

## Tour de Suisse samples and donations by Lance Armstrong to UCI

### The 2001 Tour de Suisse samples

The UCI took, on its own accord, the initiative to have validated the sole urinary EPO test (as opposed to the combined blood and urine test that had been validated by the IOC in view of the Sydney Olympics) that was developed by the anti-doping laboratory of Paris. The validation process was conducted by experts appointed by the IOC.

The UCI introduced the sole urinary EPO test in the Tour of Flanders on 8 April 2001. The UCI was ahead of any other sports organisation for testing for EPO.

The UCI conducted 40 EPO tests at the Tour de Suisse of 19 – 28 June 2001. The urine samples were analysed by the anti-doping laboratory of Lausanne.

The Lausanne laboratory had set as the criterion for a sample to be considered as positive the presence of 80% or more of basic bands.

The laboratory reported all samples as negative, as none of them reached the threshold of 80%. Yet three of these negative samples, belonging to different riders, were marked by the laboratory as suspicious, which the laboratory did when the sample showed 70% or more of basic bands.

At that time the EPO test was only two months old, and there were no general criteria in this respect. Where the Lausanne laboratory applied a 80% threshold, the Paris laboratory, that had developed the test, considered a sample as positive as from 85% instead of 80%. Later on, in 2003 and 2004, it was discovered that urine samples could present a positive pattern for EPO, this is over 80%, without EPO being present ( a “false positive”), as a consequence of bacterial degradation of the sample (the so-called “ active urine “ as shown in the case of Bernard Lagat in 2003) or a high concentration of proteins (the so-called “effort urine “ as shown in the case of Rutger Beke in 2004). Nowadays the laboratories conduct additional tests on the urine samples to exclude these possibilities, yet this was not the case in 2001 when these phenomena were not known.

In any event in 2001 there was no way in which to consider samples of over 70% but less than 80% as positive. That there was no positive test is confirmed in USADA’s decision on pages 52 and 144-145.

Note : on page 144 USADA refers to statements made by Dr. Saugy to Cyclingnews on May 27, 2011. The corresponding article is not included in the supporting materials and no reference is made to it in a footnote as is done with other sources that USADA used for its decision. What USADA does not quote in its decision is the following statement attributed to Mr Saugy : “ *But the tests were not covered up, and it is also not correct that they could have been interpreted as positive. They were suspect, and you wouldn’t stand a chance at all with that sole argument in front of a court.* “ A more complete statement by Dr Saugy can be found here : [http://www.washingtonpost.com/sports/swiss-lab-director-says-he-found-no-positive-result-for-lance-armstrong/2011/05/27/AGy5CnCH\\_story.html](http://www.washingtonpost.com/sports/swiss-lab-director-says-he-found-no-positive-result-for-lance-armstrong/2011/05/27/AGy5CnCH_story.html)

Therefore there was no positive test for EPO on the Tour de Suisse 2001, not for Mr Armstrong, nor for any other rider that had participated in that race.

When considering samples with a result between 70% and 80% reference should also be made to the case of rider Bo Hamburger, who was tested for EPO on 19 April 2001. The A

sample showed a result of 82.3% and was declared positive by the Lausanne laboratory. The B sample had been divided into two parts. One part resulted in a level of 82.4 % and the other part in a level of 78.6%. Both the Lausanne laboratory and the UCI considered the overall test result as positive for EPO. The case was brought before CAS and CAS decided that the sample had to be considered as 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).

A copy of the laboratory reports was sent by the laboratory of Lausanne to the Swiss Olympic Committee. If ever there would have been a positive test result, the Swiss Olympic Committee would have been informed of that and would have noted that it had not been dealt with properly.

In addition, under the rules at that time, if there would have been a positive test the laboratory was obligated to send a copy of the laboratory report to the IOC. Therefore if there had been a positive test, the IOC would have known it.

In 2010 the UCI has asked all anti-doping laboratories to make a list of all positive results for EPO in cycling in the years 2001, 2002 and 2003, it being understood that as from 2004 WADA receives a copy of all laboratory reports. None of these positive results belonged to Mr Armstrong.

In any case it is crystal clear that the UCI did not conceal a positive test, as there was no positive test.

After the Tour de Suisse that ended on 28 June 2001 Mr Armstrong was tested ten times during the Tour de France of 2001, that started one week later, on 7 July 2001. Mr Armstrong was tested ten times, of which five times for EPO. All samples were reported as negative by the laboratory of Paris. A copy of each laboratory report was sent to the French Anti-Doping Agency CPLD.

In total the UCI conducted 271 EPO tests in 2001. Nine riders were found positive.

### The donations

As the UCI has stated many times there is no relationship between the testing of Mr Armstrong and the two donations he made to the UCI. As indicated above, as there was no positive test there was no test to conceal and no need for an incentive to attempt to have a test concealed.

If the donations that Mr Armstrong made to the UCI are mentioned in USADA's reasoned decision, nowhere in that decision is Mr Armstrong accused of having bribed someone in order to have covered up a test. Such bribe would have been an anti-doping rule violation indeed.

Mr Armstrong made a first donation of 25'000.- USD in May 2002. This donation was reported to the UCI Anti-Doping Commission and to the then Council for the fight against doping, that managed the financing of UCI's fight against doping and comprised representatives of riders, teams and organisers. The donation was used for testing in the junior category (17-18 years old).

Three years later, in the first half of 2005, the year in which he retired from the sport a first time, Mr Armstrong promised a donation of 100'000.- USD for the purchase of a new Sysmex blood analyzer that also counts reticulocytes. The UCI bought that Sysmex machine in July

2005 and paid it from its own funds as Mr Armstrong had not paid yet the amount that he had promised and the machine was needed for the fight against doping. Mr Armstrong was reminded of his promise later in 2005 and in 2006. The amount was eventually paid in January 2007, one and a half years after Mr Armstrong had retired from the sport.

Note : the statement on page 51-52 of the reasoned decision that Mr Armstrong “offered at least \$ 100,000 “ in May 2002 is wrong and in contradiction with the press articles referred to in footnote 249. The donation of \$ 100,000 was offered three years later, in 2005. It is also precarious that USADA considers press articles as evidence for a decision that it deems to be on a par with an arbitral award. It is even more precarious that USADA did so without having asked the position of the UCI.

Systemex issued a press release dated 29 July 2005 in which it stated that Mr Armstrong had financed a Systemex for the UCI. However the donation promised by Mr Armstrong had already been made public by the UCI and was reported, inter alia, in Le Monde of 24 July 2005.

The UCI has accepted these donations in good faith in order to finance its anti-doping programme that was and still is very expensive. It is also clear now that it would have been wiser not to have accepted them. In any event these donations as outlined above have had no influence on the testing of Mr Armstrong by the UCI.