently are called anti-doping organisations do in the fight against doping in comparison with the UCI? Were there ADO's that performed better/earlier/etc.?
3. Why did it take until June 2003 for the WADA to validate the sole urinary test after the UCI had validated and introduced this test two years before in April 2001 which the CAS accepted as a valid proof of doping in January 2002? Can this delay of two years be justified on scientific grounds solely?
4. When did other international federations and NADOs introduce the sole urinary EPO-test?
5. When did other international federations and NADOs introduce a no-start rule based upon blood values?
6. When did USADA introduce the sole urinary EPO-test?

II. The Lance Armstrong case

The Lance Armstrong case is a key issue in that it constitutes the basis of the allegation that the UCI protected Lance Armstrong and took bribes from him. In the meantime it must be clear for everyone that Lance Armstrong never tested positive but abused his suspicious EPO test from 2001 for inciting his teammates to dope and/or for reassuring them that they could do so without fear. THIS IS A CRUCIAL ELEMENT IN THIS REPORT to which I will come back later.

Yet the USADA and the WADA continued to attempt to assign a negative role to the UCI.

I was told as early as in 2010 by insiders that this was aimed at bringing Pat McQuaid and myself down, which may be one of the explanations why neither Pat McQuaid nor myself have ever been contacted (!) by those who were involved in investigating the matter.

In August 2010 the UCI showed the WADA that there was no positive test for Lance Armstrong by listing all riders found positive for EPO. The WADA did not react to this. On the other hand, the WADA must have been in close contact with the USADA while the USADA conducted its investigation leading to the reasoned decision regarding Lance Armstrong. Yet neither of them contacted the UCI. The CIRC needs to find out why.

On the other hand, I have information that Martial Saugy, director of the Lausanne laboratory, was faced with threats of sanctions by the WADA if he did not sign an affidavit or some other statement that cast the UCI in a negative light. These are serious indications that the WADA and USADA cooperated and actively sought to avoid elements that might shed a more positive light on the UCI.

Regarding Chapter II, please consult Attachments 6a, 6b, 6c, 6d and 6e for further details.

An overview of the issues involved in the Lance Armstrong case can also be found in the file that the UCI has sent to the national cycling federations: see attachment 24.

The related questions I submit for examination are the following:

7. When did the WADA test Lance Armstrong for EPO?
8. When did USADA test Lance Armstrong for EPO?
9. Did Lance Armstrong test positive?
10. Did the UCI or any UCI officer accept a bribe, in relation to this allegedly positive test or in relation to any other test or matter?
11. Did Lance Armstrong (and/or any other team member) tell his teammates, in particular Floyd Landis and Tyler Hamilton, that he had tested positive and that he had arranged that the UCI should make it go away (see the affidavits by Floyd Landis and Tyler Hamilton in annex to the USADA's reasoned decision)? If so, what was the story that was told by Lance Armstrong (which test, which year, etc.)? Was the story truthful or not?
12. Is it true, as I am led to believe, that the WADA and/or the USADA prepared an affidavit or similar statement to be signed by Martial Saugy, director of the Lausanne laboratory, in relation to this alleged positive test or suspicious tests by Lance Armstrong during the 2001 Tour de Suisse and also containing negative elements for the UCI, and/or asked Martial Saugy to sign such an affidavit or statement? The CIRC should request that affidavit or similar statement from the WADA, the USADA, Martial Saugy and CHUV.
13. Is it true, as I am led to believe, that Martial Saugy refused to sign such affidavit or statement or any affidavit or statement in relation therewith? If so, what were the reasons for Martial Saugy's refusal?

14. On the same subject: is it true that Mr O. Niggli confirmed to Martial Saugy during a meeting in the CHUV's offices, that it was Mr Pound's/the WADA's sole objective "to get the head of Mr Verbruggen?" Also, is it true that Mr Travis Tygart (USADA) made similar remarks, again to Martial Saugy?
15. Is it true, as I am led to believe, that the WADA and/or USADA sent a letter to the Chief of the CHUV asking or suggesting that they should take measures against Martial Saugy (e.g. removing him as the head of the Lausanne laboratory, not conferring him the position as a lecturer/professor, reconsidering the accreditation of the laboratory or the grant of research funds, etc.), in particular for having refused to sign the affidavit or other statement? The CIRC should request that letter or similar document from the WADA, Martial Saugy and CHUV.
16. When did the WADA and the USADA learn about the allegation that Lance Armstrong had tested positive?
17. As I have indications that the WADA learnt about this allegation as early as in 2006, probably from Greg Lemond, why did the WADA never inform the UCI and/or ask the UCI for an explanation?
18. If the WADA was informed, to what extent did this play a role in the WADA's negative comments on the UCI?
19. When did the USADA learn about the allegation that Lance Armstrong had tested positive?
20. Did the WADA inform the USADA of the UCI's file showing that Lance Armstrong never tested positive?
21. Due to the fact that the investigation by the USADA developed in the way it did and the USADA considered the Armstrong affair as the most sophisticated doping conspiracy ever, why did the USADA never inform or contact the responsible IF, the UCI, or its then President or myself?

22. Why did USADA not accuse Lance Armstrong of an anti-doping violation (encouraging or another form of complicity) for his telling his teammates falsely that he had managed to cover up a positive test?
23. Why did the WADA, to the extent that it was informed by USADA and/or the US authorities involved (including Mr Novitzky), never inform or contact the responsible IF, the UCI, or its then President or myself? Please note in this respect that Mr Howman made regular comments in the press about the close contacts between the WADA and Mr Novitzky during that period.
24. Why did the US authorities (including Mr Novitzky) never inform or contact the UCI or Mr McQuaid or myself?
25. The more that the USADA reasoned decision contains a number of allegations that accuse or criticize UCI. Why did the USADA not give the opportunity to the UCI to express its view on the issues concerning UCI before the reasoned decisions was finalized? Was it in order to avoid that these allegations should be refuted, as the investigators reasonably had to expect, and a plan to damage the UCI be frustrated?

III. Poor image as a matter of perception.

The WADA's and Mr Pound's responsibility

The poor image of the UCI and cycling, when it comes to the fight against doping, is not based upon facts; the real facts of this fight have been exhaustively laid out in Chapter I and its attachments. Under my predecessors there already existed a "culture of anti-doping", which led to the UCI becoming second to none in the fight against doping for many years now.

The UCI is a forerunner in *anti-doping*, not in positive cases. Likewise, cycling is not a forerunner in the introduction of new doping products or methods, as it will be explained in other parts of this report. Unfortunately, the UCI has been made a forerunner in press articles, books and all kinds of other publicity about doping. That has created the wrong perception of cycling, cyclists and its administrators. Mr Pound is largely responsible for this, as will be explained hereafter.

The above lead to the following questions.

26. What image has the WADA created in the public about the UCI's fight against doping (for example: statements by Mr Pound in *The Guardian* that the UCI was blind and unable to catch a rider; public statement in the De Galdeano case that the UCI was wrong)?
27. Was it fair and justified for the WADA to create such a public image? Was the image objective?
28. Was it fair for the WADA to create such an image in comparison with the image that the WADA created of other ADOs in this respect or given the WADA's silence on the anti-doping activities of other ADOs?
29. Were there any political or personal motives involved in the WADA's attitude towards the UCI? Did Mr Pound's personal motives towards my person or other people play a role in this respect?

30. At the 2012 London Olympic Games WADA General Director David Howman personally told me that there were only two international federations with a serious anti-doping policy, one of them being the UCI. The CIRC is invited to ask David Howman to confirm that he made this statement and how this can be reconciled with the public criticism of the UCI's fight against doping by Mr Pound, Mr Fahey and Mr Howman himself.

With hindsight, it seems to me that the WADA's actions concerning Lance Armstrong were also aimed at damaging the UCI rather than at catching Armstrong. The doubts about Lance Armstrong were useful in order to cast and maintain a negative image of the UCI.

Whenever the WADA was informed about an alleged positive test of Lance Armstrong in 2001, it suggested for years that Lance Armstrong doped and the UCI closed their eyes. One would have expected that the WADA would have tested Lance Armstrong many times or would have asked the USADA, the CPLD/AFLD and the UCI to do so too.

Almost as damaging to the UCI as the Festina case was the publication by *L'Equipe* in 2005 that EPO had been found in samples of Lance Armstrong and other riders dating back to 1999 (and 1998). Immediately the WADA, which was in contact with *L'Equipe* before the publication, requested an investigation by the UCI, although it must have known already at that time that the samples could not support disciplinary proceedings. That investigation revealed, however, that the WADA had insisted on the violation of the rules about consent and anonymity regarding scientific research. I have (recent) information that it was the WADA that asked the Paris laboratory to include the Tour de France samples in the research although the WADA denied this during the Vrijman investigation. Further investigations into these issues that were asked from the IOC and the CAS were frustrated by the refusal to submit the correspondence between the WADA, the French Ministry of Sports and the Paris laboratory.

I believe this is to be an important issue: what was the real reason for having the urine samples of the 1998 and 1999 Tour de France reanalysed in 2004–2005? In the

knowledge that it was unlikely that disciplinary consequences would have been possible, it should be examined whether it was a set up to damage the UCI.

This does not mean that I want to play down the fact that Lance Armstrong had also doped in 1999. I think, however, that the intentions with which certain actions have been undertaken in or against cycling should be examined in an effort to assess them in terms of a genuine fight against doping in cycling. It is my view that the WADA was not interested in having the riders sanctioned – and knew in advance that this was not possible – but that its ultimate motive was to damage the UCI.

Consequently, there are a number of questions that have to be examined regarding the (lack of) testing of Lance Armstrong by the WADA and other anti-doping organisations, and on the role of the WADA in the reanalysis of the 1998 and 1999 Tour de France samples in 2004–2005.

31. Why did the WADA not test Lance Armstrong more than three times?

32. Why did the USADA not test Lance Armstrong regularly? The CIRC should also look at the number of tests conducted on Lance Armstrong by the French ADO (CPLD, AFLD) as Lance Armstrong was always under high suspicion of doping in the French media.

33. Why did the WADA not test Lance Armstrong while the WADA put considerable effort into the doping cases against, for example, Alejandro Valverde, Floyd Landis, Tyler Hamilton and Alberto Contador (once they were found positive by the UCI)? As part of the WADA's attitude against the UCI, it should also be examined whether the WADA devoted as much effort to doping cases against athletes in other sports.

34. What was the WADA's role in the research conducted by the Paris laboratory in 2004–2005 for refining the urinary EPO-test?

35. Did the WADA ask or suggest to the laboratory to re-examine the 1998 and 1999 Tour de France urine samples?

36. Did the WADA ask or suggest to the laboratory to (re)examine urine samples from other sports for the research project? For what reasons did or did not the WADA do so?
37. Did the WADA request the laboratory to examine the samples for research purposes without asking the permission of the athletes concerned (via the UCI)?
38. Did the WADA request the laboratory to maintain the identification of the samples and to include the sample codes in the report that was sent to the WADA?
39. Was there any resistance by the laboratory against these two requests and if there was, did the WADA insist, possibly via the French Ministry of Sports, to have its request complied with? Is there any ground for the rumours that the then minister of sports, Mr Jean-François Lamour, obtained to have the request complied with by the laboratory as a condition for support for his candidacy for the presidency of the WADA?
40. Did the WADA request and/or receive a report on the research project conducted by the laboratory (as opposed to the report on the analysis results for the Tour de France samples)?
41. The CIRC should request from the WADA all correspondence (in any form) between the WADA and the laboratory and/or the French Ministry of Sports in relation with the research conducted in 2004–2005 on the 1998 and 1999 Tour de France urine samples.
42. Did the WADA, as it had announced repeatedly, conduct its own investigation into whether the research results could be used for the purpose of disciplinary proceedings against Lance Armstrong, before or after the Vrijman report?
43. Since *L'Equipe*, when revealing the re-analysis results, wrote that at that time the WADA assumed that Lance Armstrong could not be sanctioned on those

grounds, why did the WADA insist on the UCI conducting an investigation? While the WADA announced that it would conduct its own investigation if it would not be satisfied with the UCI investigation, why did the WADA not eventually conduct its own investigation, given the WADA's rejection of the Vrijman report?

In this respect I also include in Attachments 7a, 7b, 7c and 7d copies of the correspondence between the ASOIF and the IOC-Athletes in which they attack the WADA/Mr Pound for their flagrant breach of the WADA Code. It fell on deaf ears. I include in Attachment 8a a letter I had to write to the WADA's Board about Mr Pound's wrongdoings as I submit the WADA's "reaction". I include under 8b a summary of the situation written by Mr Vrijman. Please note how successful the WADA/Mr Pound have always been in diverting from THE REAL ISSUE by "killing (read "discrediting") the messenger, i.c. Mr Vrijman.

Mr Pound simply believes himself to be above the law, and perhaps he is. He can apparently make false allegations and accusations; twist the truth or express flat lies ("call me a liar") and/or use any other slander without any significant consequence to him. It seems to be enough for him to simply retract his slander when threatened with court cases and then to start all over again within days. The UCI/cycling and I are his preferred target, but we were not the only target as Attachment 9 will show.

In 2013 Mr Howman attended a meeting of CCN (Change Cycling Now) an organisation the public aim of which was to have the UCI leadership replaced. I cannot imagine that WADA would have done that with any of its other stakeholders.

I already mentioned that WADA and USADA have also used the Lance Armstrong case against Pat McQuaid and myself. USADA joined WADA in a strategy to have Pat McQuaid lose the 2013 elections for the presidency of the UCI and went very far in this. I refer to the presentations by Bill Bock after the Lance Armstrong decision (attachments 22 a and b), which contained number of false and disparaging statements on UCI and my person.

One of the typical false allegations that have been repeated is that I would have stated that Lance Armstrong never doped. I never stated that. What I stated is that Lance Armstrong never tested positive, which is true. And this statement was in the public domain: « Verbruggen said he is '100 percent sure' that Armstrong never tested positive. The Dutch official added that he is ready to testify 'under oath' that he has never covered up any positive test' (ESPN, June 8, 2010).

It strikes also here that no questions were asked to UCI, Pat McQuaid or myself and that any possibility for explanation, defense or rebuttal were carefully avoided. In fact I never had any contact with Mr Tygart or Mr Bock. I know them only by name. This has not prevented them from making false public statements on my person.

I believe I have submitted evidence to allow me at the end of this Chapter to state very clearly that I expect the CIRC to investigate and answer the following questions:

43. Did Mr Pound (and possibly Mr Howman) or the WADA use the Lance Armstrong case to damage my reputation and/or that of the UCI, given the fact that as early as in 2010 they were aware that Lance Armstrong never tested positive?

44. Did Mr Pound (and/or Mr Howman or the WADA) exercise influence on the USADA to follow them in this, resulting in unnecessary, false allegations in the reasoned decision regarding Lance Armstrong?

IV. The WADA's (in)efficiency

In the previous chapters, I have suggested several times that Mr Pound has few reasons to be proud when considering the WADA's performances, its reputation and image. In all objectivity – and I have said this often publicly – Mr Pound was the right man at the right place at the moment of the WADA's creation. It required a strong performance to set up an international agency in so short a time and a difficult task to get politicians and the sports world on one line, and Mr Pound's contribution to that success was tangible.

It went wrong though when politicians could not deliver a candidate for the WADA chairmanship after the statutory term of 3 years and the Olympic Movement was asked to fill a second term of 3 years. Creating and setting up the WADA is, however, one thing; running or consolidating it is a different matter, and Mr Pound has not been able to manage the latter adequately. It would seem his biggest problem was his inability to separate the performance of his WADA chairmanship from his personal frustrations of having lost the IOC presidency.

You will find exhaustive documentation on the WADA's malfunctioning in the attachments. All attachments (except one) are quotes, letters and reports from other persons, in particular from the WADA itself. Indeed, in Attachment 20.c you will find a copy of a very interesting document that was written in 2012 on behalf of a WADA Working Group. Please note, however, that this group only met once by means of a video conference and that members of the group have confirmed that their final report was virtually the work of only one person: Mr Pound. In fact, Mr Pound saw the growing dissatisfaction with the WADA's poor performance and decided for a headlong rush by coming up with this report. The report contains 90 (that already says enough) recommendations to improve the efficiency of the WADA in ALL areas of activities, clearly recognizing (unfortunately I dare say, for the fight against doping!) that the WADA has failed in virtually every respect. The recommendations are based on a list of current shortcomings, highlights of which include the following:

- Fewer than 1% of the tests produce an AAF;
- The WADA does a number of core and non-core jobs rather poorly;
- The WADA has funded a considerable amount of useless research;
- Sports organisations do not regard anti-doping as a core business;
- Very little adoption of the Athlete Biological Profile by IF's;
- Lack of independence within many NADOs;
- Lack of interest in anti-doping effectiveness;
- No incentive to catch dopers in certain countries;
- Interference of governments in NADO activities;
- Lack of political commitment;
- Unwillingness to put into effect laws;
- Lack of international cooperation and harmonization (governments);
- Lack of structured education programmes;
- ADAMS is not universally used;
- Not all accredited laboratories are capable of operating at the same level of competence (!!);
- Not all laboratories have the capacity to analyze for all substances on the List;
- Many laboratories are poorly managed;
- Not all laboratory personnel are professionally qualified;
- No research-based evidence exists that OOC testing as conducted is effective;
- Professional leagues have refused to adopt the Code;
- Event organizers agree not to test in order to attract certain athletes;
- Reluctance to accept proportionality reflected in the Code regarding sanctions (It must have been very difficult for Mr Pound to see this as a shortcoming! The same Mr Pound who, some 10 years ago, diabolized the UCI as "lenient on doping" because we defended the principle of proportionality; Attachment 11).

Again, this is only a small collection of a long list of shortcomings and it should be well understood and recognized that it was and is the WADA's mission to make sure that these shortcomings should not exist.

Answering the question « Do you think that we have the science to track those who dope in a sophisticated manner? » Mr Howman confirmed this by telling a conference in Paris: « Personally, I don't think we do," "We are catching the dopey dopers, but not the sophisticated ones."

"It is pathetic. We must increase quality and efficiency if we want to continue the fight." (Cyclingnews on 15 November 2011 - exhibit 23).

When reading this one can wonder whether WADA did not invest too much in bringing (high profile) individual doping cases to CAS in order to keep up a tough public image at the expense of the broader approach of improving the means of the fight against doping. With this, however, I do not wish to detract from WADA's help to its stakeholders in certain doping cases.

However, Mr Pound is well aware of the fact that the WADA has failed and is hopelessly unable to fulfil its mission so he quickly recommends in the same report that "the WADA should be an independent, international, regulatory body concerned with doping in sport; IT SHOULD NOT BE A 'SERVICE' ORGANISATION". So the WADA, according to Mr Pound at least, should not be too much involved in the actual, tangible fight against doping; no, no, the WADA should further "specialize" in criticizing and naming and shaming, etc.

I appreciate the fact that it is not the CIRC's role to investigate into the WADA's (dys)functioning and (in)efficiency, so you will not find any questions that I would like to be answered by the CIRC in this chapter. The sole purpose of this chapter is to concretely substantiate that the WADA/Mr Pound have good reasons to keep the public attention away from their own failings by continuously "naming and shaming" others, in particular cycling and its administrators.

Hein Verbruggen

La Conversion, 13 August 2014

ATTACHMENTS

Attachment 1

General Doping Context

Doping occurs in all sports, but some sports are more vulnerable to doping than others. In general one can say that the risk of doping decreases as the technicality of a sport increases (with respect to the athlete). Conversely, the risk of doping increases when elements such as strength (anabolic steroids and other hormones) and endurance (EPO or related products) are critical for performance.

In no stage in the history of doping has cycling been an early adopter. Neither regarding amphetamines (athletics was first), neither regarding anabolic steroids (weight lifting started the ball rolling), nor blood doping and EPO (athletics was first).

Not wishing to stigmatise any sports, a comparison with athletics can be drawn. In 15 out of the 22 Olympic athletics events, the men's tenth year performance (an internationally accepted benchmark) was better before 2004 than nowadays. Five of them date back to the eighties. For the women, 10 out of the 22 tenth year performances were better before 2004 than nowadays and eight of them date back to the eighties. For the women, 12 of the 22 world records are at least 25 years old.

This decline is also noticed in the climbing times in cycling. Since humanity is still progressing, it can be derived from performance regression that doping was or still is in the game. So at least athletics has a significant past in doping, as does cycling. Like all other affected sports, athletics also suffered from the lack of a coordinated approach in fighting doping.

It is wrong to compare all sports, but the sports holding the highest number of doping cases prior to, during and after the Olympic Games (2004 to 2012) are weightlifting, rowing and athletics. Furthermore, it may also be pointed out that the attitude towards doping varies from region to region. In American professional sports, the penalties are minor compared to Europe (the WADA

resides in North America, more specifically in Canada, where ice hockey is the national sport). The NHL – which also sends players to the Winter Olympic Games – penalises the first doping offense with 20 games (2.5 months), punishes the second offense with 60 games and only after a third positive test does one get a lifetime suspension. Testing only occurs three times a year per player and there is no testing during match days and NEVER during the playoffs. Imagine reactions if these regulations were to apply to cycling!

Here is another location-specific example. Flanders, a region of Belgium, is the most cycling-fanatic region in the world. It is also the region with the highest concentration of doping controls per number of athletes (in 2013, 2,183 tests for six million inhabitants). Flanders is known for target testing on doping-sensitive sports, including cycling. Cycling is the most controlled sport in Flanders with a number of 478 in-competition controls and 317 out-of-competition controls. With 37 per cent of the controls, cycling "only" has 2.92 per cent of the Flemish positives. Therefore, in Flanders, cycling is only the eleventh "doping sport".

Compare this to the United States (300 million inhabitants), where, in 2012 alone, 4,051(!) tests were carried out by the USADA, the American anti-doping agency. Respectively, in Russia and China, there were 15 854 and 10 066 tests over the same period. In 2012, the UCI carried out, only in the cycling disciplines of course, 8940 tests.

Attachment 2

A crippling separation

The use of performance-enhancing drugs has been a subject of discussion in cycling since a long time, but became an administrative issue after the death of Knud Enemark Jensen during the 100-kilometre time trial at the Olympic Games in Rome in 1960. Historical examination by Professor Verner Møller has shown that his death was not caused by doping (or rather, not by the vasodilator drug Ronicol, because doping did not exist as a category), but most likely by the skull fracture he sustained as a result of a crash (without helmet). That crash was the result of extreme dehydration.

Seven years later, Tom Simpson would die just below the summit of Mont Ventoux as a result of, again, dehydration, alcohol use (administered to reduce the pain) and amphetamines. There too, the UCI did not wait to take action (see below). All of this took place within a blur organizational framework within cycling as a result of a requirement of the IOC to separate amateur sport and professional sport.

In 1966, the UCI was obliged to split into an amateur and non-amateur division. This resulted in two federations: the FIAC for the amateurs, from now on under the control of the Eastern-bloc countries, and FICP for the professionals. The latter was de facto in the hands of the race-organizers (i.e. the Tour de France). Coordination between these two federations was managed by the UCI, but they functioned basically as an "empty" coordinating federation.

This weakened the organisation of cycling. At the same time the doping "ghost" appeared. Doping was rife in the Eastern-bloc countries with state programmes and among professionals, in particular from the 1960s, culminating in the use of amphetamines, and in the 1970s and 1980s with corticosteroids and anabolic steroids.

The organizational split came at a particularly bad time for the fight against doping.

Doping was first banned in the 1960s after a century-long existing tradition of taking all kinds of substances to enable athletes undertake extreme performance (how else could have a Tour de France been managed in 1903 or the extreme performance of athletes in Liège-Bastogne-Liège in 1892?)

These substances were not banned at that time and consequently there were no doping regulations either. As a result, an accepted culture of performance-enhancing drugs emerged over many decades, which was suddenly declared illegal. It took nearly 50 years to achieve a change of culture.

Moreover, for years the ban remained theoretical, since there were no detection methods. As mentioned, the doping ban required a mind shift and in that period the dual structure of cycling did not allow for a tight and unambiguous policy. It became the period of a "second culture": how to continue the long-standing practice of performance-enhancing drugs without being caught? This became obvious by the number of publications as a result of the Festina (1998) case.

The dichotomy in the governance of cycling held until the merger of the amateur and professional sections in 1992 within the UCI. At that time, the battle against doping was the job of the International Olympic Committee, however little initiative came from the Medical Commission of the IOC in the early 1990s, despite the affair with sprinter Ben Johnson in 1988.

After my election as UCI president in November 1991, I swiftly sought to professionalise the UCI. Taking up my post, I found a staff of 5 people within the 3 federations spread across offices in Switzerland, Italy and Luxembourg. The whole policy was based on volunteers within the committees. During my presidency from 1991 to 2005, I replaced volunteers/committees with paid professionals (from 5 to 70 full-time staff, in addition to a number of part-time employees), and without doubt, the same applied to the anti-doping organisation of the UCI. The

anti-doping commission was maintained because of the knowhow available, but its members were now remunerated.

Until the establishment of the WADA the search for methods to detect doping had not, unfortunately, been a coordinated fight, but rather, it was a matter of personal initiatives by a few well-meaning researchers. The UCI has (perhaps as the only international federation) often taken the initiative and constructively collaborated when requested. The booklet *40 years of fighting against doping* (Attachment 2b), published in 2001 speaks volumes in this respect. Furthermore, I have included (part of) an internal UCI presentation as Attachment 2c that will clarify this even more.

Allow me to conclude this attachment with a quote from an interview with Professor Patrick Laure (Fr.) quoted already in Attachment 2d:

"If there is a doping culture in cycling, there is also an anti-doping culture."

Attachment 3

UCI led the way

Historically, one cannot but conclude that the UCI has taken scores of initiatives in the fight against doping. No fewer than seventeen times did the UCI lead the way in anti-doping measures:

In 1955, the UCI was the first federation that suspended a soigneur for doping his riders.

In 1960, the UCI was the first federation to incorporate an article about doping in the regulations. Previously, doping did not exist as a prohibited practice. The first national laws against doping date from 1961.

In 1964, the UCI was the first IF to establish a medical commission within the federation, two years before the International Olympic Committee.

In 1965, the UCI was the first IF to adopt recommendations of the first International Doping Conference

In 1966, the UCI was the first IF to devote an entire chapter on doping in the regulations and first to have urine samples analysed.

In 1967, the UCI was the first IF to publish a doping list and to hand out fines. Fourteen riders were given a fine of 2,000 French francs and a three months' suspension.

In 1988, the UCI was the only IF to take part in a study on the effects of ACTH, the precursor hormone for corticosteroids.

In the 1990s, the UCI funded three studies on the detection of EPO.

In 1996, the UCI was the first major sports association that made her athletes take blood tests for scientific research.

A year later, the UCI was the first sports federation to determine the hematocrit limit at 50 (47 for women) and to set up health checks possibly resulting in a no-start.

Between 1997 and 1999 the UCI donated 100,000 DM to the doping laboratory in Cologne for the development of an IRMS test for the detection of exogenous testosterone.

In 1999, the UCI was the first federation to apply a newly validated test on glucocorticosteroids.

In the spring of 2001, the UCI was the first federation to apply the French EPO test and also the first federation to suspend an athlete based on this test (WADA did not approve the test until 2003).

In 2002, the UCI was the first federation to suspend an athlete after he was targeted based on suspicious blood values.

In 2005, the UCI was the first federation to announce a blood passport and the first IF to apply this as of the end of 2007.

In 2009, the UCI was the first federation to have samples retrospectively tested on EPO, and caught and suspended athletes afterwards.

In 2011, the UCI was the first federation to establish a no-needle policy before, during and after races.

Attachment 5a

The EPO story

Blood doping – with administering one's own blood – already existed in the 1970s in athletics and was also used in the 1980s in cycling, as we now know from the testimony of American Olympians who were part of the cycling team in Los Angeles in 1984.

From sources and from various publications it can be concluded that, as a consequence, cycling was not the only sport involved in doping, and other sports were even more involved. In his capacity as a doctor of athletics, Spanish doctor Fuentes (known from the Puerto case) was, in the 1980s and 1990s, involved in doping cases within Spanish athletics circles.

An alternative to the potentially dangerous technique using infusions and blood bags appeared in 1989 after American pharmaceutical giant Amgen brought rHuEPO to the market. Recombinant human EPO is an artificial form of erythropoietin or the human hormone that generates red blood cells. It found its way to all physiological sports, including cycling.

The UCI was well aware of the danger of EPO to cycling (Attachments 5b, 5c, 5d, 5e, 5f, 5g, 5h and 5i) and funded, in the second half of the 1990s, several studies in the quest for a detection method for EPO. The Australian Michael Ashenden , among other people (Attachment 5i), thanked the UCI (and me personally!) for its leading role in the battle against EPO. He later apparently forgot his words of thanks when, for apparently opportunistic reasons – a small service to the WADA? -, he became a fierce critic of the very same UCI!

Also, from the cycling community itself there came a call for controls on the new product. One of the most motivated insiders was French team manager Roger Legeay who kept questioning the lack of testing on EPO.

The detection of EPO took a long time for the lack of coordination in the

research. In the meantime, the medical commission of the UCI sought approval to begin with hematocrit controls.

In the winter of 1996, the legal and medical services of the UCI worked hard to prepare the hematocrit controls. The UCI launched controls in the spring of 1997. The checks on the percentage of red blood cells could not be considered as doping control, as it could not prove doping with EPO. It was regarded as a health check, since a too high hematocrit level was considered to be a health risk, and entailed a start ban.

In the winter of 2000–2001, the UCI itself took the initiative to validate the EPO test developed in France by Françoise Lasne.

For a more detailed history I refer to UCI's brief to the Court of appeals of Douai in the Festina case, in particular pages 18-27 (attachment 21a).

Attachment 6.a.

The Lance Armstrong case

All kinds of publications in the media and books suggest that the UCI protected Lance Armstrong because in spite of a positive doping test he was able to avoid a sanction (at least) twice.

Which cases are we looking at?

1. In July 1999, Lance Armstrong was controlled by the French anti-doping authorities at the Tour de France. Traces of triamcinolone acetonide, a glucocorticosteroid, were found in his urine.
2. During the Tour of Switzerland in June 2001, Lance Armstrong was thought to have tested positive for EPO. Lance Armstrong himself communicated this to his team members: he was thought to have the positive test erased after consultation with the UCI.

What are the true facts?

1. July 1999 – glucocorticosteroids

For details, see Attachment 6b. (report published by the UCI)

2. June 2001 – EPO

For details, see attachment 6c (report published by the UCI)

It was the policy of the UCI to inform the athletes that, although they were not positive, their tests gave rise to suspect them of using performance-enhancing substances. Taking no action would confirm the belief of suspicious athletes who were doping indeed that their method to evade positive tests would be successful; hence, they surely would continue.

The latter would, in practice, oppose the principle of protection of clean athletes. For suspicious riders more intensive controls were implemented. This proactive approach to the prevention of doping use is now in the aftermath of the Lance Armstrong case, held against the UCI (of course also by the WADA, through Mr Pound), but what is not remembered is that the UCI has always been transparent about this, and that it has been praised for this practice. Terry Madden, then CEO of USADA, said in a press release following the Hamilton case: « Based on blood screens taken in the spring and summer of 2004, Union Cycliste International (UCI) warned Hamilton and his team that Hamilton was suspected of manipulating his blood. Following these warnings, UCI target-tested Hamilton and he tested positive. "UCI took the necessary action to protect the integrity of its sport," said USADA Chief Executive Officer Terry Madden. "This decision shows that sport is committed to protecting the rights of all clean athletes and that no athlete is above the rules." » (attachment 6k).

And even Mr Pound's friend at *L'Equipe*, Mr Damien Ressot, wrote in the Rumsas case that the UCI deserved credit for this policy (Attachment 6d).

The right of athletes to acquire maximum information (attachment 6e), including on the techniques used by laboratories, was confirmed at the hearing of the Hamburger case by the CAS. On 19 April 2001, Bo Hamburger was the first rider to be caught using EPO, but as one of two B-sample tests was found to be slightly below the positivity threshold, he was acquitted.

I wish to close the Lance Armstrong chapter with some personal notes.

I have ample proof that Lance Armstrong flaunted his anti-doping zeal; he criticized the UCI publicly for not introducing harsher sanctions; he sent mails warning them about "new" products; he donated money, etc. (see Attachments 6f and 6g). He bluffed his way out of the suspicious EPO test in 2001 by saying that the test had only recently been introduced and lacked the required reliability. In this respect he was supported by the fact that the WADA had failed to accept and

approve the French detection method in 2001 (in fact WADA waited till June 2003!).

I was not aware of the sinister game he played with the suspicious 2001 test, by telling his teammates that it had been positive and that he had "arranged" with the UCI (clear proof that Lance Armstrong incited others to dope, since even if caught positive, he "could take care of it"). We only found out definitely in 2012 via the sworn affidavits of Landis, Hamilton and the likes. When Landis started telling his stories about bribes and corruption some years before, we did not hesitate to take him to court (for these, and only these, accusations against me and the UCI, while the UCI asked the respective national federations and USADA to investigate the allegations made by Landis against Lance Armstrong and the other persons he named), since we knew for sure there had never been a bribery. There was not even a positive test.

None of Lance Armstrong's teammates have ever contacted us about the doping that went on in the team, nor about the 2001 positive test, made up by their boss. I have reasons to be bitter about Jonathan Vaughters who, until 2011/2012 always knew where to find me if he needed advice as President of the AIGCP, but never spoke about the doping that went on in the Armstrong team, his own doping, the false stories about putting positive cases under the table. Now, after admitting to doping in a tear-jerking letter in the *New York Times* at a moment that he could no longer deny, he suddenly became some sort of a hero in (part of) the press. But not for me. People that are apparently capable of changing their image overnight by a simple piece of PR are no heroes for me. I will not dwell on the qualification that I have in mind.

Probably as a result of Tyler Hamilton's book, I decided in 2011 to write a letter to Lance Armstrong asking him for clarifications about the accusations. My letter and his reply are attached (6h). His answer is clear: "For me, it's very simple. I never tested positive at any point so there would be no way I would 'make up' some story like that. That would be one of the dumbest ideas ever. I have no idea

where this comes from but it's 100% untrue" (he makes also an interesting and in hindsight truthful remark about a "unified effort on the other side").

The next chapter in the Lance Armstrong saga was written after reading the sworn affidavits in the reasoned decision of USADA, who must have known since 2010 that Lance Armstrong never tested positive but (under the pressure of Mr Pound? See chapter III) could apparently never give up the oh-so-attractive idea of chopping the head of UCI presidents with this fictitious story of covering up positive tests and bribery. Only then I understood the full scale of Lance Armstrong's wrongdoings (apart from doping) and in June 2013 I wrote him a long letter that would speak for itself (Attachment 6i). Needless to say, Lance Armstrong did not care to answer. Needless to say too that the allegations he made about me a couple of months later regarding the 1999 cortisone case (as you can see I had predicted that already in the same letter) are false and are only meant to confuse and to draw up a smoke screen for his sinister lies about the 2001 test. Given the current court trials in which he is involved, Lance Armstrong will go to any lengths to reject the accusation that he has incited others to dope. Unfortunately he did, and the proofs are in the sworn affidavits, but not too many people seem to be willing to see that, not even Messrs. Tygart and Pound who seem to prefer to let Lance Armstrong get away with this in exchange for my head! (In this respect I refer also to the angry reaction of Mr Tygart at the WADA symposium in Lausanne in March 2013 when Mr Verbiest tried to assure him that there never was a positive sample for Lance Armstrong, Mr Verbiest finding Mr Tygart still convinced of the opposite at that time.)

For what it is worth, I submit further as Attachment 6j a copy of a letter that was sent by Mr Johan Bruyneel to a person in the Netherlands in which he confirms that:

- there was never any question of a positive test;
- there was, as a consequence, never a cover up either.

Findings of corticosteroids in samples collected from Lance Armstrong during the 1999 Tour de France

This document explains how the presence of corticosteroids (*triamcinolone acetonide*) in four urine samples taken from Lance Armstrong during the 1999 Tour de France was assessed and dealt with by the French Authorities and by the UCI Anti-doping Commission in July 1999.

It should be stressed that this case was handled knowing only the facts which were apparent at that time. For example, the UCI did not know that the medical certificate handed over to Dr. Schattenberg, a member of UCI's Anti-doping Commission, in July 1999 had been post-dated. Armstrong only admitted this during his interview with Oprah Winfrey, which was broadcast on 17 January 2013.

Testing for corticosteroids

As with EPO, corticosteroids were on both the IOC's and UCI's prohibited list long before there was an anti-doping test to detect their presence in samples taken from athletes.

The UCI was the first organisation to conduct tests for corticosteroids – using a test introduced by the UCI in the 1999 Tour de France.

On 29 June 1999, just four days before the start of the 1999 Tour de France (on 3 July), the IOC and the UCI were informed by the anti-doping laboratory of Châtenay-Malabry, in Paris, that a test for glucocorticosteroids (a group of corticosteroids) had become available.

Despite there being only four days before the start of the Tour de France, the UCI decided nevertheless to have samples taken during that Tour analysed for corticosteroids. This was a brand new procedure for both the UCI and for the riders themselves.

The status of corticosteroids under 1999 French law

As remained the case up to 2006, all anti-doping tests in France were carried out by the French Ministry for Youth and Sports and governed by French law.

The samples taken during the 1999 Tour de France were taken by a medical doctor appointed by the French ministry, with the assistance of a UCI anti-doping inspector.

The then prohibited list under French law ('the French list') was enacted by the Ministerial decree of 12 November 1998 (*Journal officiel de la République française*, 15 December 1998, p. 18826).

The status of corticosteroids is set out under section I.D of the French list, which reads (free translation from French) :

The use of corticosteroids is prohibited except :

A – For topical application (anal, auricular, dermatological, nasal or ophthalmological) but not rectal;

B – By inhalation;

C – By intra-articular or local injection

An obligatory notification by athletes applying for the use in-competition of corticosteroids by inhalation for the treatment of asthma has been introduced. A team doctor who wants to administer corticosteroids to a participant by local or intra-articular injection, or by inhalation, has to notify the medical authority in writing prior to the competition.

These French rules imply that topical application of corticosteroids is not prohibited – and that no prior notification, or medical prescription, is required. This applies in particular to dermatological applications, such as the use of a skin cream.

The status of corticosteroids under the 1999 Olympic Movement Anti-Doping Code

Appendix A to the 1999 Olympic Movement Anti-Doping Code lists the ‘Prohibited classes of substances and prohibited methods’.

The status of corticosteroids is set out in section III.D as follows:

The systemic use of corticosteroids is prohibited.

Anal, aural, dermatological, inhalational, nasal and ophthalmological (but not rectal) administration is permitted. Intra-articular and local injections of corticosteroids are permitted. Where the rules of a responsible authority so provide, notification of administration may be necessary.

This rule clearly states that the dermatological use of corticosteroids is allowed and that such use would not constitute an anti-doping rule violation. Similarly, intra-articular and local injections of corticosteroids are also permitted under the rule.

The status of corticosteroids under the 1999 UCI prohibited list

In the years prior to the introduction of the WADA Prohibited List, the UCI adopted its own 'List of categories of doping substances and methods'. That list was based upon the list established by the IOC.

Section III-C, par. 2 reads as follows:

The use of corticosteroids is prohibited, except when used for topical application (auricular, ophtalmological or dermatological), inhalations (asthma and allergic rhinitis) and local or intra-articular injections. Such forms of utilisation are to be proved by the rider with a medical prescription.

Whereas the French list and the IOC list did not require a medical prescription, the UCI list required a medical prescription as proof of a topical application of corticosteroids, for example a skin cream.

However, the UCI list did not require the rider to present the medical prescription prior to the competition, or prior to the doping test, or during the doping test.

Article 43 of the 1999 UCI Anti-doping examination regulations

Par. 3 of article 43 read as follows:

The rider must indicate on the form any drugs listed on the list of classes of doping substances and methods which he has taken but which may not be taken into consideration under the medical conditions specified in the same list. If he hasn't and any such substance is found by the laboratory, the test result shall be considered as positive and the rider shall be sanctioned even when he produces a medical certificate after the test.

Test results for Lance Armstrong in the 1999 Tour de France

The 1999 Tour de France started on 3 July and finished on 25 July.

During the Tour, Armstrong was tested 15 times. In the four samples indicated below traces of triamcinolone, a corticosteroid, were found. No other prohibited substances were found.

(Note : in 1999, no test had yet been developed that could detect EPO, so the samples taken during the 1999 Tour de France were not tested for EPO. In 2005, samples taken from Lance Armstrong at the 1999 Tour de France were retested in a scientific research program of the anti-doping laboratory of Châtenay-Malabry, Paris. According to the research results EPO was found in Armstrong's samples. As indicated by the laboratory, and later also in the Vrijman report, these research results did not constitute valid proof of the presence of EPO under the anti-doping rules. Until his public confession in an interview with Oprah Winfrey broadcasted on 17 January 2012, Armstrong has always denied that he had ever used EPO.)

3 July	negative test result
4 July	presence of traces of triamcinolone acetonide
11 July	negative test result
13 July	negative test result
14 July	presence of traces of triamcinolone acetonide
15 July	presence of traces of triamcinolone acetonide
16 July	negative test result
17 July	negative test result
18 July	negative test result
20 July	negative test result
21 July	presence of triamcinolone acetonide
22 July	negative test result
23 July	negative test result
24 July	negative test result
25 July	negative test result

The analysis reports were sent to the UCI, the French Ministry of Youth and Sports and Dr. Grosset-Janin, the doping control officer appointed by the French Ministry who had taken the samples during the 1999 Tour de France. The reports for the samples taken on 4 and 14 July mention that a copy was also sent to the French Cycling Federation.

Elements for the assessment of the test results

1. Normally a rider might be tested a couple of times in any given year. When a rider is tested, that test might take place weeks or even months after the rider was previously tested. As such, each test is simply a snapshot in time.

A stage race such as the Tour de France, with a prologue and 20 stages, offers a unique situation in sport, because the athletes are available to be tested over a continuous period of more than three weeks. In addition, UCI rules stipulate that the leading rider in the general classification after each stage must be tested. (So any rider who knows that he will wear the yellow jersey – or at least has a chance of doing so – also knows that he will be tested).

At the 1999 Tour de France, Armstrong wore the yellow jersey for 15 days: on 3 and 4 July and then continuously from 11 until 25 July. He was tested on each of these days, except on the rest days (12 and 19 July).

As a result, the testing of Armstrong during the 1999 Tour de France was not simply a snapshot. Instead, it was a longitudinal process similar to the blood passport, in that there were 15 test results over a 23-day period.

2. If corticosteroids are administered by way of oral administration, or by injection – the so-called ‘systemic use’ – a single administration would result in the substance showing up clearly in samples taken for at least one week after its administration.

If, on the other hand, corticosteroids are administered dermatologically – which is not forbidden – their administration might not be detected in a urine sample, or else would show only a slight presence over a very short period of time.

The assessment of the test results by the French Ministry

The samples taken during the 1999 Tour de France were analysed by the French National Anti-Doping Laboratory in Châtenay-Malabry.

The French Ministry came to the conclusion that there had been no anti-doping rule violation. In a conversation with the UCI’s Dr. Schattenberg at the time, the French Ministry doctor confirmed that the presence of traces of corticosteroids found in samples taken from Armstrong was compatible with the use of a skin cream; that the use of a skin cream was accepted as proven by the French Ministry; and that there was therefore no anti-doping rule violation.

The French Ministry’s assessment was made possible because of the particular nature of a stage race, where the same athlete is tested a number of times over several days. The sequence of consecutive test results, alternately showing or not showing the presence of traces of corticosteroids, provides evidence that would not be available if an athlete is only tested a couple of times a year with long intervals between.

If the corticosteroids had been used systemically (ie. injected or taken orally), the consecutive test results would have all been positive.

There was also a commission of the French Ministry (*‘commission d’interprétation’*) which was in charge of examining therapeutic justifications for findings of prohibited substances. To the UCI’s best knowledge, Armstrong was never summoned to provide a medical justification for the findings that the Paris lab had reported. This means that the French Ministry was completely satisfied that the corticosteroids had been used in a way that was not forbidden and that no further justification therefore needed to be provided.

No disciplinary proceedings were therefore set in motion against Armstrong by or at the request of the French authorities.

The assessment of the test results by the UCI

1. When the UCI learned of the first laboratory report showing the presence of traces of corticosteroids in Armstrong’s sample taken on 4 July, Dr. Schattenberg called either Armstrong’s team manager or team doctor to ask whether there was a medical

prescription. Dr Schattenberg was told there was a medical prescription for Cemalyt cream and that this prescription would be provided to him. The prescription was handed over to Dr Schattenberg, either on the same day or the day after.

The document is a statement by US Postal team doctor del Moral dated 3 July 1999 and reads:

3/7/99

Armstrong

The rider has been using during the 2 and 3 of July :

Cemalyt : Calendula (extr)

Placenta (extr)

Triamcinolone

for the reason of present a allergical inflamatory dermatitis (sic).

Dr Schattenberg consulted Werner Göhner, who was President of the Anti-doping Commission and Vice-president of the UCI, as well as being a lawyer.

Following this consultation, the document was accepted as the medical prescription required by the UCI list. As noted above, the list does not require that the medical prescription be presented prior to the competition, or prior to or at the sample collection. A medical prescription presented after the test fulfils the requirement of the UCI list.

A similar document, dated 11 July 1999, was presented the following time that Armstrong was tested. And from 11 July 1999, his first test following the test of 4 July, Armstrong mentioned on every doping control form that he was using a skin cream containing triamcinolone.

2. Despite the requirement of article 43 of the UCI's Anti-doping examination regulations, it is a fact that Armstrong did not mention the use of corticosteroids, or the use of a medicine containing corticosteroids, on his doping control form of 4 July. In fact, the doping control form says: 'medicines used: none'. This was apparently written down by the French Ministry of Youth and Sports anti-doping control officer, Dr. Michel Grosset-Janin.

It is not known what questions Dr. Grosset-Janin asked Armstrong about medicines, or whether any such questions would have covered the use of a skin cream, rather than only forbidden forms of administration (medicines, pills or injections). Given that the use of a skin cream was not forbidden under French law and no prescription was required, it is possible that no questions were asked about this. According to the French newspapers *Libération* (22 July 1999) and *Le Monde* (23 July 1999), Armstrong told journalists on 21 July that he didn't know he had to present a medical certificate for a skin cream (as opposed to pills, injections, or inhalations).

In any event, in 1999 the UCI Anti-doping Commission concluded that there had been no anti-doping rule violation and that Armstrong should not be sanctioned on account of article 43.

That decision was based upon the following reasoning:

While Article 43 requires that the rider mention any medicine used in order to benefit from the non-prohibited status of the corticosteroids contained in them, this requirement is a rule of evidence. Article 43 aims to find a way to establish, to the greatest extent possible, that any corticosteroids found in a sample originate from a non-prohibited way of administration.

Article 43 does not prevent a judgement that corticosteroids were used in a non-prohibited way, in particular if there is other supporting evidence apart from the medical prescription. If this other evidence shows that the corticosteroids were used in a non-prohibited way, Article 43 is fulfilled – and there are no grounds for applying the sanction provided in the article.

(It should also be noted that article 43 was amended on 1st March 2000 after the introduction of the health record booklet – see below.)

The specific circumstances of a stage race – in other words, with samples taken on consecutive days and/or over an extended period of time – was sufficient to determine how the corticosteroids had been administered.

The topical use of corticosteroids was established by the fact that the trace of triamcinolone of 4 July showed up the day after a sample was taken where no triamcinolone was found. A systemic use of triamcinolone after the test of 3 July and before the test of 4 July would have resulted in a high concentration in the sample of 4 July and would also have shown up in the samples taken on 11 and 13 July.

The topical use of triamcinolone was further confirmed by the fact that in a series of 15 test results there were 11 negative results – and only 4 results showed the presence of traces of triamcinolone :

1. the trace of 4 July showed up after a negative sample taken on 3 July
2. the traces of 14 and 15 July showed up after two negative samples taken on 11 and 13 July and were followed by negative samples taken on 16, 17, 18 and 20 July.
3. the sample showing triamcinolone and taken on 21 July was taken after the consecutive negative samples of 16, 17, 18 and 20 July and was followed by the negative samples of 22, 23, 24 and 25 July.

Based upon these facts, both the French Ministry and the UCI Anti-doping Commission found that there was conclusive evidence that no anti-doping rule violation had taken place. In view of this weight of evidence, the UCI Anti-doping Commission also found that the aim of Article 43 had been fulfilled and that there was no grounds for

sanctioning Armstrong as if he had taken a forbidden substance – for the sole reason that he had omitted to mention the use of the substance when undergoing doping control. Indeed, as was confirmed by legal advice, any such sanction would have no justification, would be out of proportion and would not stand up in court.

Press release

After press articles mentioned the finding of triamcinolone in Armstrong's sample of 4 July 1999 (including *Le Monde* on 21 and 23 July, and *Libération* on 22 July) the UCI published the following press release on 21 July 1999:

COMMUNIQUE DE PRESSE

PRESS RELEASE

Date: 21 July 1999

Information on UCI anti-doping controls is based on two principles:

- In the event of a positive result confirmed during a stage race, the information is given firstly to the rider and his team, and then to the media;
- In the event of a positive result caused by medical treatment (to which every rider is entitled), the UCI sees to it that medical secrecy is fully respected, ensuring that the data in question is kept confidential.

We confirm that the controls performed up to 19th July during the Tour de France have all produced negative results.

Without prejudice to the medical secrecy which the UCI fully wishes to maintain, but at the express request of Lance Armstrong and his team, taking into account the exceptional situation brought about by certain publications, the UCI is making an exception to this principle by confirming that:

the rider used the ointment Cemalyt (which contains triamcinolone) to treat a skin allergy.

The medical prescription has been shown to the UCI. The rider was tested on 3rd July 1999 after the prologue, and the result was negative, with no trace of corticosteroids. The rider was tested again on 4th July, and on this occasion minute traces were detected. The result of the tests on these two dates unquestionably demonstrate that there was no systematic use.

The UCI recalls that the use of corticosteroids is restricted as follows in the IOC/UCI list:

Figure III Classes of drugs subject to certain restrictions

C : The use of corticosteroids is prohibited, except when used for topical application (auricular, ophthalmological or dermatological), inhalations (asthma and allergic rhinitis) and local or intra-articular injections. Such forms of utilisation are to be proved by the rider with a medical prescription.

In view of all these elements, the UCI, after discussing the case with the competent French authorities, affirms in the strongest terms that such use is permitted by the rules, and therefore does not constitute any form of doping.

We should like to ask all press representatives to be aware of the complexity of doping issues and the related aspects of the rules and the law before producing their publications.

This will allow considerations of a rather superficial, not to say unfounded nature to be avoided. It is indeed surprising to read that testosterone/epitestosterone ratios are used to indicate the concentration of corticosteroids.

We are often faced with questionable conclusions which damage the integrity of the riders who, it should not be forgotten, have rights too.

UCI Press Services

Neither the media articles nor the UCI press release prompted either the French Ministry or the IOC to question or review the decision, so confirming that, for these two authorities, it was proven there had been no anti-doping violation.

Health booklet and the amendment of article 43

During the second half of 1999 the UCI prepared a new way for riders to document the use of the substances on the prohibited list (such as beta-2-agonists and corticosteroids) that athletes were allowed to use under certain circumstances.

On the one hand, the introduction of tests for corticosteroids increased the number of occasions when riders were required to provide medical prescriptions (as well as the number of potential disputes in this respect). On the other hand, notwithstanding the fact that IOC rules as well as those of other authorities (such as the French Ministry of Youth and Sports) did not require medical prescriptions, or any other kind of justification, the UCI did not want to abandon the requirement of providing medical prescriptions. The UCI aim was to restrict the use of these substances, not only for anti-doping but also for health purposes.

As a result, the UCI produced its 'health booklet'. In this booklet, riders were required to note all uses of substances that were subject to any form of anti-doping restriction – and the booklet had to be shown when passing doping control. The booklet also mentioned the quarterly health checks that every rider had to undergo under the UCI's health regulations.

When the health booklet was established, the relevant paragraph of Article 43 was replaced with the following clauses, as per 1st March 2000:

The rider must indicate on the form any drugs or method listed on the list of classes of doping substances and methods which he has taken or used but which may not be taken into consideration under the medical conditions specified in the same list.

In order to appreciate whether the medical conditions are answered in the case of a rider who is a member of a TTI of TTII, only the substances or treatments registered in the health record booklet shall be taken into consideration. If the conditions are not answered according to the entries in the health record booklet, the rider is declared positive.

An omission to mention the substances concerned on the doping control form was no longer sanctioned as such. However, the obligation to mention the substances was maintained as it provided useful information for the laboratory when analysing the sample and for the results management process.

2001 TOUR DE SUISSE RESULTS

USADA's Reasoned Decision (and its appendices) revealed a great deal about Lance Armstrong – in particular that he was a very convincing liar. Indeed, as he himself admitted during the Oprah Winfrey interview, he cheated and lied throughout his entire career until 2005.

It is not difficult to imagine, then, that Armstrong told Landis and Hamilton something that was not true, but that could prove useful to him. For example, if Landis and Hamilton believed that Armstrong could 'arrange things' should either of them be tested positive, they would feel more confident to continue doping – and that would have been to Armstrong's advantage. A reasonable person might wonder, though, why Landis and Hamilton did not ask Armstrong what he would do if they were found positive by WADA, USADA, or by the French Ministry of Sports which conducted tests for international cycling events in France.

But this is just speculation. What is not speculation, however, is that Armstrong was never found positive by a UCI test – and that includes during the 2001 Tour de Suisse.

The UCI has sent statements to WADA from the laboratories that conducted the analyses for EPO on urine samples taken from cyclists until 2003, including the analysis reports for the 2001 Tour de Suisse samples. In these emails, the laboratories also say which entities were copied on their findings. Since 2004, WADA has been sent copies of all adverse analytical findings. And WADA has already attested that all such adverse analytical findings made under the UCI's authority (and which were duly reported to WADA) were followed up appropriately. That attestation is attached too.

From the documents, it is clear that none of the samples that were reported positive by a laboratory since EPO became detectable belonged to Lance Armstrong.

It is public knowledge, however, that Lance Armstrong did have 'suspicious' results for EPO at the 2001 Tour de Suisse.

The 2001 Tour de Suisse started on 19 June and finished on 28 June 2001. Armstrong was tested five times: on the 19, 20, 26, 27 and 28 June.

Three samples, those collected on 19, 26 and 27 June, were tested for EPO using the sole urinary test method introduced by the UCI on 9 April 2001. The analyses were carried out by the anti-doping laboratory in Lausanne.

As is shown in the analysis reports, the lab sent copies of the reports for each sample to the UCI as well as to the Swiss National Olympic Committee. At that time, all anti-doping laboratories accredited by the IOC were required to send copies of each analysis report for a positive sample to the IOC. Had there been a positive sample, therefore, the corresponding report would have been sent to the IOC.

As you can see, every analysis result for Lance Armstrong is reported by the lab as being negative.

There is, though, a note in the report for each of the three samples that were tested for EPO. The reports for the samples taken on 19 June (sample 106209) and 26 June (sample 106106) contain a remark that, while there is a [translated from French] "strong suspicion of the presence of EPO, the positivity criteria are not all met".

These reports are dated 6 and 12 July respectively. They were sent after the finish of the Tour de Suisse and received by the UCI during the Tour de France 2001, which started on 7 July.

The report for the sample taken on 27 June (sample 093724) states that the analysis result for EPO fell below the sensitivity threshold. This report is dated 18 July 2001.

The lab established a complete analytical report for the two suspicious samples.

The report for sample 106209, taken on 19 June, was established on 10 August 2001 and showed a percentage of 75.1% of basic bands (see sections 4.2.and 4.3 of the report).

The report for sample 106106, taken on 26 June, was established on 7 August 2001 and showed a percentage of 70.0% of basic bands (see sections 4.2.and 4.3 of the report).

Note that this second analytical report also includes mention of another sample, belonging to another rider who was also tested on the same day, 10 minutes before Armstrong. The percentage for this rider was 79.4. He was not declared positive either. (The rider was not well known and retired from the sport in 2005.) The codes used for identifying the sample have been redacted.

As is explained in section 4.2.3 of the reports, a sample was considered to be “highly suspicious” by the Lausanne lab if the percentage of basic bands was above 70.2 and below 80. So Armstrong’s sample 106106 (which was 70.0%) in fact falls just outside the category of being ‘highly suspicious’, but was included in this category nonetheless.

The Lausanne lab applied an 80% criterion to register a ‘positive test’. This was a lower (so stricter) criterion than that used by the Paris laboratory which had developed the test in the first place and which used an 85% criterion for a positive result.

When considering samples between 70% and 80%, it is also worth noting the case of the rider Bo Hamburger, who was tested for EPO by the UCI on 19 April 2001. Hamburger’s A-sample showed a result of 82.3% and was therefore declared positive by the Lausanne laboratory. His B-sample had been divided into two parts. One part had a level of 82.4 % and the other a level of 78.6%. Both the Lausanne laboratory and the UCI considered the overall test result to be positive for EPO. However, when the case was brought before CAS, the court ruled that the sample should be considered negative because “the B-sample did not confirm the A-sample because one of the B-samples did not attain the level of 80% laid down by the laboratory itself for the A-sample” (*CAS 2001/A/343 UCI v/Hamburger, 28 January 2002*).

It is crystal clear, therefore, that not one of Armstrong’s samples could in any way have been considered to be positive results.

Dr Leon Schattenberg, at that time a member of the UCI’s Anti-Doping Commission, informed Armstrong and Johan Bruyneel of the suspicious test results of the Tour de Suisse 2001 orally during the Tour de France 2001. It is quite normal that this did not happen any earlier, as the test results were only communicated to the UCI in July 2001.

It was also normal in the frame of the UCI’s policy at that time to inform riders and their team of any suspicions of doping. This was done so that the rider, if he was indeed doping, would stop doing so and the other competitors would be protected. (This policy was also applied by other sports, such as skating, and was publicly supported by, for example, Damien Ressayre in the Rumsas case and by USADA in the Hamilton case).

When informed about the tests, Armstrong asserted strongly that it was completely impossible that he could have produced a suspicious test as he categorically denied doping. He went on to question the reliability of the new EPO detection method that had been introduced by UCI four months earlier (on 9 April 2001).

Dr Schattenberg, who saw the importance of a leading rider supporting the reliability of a new anti-doping test, told Armstrong that he would ask Martial Saugy to explain the reliability of the EPO test when Saugy and Armstrong next met, which would normally be at a next no-start-rule blood test (haematocrit test). There was no fixed date for the meeting. Rather, it would simply happen at the next opportunity.

That meeting eventually did take place at the pre-comp blood testing for the Tour de France 2002 in Luxemburg, so one year later. This must have been on Thursday 4 July, as the Tour started on 6 July.

At the meeting, Saugy explained the testing method to Armstrong and Bruyneel using slides from a presentation that he had already given on other occasions. The only purpose of the meeting was to demonstrate that the test worked properly.

Armstrong will not have learnt anything in this meeting that he could not have already found out about from other public sources during the year that had passed. In fact, the detection method had already been explained in great detail to the experts representing Meier and Hamburger at the CAS hearings. In the Hamilton case, too, USADA/WADA also explained in detail at the hearing how the homologous blood test worked and the same applies now to the athlete biological passport.

During the 2001 Tour de France, that started nine days after the finish of the Tour de Suisse, Lance Armstrong was tested 10 times. Of these tests, five samples were analysed for EPO at the request of the UCI. The laboratory of Châtenay-Malabry reported all results, including the EPO results, as negative. The highest percentage of basic bands for Armstrong was 72 %. This result was not even reported as suspicious by the Châtenay-Malabry lab.

Lausanne and Châtenay-Malabry did not apply the same criteria, highlighting the scientific uncertainty surrounding the EPO test at that time. All results of the Châtenay-Malabry lab were sent to CPLD which, under French law, had jurisdiction for disciplinary action against athletes that were not affiliated to a French national federation. To the UCI's knowledge, CPLD took no action against Lance Armstrong.

Attachment 10a

Poor image – a matter of perception

The inconvenient truth is this: WADA / Mr Pound have for years used the UCI as a scapegoat, out of personal motives and to hide their own mistakes. An unjust image of a WADA that wanted to punish seriously and an UCI that would be too loose has been created.

The underlying reason is a reckoning between individuals.

On 16 July 2001, the President of the WADA, Richard "Dick" Pound, suffered a heavy defeat in the election for the presidency of the International Olympic Committee. Jacques Rogge won that election in the second round with a large advantage on the Korean Kim and Pound who became disillusioned third. This event has greatly influenced the thinking and acting of Pound in the years that followed.

Publicly expressing his disappointment, he wrote the TOP sponsors stating that he did not have confidence in the new leadership of the IOC because of lacking marketing skills and so nearly caused a major crisis within the Olympic Movement. To the frustration of Mr Pound the TOP sponsors could not appreciate this letter and they sided with Rogge and the IOC.

When shortly afterwards also became known that an amount of approximately \$ 1.8 million was paid to Mr Pound (most likely being the only IOC member) for services he had performed professionally (albeit through his law firm, but clearly in a "conflict of interest" situation!) for the IOC, his reputation in the Olympic Movement dropped to a record low and he has never been able to regain the lost confidence, as several defeats in elections in the past 12 years did prove.

In 2006 Mr Pound gave a remarkable interview in a Belgian magazine which deserves a phrase to be quoted here. The journalist asked:

"Verbruggen and his followers claim that you rant so much against cycling because in 2001 you lost the fight for the IOC presidency to Mr Rogge. He had the unconditional support of Verbruggen's UCI. What is up with that?"

The answer of Mr. Pound: "If someone had told me: Here is a million dollars take it and gamble, I would have put my money on Rogge. In my opinion I did know more about the IOC and the business aspect of the Olympics than he did, but so be it.....! No believe me, my attitude has nothing to do with my losing the IOC- election. IN THE END I MEAN MORE FOR THE OLYMPIC MOVEMENT AS THE HEAD OF WADA RATHER THAN AS IOC-PRESIDENT KISSING BABY'S HEADS ALL OVER THE WORLD, DELIVERING MEDALS AND HOLDING SPEECHES. THE LORD WORKS IN MYSTERIOUS WAYS (laughs)". (see attachment 10.b.; an interview with a scandalous amount of false allegations)

This answer leaves no doubt: Mr Pound had decided that his mission given by the Lord as WADA Chairman was infinitely more significant than the work of an IOC president ("to give kisses") and was going to behave himself like this too! He left as he went on a crusade, following a strict pattern:

- An endless series of interviews (far more than an IOC president) and paid talks;
- Cynical sound bites which do well in a particular kind of press: "Take cycling in 2006. If 2006 were to be measured in the Chinese cycle it would be the Year of the Excrement"; or " Landis and US sprinter Justin Gatlin could blame" Nazi Frogmen "who injected them with testosterone against their will"; or again on Landis: "with such values of testosterone you would think he'd be violating every virgin within 100 miles. How does he even get on his bicycle. "(Attachment 10c); see also in the same attachment 10.c the article of Sally Jenkins in the Washinton Post on Mr Pound in 2004.
- To picture the doping problem as being gigantic: The Times, Jan. 29, 2007: "Jaws dropped when Dick Pound, the outspoken president of WADA,

announced that the value of the market for sports drugs now outstripped the combined economic value of recreational drugs, such as marijuana, cocaine and heroin. Pound quoted Interpol, the respected international crime agency, as his source, so it must be right. Except that Interpol tells, "We never said that". Interpol has been helping Pound, but it seems that he came over all gung-ho in his assessment when confronted with a microphone" (in fact WADA has worked as a "blind" organization for many years; a thorough investigation into the true size of the doping problem never took place. They probably did not dare to take the risk to find out that the problem in many sports is far less than WADA pretends)

- In another statement, this time on another sport, Ice Hockey, the NYT, Ja. 7, 2007: "Take the ruckus he caused when he charged that one-third of players in the NHL or about 7 per team, were using illegal performance enhancers. Sitting in his office, I asked him how he came up with that estimate. He leaned back in his chair and chuckled, completely unabashed to admit that he had just invented it. "It was pick a number," he said. "So it's 20 percent. Twenty-five percent. Call me a liar."

Within the IOC it is a public secret that Mr Pound, through the WADA but not only through the WADA(!), has created problems for Mr Rogge several times. But that was discreetly kept inside and of course the position of Mr Rogge was that solid that Mr Pound could not cause any serious harm. In the context of this report, we will not focus on that, but it is important to stress this because it happened that his arrows were aimed at other people, preferably people who had a good relationship with President Rogge, including myself.

In order to harm me (and thus indirectly president Rogge) the cycling sport and the UCI had, as of 2003, the dubious honor to receive an endless stream of harassments on the part of Mr Pound, resp. his (handpicked) successor Mr J. Fahey and Mr Howman. I will give a few examples in attachments , but it is impossible to reproduce a complete list; there are literally dozens and they vary

from (false) accusations which were hastily repealed under threats of lawsuits, to slander and lies:

I wish to declare here that the following statements made by Mr Pound are false and/or sheer lies (and I am prepared to confirm this under oath):

- (1) That the UCI told him that cycling had so few positive drug tests that they planned to cut back on the number of doping tests;
- (2) That the UCI was one of the last IF's to sign the WADA-code without mentioning that WADA was aware at least as from January 2004 that the UCI was examining the incorporation of the Code in its anti-doping rules and that the Code would be accepted by the competent UCI body at the same time as these new rules (in fact the UCI were the first one to apply the Code fully in their anti-doping rules as from August 2004);
- (3) That we told him that we had to accept the riders would dope since cycling was a tough sport (on Australian television).

The interest of Mr Pound in doping arose only during his chairmanship of the WADA. In the previous period, in which he held the vice-presidency of the IOC(!), there was an almost total absence of doping in the discourse of Mr Pound. So doping never got his priority until he could use the doping issue through the WADA chairmanship to abuse and to compensate his failed ambitions for the IOC presidency.

I am convinced that the true fight against doping for Mr Pound has always been subordinate to, or at least been used for, his own interests, namely revenge for his non-election as IOC president against those he regarded as supporters of Mr Rogge; causing damage to persons and institutions and cycling in particular through endless anti-UCI actions, including the entire exposure of Lance

Armstrong that – as it has been mentioned before – for Mr Pound rather served an anti UCI / Verbruggen campaign than the exposure of Armstrong ("he hates cycling" we were told by people of the Canadian Olympic Committee already back in 2006); and last but not least perhaps personal financial interest as well because the high profile that he created for himself helped him to give paid speeches (see attachment 10.d.) (as an hilarious note one can note that attachment 10d features one of the rare pictures of a smiling Mr Pound; on practically all the other photos – for example attachment 10.e - he looks stern to underline the severity of his crusade...).

It is disconcerting to conclude that Mr Pound, up to this day, continues to largely influence the policies of WADA, whereas the Agency clearly still manages to fail for years on almost all fronts (see Chapter IV). At the end of his mandate in 2006, the designated candidate Mr J. F. Lamour was skillfully eliminated (attachment 10. f) by a non-European kongsi and the personal choice of Mr Pound, the Australian Mr J. Fahey, became his successor. Mr Fahey was found to have a totally clean sheet in doping (as probably wished by Mr Pound; he would soon compensate this himself) and to me it is not known that he during six years of chairmanship (2007 -2013) could bring – and take this literally! – one significant contribution or innovation to the failing WADA policy. And now there is, with all the respect I have for Sir Craig Reedie, another WADA president appointed from the – rather small – circle around Mr Pound, although he assured me that he would have his own way. However, that is not successful regarding the reappointment for two years of the Pound-stooge David Howman of whom the entire Olympic Movement had hoped that this would be his final retirement.

One cannot but draw the very sad conclusion that the admitted failure and all negative efforts to put others in a bad light has gone at the expense of the fight against doping, and thus the clean athletes and that Mr Pound is the main responsible for this.

My relationship with Mr Pound was certainly not always bad, but it changed dramatically in the years after his election defeat. In 2000, shortly after the start of

WADA, he asked me to participate in the WADA Board on the ground that "the UCI was the only federation with the expertise in the fight against doping."

As demonstrated by the attachments under Chapter IV, I had already drawn my conclusion in the 1980s (prior to my UCI presidency!) that the doping problem was way too complex for fighting it with "simple" repression and as stated in Chapter I, I was even then convinced that the international sports (especially the IFs) did not have the required structure nor the necessary resources to follow an efficient anti-doping policy. I had high expectations of WADA, at first for a different approach to the doping problem, but also because of the involvement of politics/governments because I did never doubt that only a strong government-involvement has the potential to deal with doping (I submit under attachment 10.g en h two letters I wrote in 1988 and 1989 to the head of the anti-doping laboratory of the Ghent lab (unfortunately I only found the third and last page of this letter) and to the Flemish Minister of Public Health in which I state clearly that strong Governments' involvement is an absolute condition for success in the anti-doping fight and that IFs are not sufficiently equipped to do this on their own.

However, until now it did not succeed, and also WADA has failed miserably, as was admitted by Mr Pound in his 2012 report (attachment 20c) on "Lack of Effectiveness" regarding the Governments' involvement in WADA. Here it is:

- lack of political commitment to fight against doping (!!!);
- lack of international cooperation and harmonization of legislation;
- lack of any positive suggestions for improvement in the anti-doping fight;
-and also: "As WADA has moved from its formative stages to the ongoing operational fight against doping in sport, ministerial enthusiasm has waned.....";
-and also: "... seem to measure their organizational success by how they are able to limit increases in budget contributions or to reducing such contributions, rather than to the effective accomplishment of the WADA mission".

The world of sport would be much further in its fight against doping if Mr. Pound would have devoted all the time and energy that he invested in harrasing people and organizations with gossip, lies and other shameful actions, to motivating governments for the anti-doping fight (as was his mission!)

Since the beginning of Mr Pound's crusade, the UCI has warned that repression and severe punishment alone was not the right way. In particular the UCI warned for costly lawsuits that would result from disproportionately heavy sanctions (attachment 11). At that time this was also the point of view of the most prominent IOC members as Messrs Rogge, Bach, Mbaye and Oswald. Greater flexibility on penalties was introduced in the later versions (2009 and 2015) of the WADA Code, putting the UCI in the right; but from the beginning, especially by Mr Pound, and probably out of personal motivation, sabre-rattling was preferred to rational solutions.

Several times I have tried to calm Mr Pound and to make him understand the necessity of a more nuanced, "in depth" approach, of course, along with controls and legally acceptable sanctions (again, see attachment 4.a!!).

From that document it will also transpire that I wanted a much bigger role for, in particular, the ethical side of the doping issue, which especially should serve as a sort of scientific basis for an anti-doping policy. I thought it was an excellent initiative that the WADA had a kind of Ethics Department with an excellent Mrs Angela Schneider leading it. I arranged for her a visit to the Tour de France with regular interviews with some of the riders, which has been, according to her report, very useful. Unfortunately she became sick and as far as I know she has not been replaced.

I received little or no response from Mr Pound who only seemed to be interested in the publicity he received for his personal name and shame sabre-rattling. Subsequently I made a bad decision for the UCI by resigning from the WADA Board in 2002. Initially, Mr Pound did some attempts to keep me there, but I did

not want to be held responsible for a policy which in my opinion was doomed to fail (and in fact has failed). It was among the first serious crisis between the WADA and the UCI, in which the WADA abused an AAF to totally unjustifiedly accuse the UCI for failing to comply with the regulations (please take note of the details in attachments 12a, 12b, 12c, 12d, 12e).

For the UCI, however, my decision was bad, because no longer inhibited by my presence and constantly looking for sound bite victims, he took his revenge now completely against the cycling sport, the UCI and my person who at that time worked on the Beijing 2008 file as chairman of the Coordination Commission very closely with the IOC president.

At every turn the opportunity was taken to bring the UCI down. You can read in the attachments some totally undeserved and unreasonable criticism of the UCI, based on false innuendo and outright lies. What do you think of this:

- From a letter to the editor in *The Guardian* in 2006 from the hand of the WADA president: "Does cycling take its drug problem seriously enough? NO" to then continue with the following outrageous statement: "all this cheating goes on under the watchful eyes of cycling officials, who loudly proclaim that their sport is drug-free and committed to remaining so. Based on performance, they should not be allowed outdoors without white canes and seeing-eye dogs."(Attachment 13) Admit that this is no ordinary language for a WADA chairman. Here it is a hate campaign, nothing more and nothing less. And when the crusader then was threatened with a law suit, he wrote a second letter to the editor of *The Guardian*, with, among others, the text: " I would have expressed my opinion somewhat differently and I would have made it clear that I did not accuse the UCI of "turning a blind eye" to the issue of doping in cycling. The UCI does not turn a blind eye to this matter. On the contrary, it is committed to fight doping in cycling; I would have made it clear that I did not accuse the UCI of requiring "white canes" and "seeing-eye dogs"; I would not have inferred that it was the UCI that was "unable to find a drop of water in the ocean"; I

would have made it clear that the UCI has, indeed, a watchful eye on the matter of doping in cycling." (See attachment 13 for the full text). To be clear, *The Guardian* refused, to the delight of Mr Pound, to print off his correction, so making it a complete success for him in his UCI-damaging campaign: a beautiful lesson in creating a perception.

- A year later (attachment 14) he has already forgotten all about it and the slander are more directly focused on me. From an interview: "Pound believes the new leaders of the federation (UCI) are dedicated to try to remove the stain from their sport. He thinks that the old management in cycling simply denied, denied and denied, long past any point of credibility". For clarity, with "the old management," he was referring to me.
- But how was this to be reconciled with an earlier conflict in 2005 when he lied about the fact that I would have given information to a journalist from *L'Equipe*. We had a meeting on this in February 2006 and as a result he allowed the following statement to be issued: "Pound accepted that, contrary to public statements he made in September last year, it was not Verbruggen who provided any copy of doping control forms." In the same release we were allowed to announce his visit to the UCI's HQ "to acquaint himself with the efforts made by the UCI in doping matters." That visit took place and was mentioned in the above-mentioned *The Guardian* correction letter. So 6 months after a visit that convinced him insofar as he confirmed that "the UCI kept a watchful eye on the matter of doping in cycling", he could again not refrain from slander on me. And obviously our press releases after his withdrawals and correction didn't even get 1% of the media coverage of the slander itself (attachment 15).

Preparing this report has allowed me to read again about all the damage that Mr Pound's twists of the truth, half lies, full lies and slander have caused to a sport, its athletes and its administrators. Without any doubt this was done purposely and definitely NOT for the good cause of the fight against doping. In fact, Mr

Pound's wrongdoings have caused great harm to the fight against doping as I have explained before.

The CIRC will note in this respect that the problems between WADA and UCI were due to the public statements made by Mr Pound. Rather than contacting UCI in order to remedy any problem that WADA might have perceived – which I would suggest is the more appropriate way for the international anti-doping agency to engage one of its stakeholders in a genuine fight against doping – Mr Pound sought and created the conflict by discrediting UCI publicly, and unjustly. Such actions rushed UCI into public defense.

It must be noted also that at times Mr Pound or WADA went further than that. During the “war” between UCI and ASO, the organizer of i.a. the Tour de France, Mr Pound met with ASO without telling UCI. In 2013 Mr Howman attended a meeting of CCN (Change Cycling Now) an organisation the public aim of which was to have the UCI leadership replaced. I cannot imagine that WADA would have done that with any of its other stakeholders.

For the sake of exhaustiveness, I have attached some other evidence (if you wish I can send you many more) that will reveal a lot about the way in which Mr Pound treats people:

Attachments:

- 16a: my letter to the WADA-Board of August 3, 2004;
- 16b: decision of the IOC Ethics Commission re Armstrong;
- 16c: decision of the IOC Ethics Commission re Landis;
- 16d: interview President Samaranch on Mr Pound;
- 16e: press article on Mr Pound speaking about “character assassinations”;
- 16f: my letter to the WADA-Board of September 4, 2006;
- 16g: interview with his friend D. Ressiot/*L'Equipe*. “j’ai été du bon côté pendant tous mes mandats. Et lui?” (he means me of course).
- 16h: my letter to the WADA-Board of September 13, 2006.

Another conflict arose in 2003 when the WADA came out with a bad Independent Observer's Report about doping tests during the Tour de France. Before the UCI could comment on the findings, the report had already been leaked to the press. Obviously to *L'Equipe*, with which the WADA / Mr, Pound maintained such excellent relationships (see also the 2005 publication in *L'Equipe* on the '99 - samples). The report caught a lot of publicity, but the prompt corrective response from the UCI to the allegations that held no sense, was tucked away on the WADA website (attachments 17.a, b, c, d and e). Please note that there were many speculations at that time that the report was leaked by Dr Garnier (WADA) who had caused great irritation at the level of the UCI in the De Galdeano case in 2002, the year before!

During years the one scandal and insult followed the other, until the UCI decided to sue Dick Pound at a Swiss court. Pound felt he was about to lose that lawsuit and once again withdrew his insults and lies regarding the UCI (attachments 18a, 18b, and 18c).

Definitely worth mentioning are the misleading statements by Mr Pound regarding the acceptance of the WADA Code by the UCI. Mr Pound stated extensively that the UCI was the last IF to sign the WADA Code (that needed to be done before the Olympics in Athens). First, it must be stated that the UCI has granted a lot of cooperation to draft the code and that the UCI was particularly pleased with the fact that there finally was a universal code. I think attachments 19a and 19b attest to this sufficiently.

But far more important is Attachment 19c! In this document WADA confirms that the UCI had not only accepted the WADA Code, BUT HAD ALREADY INCORPORATED THE CODE ITS REGULATIONS. Thus, contrary to the allegations of WADA chairman Mr Pound, that the UCI was the last to accept the Code (which is a lie anyway because at least the FIFA had not accepted the Code), the UCI was probably the first IF who had the Code fully included in its regulations. From my own experience I can confirm that there were still a lot of IFs in 2009 that although having the Code signed, still had not given the follow-up that was

required following that signing, without the latter resulting even in the slightest criticism of Mr Pound. Once more proof of the "special" attention from Mr Pound of which the UCI was entitled to rejoice

It should be noted that WADA was aware of the fact the UCI would approve the Code along with new regulations being drafted. The draft analysis of the Code to be submitted to the UCI Management Committee of January 2004 was sent prior to WADA with the request to report any inaccuracies regarding the Code. There was no response to that request.

So WADA knew very well that the adoption of the Code by the UCI in July 2004, within the required period, was not due to any reluctance as Mr Pound hinted, but the result of the method already taken by the UCI which meant that the anti-doping regulations of the UCI were brought in line with the Code before the Olympic Games of 2004.

Attachment 20.a

WADA's "proverbial" disfunctioning

As shown by the press statement in attachment 20b two British gentlemen published an article about the WADA in *The International Journal of Sports Science and Coaching*. Their conclusions are unequivocal and in the report itself they state:

"WADA is the problem, not the solution".

Truly, a prophetic statement.

I have already said that Mr Pound can be credited for bringing governments and the world of sport together in one organization. But once this organization started to function in practice somewhere in 2000/2001, it became rapidly clear to many of the stakeholders that the way WADA was executing its mission, did not really contribute to solving the difficult doping issue. The IF's and other ADO's were expecting support; they got mainly criticism and often in public. Often unjustified (see the many examples in this report) naming and shaming became very quickly WADA's trade mark. I do not hesitate to add that this must have been a deliberate choice by Mr Pound in order to give him the so much desired higher profile than that of the IOC-president (remember: "In the end I mean more for the Olympic Movement as the head of WADA rather than as IOC-president kissing baby's heads all over the world....."). Mr Pound made WADA and WADA's functioning subject to his own political ambitions and this to the detriment of an efficient anti-doping fight and thus also to the detriment of clean athletes. In addition, if it suited him in his strive for publicity for himself, Mr Pound did never hesitate to damage the reputation of others, be it athletes or colleagues, in writing, in interviews or in speeches. I have reasons to believe that he went so far as to abuse the Lance Armstrong case for damaging the UCI, cycling and myself, hence the many questions that I hope the CIRC will be able to answer.

I will refrain from much text here: in particular the following attachments will speak for themselves as to WADA's proverbial disfunctioning:

20c WADA's Working Group's (read: Mr Pound's) Report: "Lack of Effectiveness of Testing Programs". An own diagnosis of a failing WADA. Nothing needs to be added.

20d IOC-VP John Coates' opinion : "the testing that WADA describes is ineffective."

20e BBC's David Bond's opinion on WADA (and the UCI.....!).

20f UNIsport-pro's call for fundamental reform of WADA.

20g A letter from GAISF (now SportAccord), signed by myself to the IOC in Nov. '07. I can only send the draft since I do not have a copy of the letter eventually sent.

20h ASOIF-letter of February 2011 complaining about ineffectiveness.

20i Researcher Pericles Simon: "NADO ineffektiv und teuer". (in fact, the NADO executes what WADA prescribes; see also under 20.d., Mr John Coates).

20j A letter from an IF (FISA) that criticizes strongly the way WADA is fulfilling its mission expressing also clearly that WADA should not be "une organisation politique".

20k Copy of a list of basic questions (assembled by SportAccord) from IF's in 2013 (!). Please note that even the most basic items have not been addressed after some 12 years of WADA-functioning.

20l The "famous" ASOIF letter (with a copy of a press article talking about the "escapades" of the WADA leaders). This letter speaks clearly about "WADA must recognize the failure"; also the letter confirms what I mentioned already before in this report: WADA (I said Mr Pound) must have felt the growing dissatisfaction and as a headlong rush had quickly set up his Working Group on (In)efficiency. Let me further explain that this letter has led to a meeting in May 2013 of all Olympic stakeholders (ANOC, ASOIF, SportAccord, Athletes, etc.) in the presence of the IOC-president and his 4 Vice-Presidents. It is absolutely not exaggerated if I witness that

strong criticism on WADA's functioning was unanimous and vehement and that drastic measures had to be taken "to drag WADA out of its Montreal ivory tower and get finally some results" as one attendee observed! It was striking also that virtually all attendees were pleading for WADA leaving Montreal and although – I admit – it was not specifically mentioned that the intention of such a move would largely contribute to diminish Mr Pound's heavy influence on WADA and in particular its management, the message was clearly understood by everyone.

This litany of complaints could easily be expanded since there must be lots of complaints lodged by IF's and individuals of which I do not have knowledge. But I believe that this list suffices to prove that WADA's functioning is experienced by the stakeholders as a failure. Mr Pound can be hold personally responsible for this, given the influence he exercises since the start of the Agency till the day of today.

A further element which has contributed to this malaise is, in my opinion, the fact that there is no independent body where complaints on WADA can be filed and treated. Repeated requests to WADA by the UCI to set up such a body have been ignored.