

INDEPENDENT COMMISSION

TERMS OF REFERENCE

IN consequence of the Reasoned Decision of the United States Anti-Doping Agency (USADA), dated 10 October 2012, in its proceedings against Lance Armstrong as part of the US Postal Service (USPS) Pro Cycling Team Investigation.

AND in light of the decision of the Union Cycliste Internationale (UCI), of 22 October 2012, to recognise the sanction imposed by USADA upon Lance Armstrong and not to appeal the Reasoned Decision to the Court of Arbitration for Sport, and therefore proceeding upon the assumptions that as set out in the Reasoned Decision:-

- (1) Lance Armstrong, whilst a professional cyclist, together with the USPS Team, engaged in the use, administration and trafficking of performance enhancing drugs and methods; and
- (2) as admitted by them, teammates of Lance Armstrong in the USPS Team engaged in the use of performance enhancing drugs and methods.

AND without making any assumptions regarding the allegations against the UCI set out in the Reasoned Decision.

The terms of reference of the Independent Commission are as follows:-

A. To DETERMINE:-

1. Whether the allegations against the UCI set out in the Reasoned Decision are well founded.
2. Whether, between 1998 and 2012, the UCI realised that Lance Armstrong and the USPS Team were collaborating to avoid detection in the use, possession, administration and trafficking of performance enhancing drugs and methods, and: (i) if the UCI did realise, whether it failed to respond appropriately; and (ii) if the UCI did not realise, whether it ought to have done so, and what steps (if any) it should have taken to inform itself of the actions of Lance Armstrong and the USPS Team in order to act appropriately.
3. Whether, and if so, to what extent the UCI's anti-doping policies and procedures between (i) 1998 and 2005 and (ii) 2005 and 2012, were inadequate or were not enforced with sufficient rigour; and if so, whether the UCI was at the time aware, or ought to have been aware, of such inadequacy or lack of enforcement.
4. Whether there was, between 1998 and 2012, any reliable evidence or information in the possession of or known to the UCI regarding allegations or suspicions of doping by Lance Armstrong and the USPS Team; and if so, whether there was any failure by the UCI to act appropriately in regard to such information.
5. Whether, when Lance Armstrong returned to racing in 2009, there was a failure by the UCI to detect signs of doping by him, and whether it was appropriate for him to return to and continue racing.
6. Whether payments were made by Lance Armstrong and the USPS Team to the UCI, between 1998 and 2012, and if so whether it was appropriate for the UCI to have accepted such payments, or to have accepted them on the basis (explicit or implicit) upon which they were made.
7. Whether the UCI inappropriately discouraged those persons with knowledge of doping by Lance Armstrong and the USPS Team from coming forward with such knowledge, and whether the UCI should have done more to encourage such persons to come forward sooner.
8. Whether the UCI adequately co-operated with, assisted in and reacted to the USADA USPS Team Investigation.
9. Whether any persons previously convicted of doping, or voluntarily admitting to doping, or supporting riders in doping, should be able to work within the world of cycling in the future; and, if not, how such a prohibition could and should be enforced.
10. Whether the UCI had a conflict of interest between its roles in promoting the sport of cycling and in investigating or making adverse findings against Lance Armstrong and the USPS Team.
11. Whether the current doping controls of the UCI are adequate and compliant with the World Anti-Doping Code of the World Anti-Doping Agency, and whether those controls can be improved.

B. To EXAMINE all relevant documents in the control or possession of the UCI or its senior management or employees (or previous employees), including without limitation Pat McQuaid, Hein Verbruggen, Christian Varin, Anne Gripper, Francesca Rossi and Mario Zorzoli, in regard to doping, or suspected doping, by Lance Armstrong and the USPS Team, such documents to include, without limitation:-

- 1.** all external letters, emails, faxes, notes of telephone conversations, spreadsheets, presentations, instant messages, or other external documents whether physical or electronic; and
- 2.** all internal records (including financial records, scientific data and laboratory test results), emails, faxes, diary entries, notes of telephone conversations, records of internal meetings, memoranda, bank and computer records, spreadsheets, presentations, instant messages, or other internal documents whether physical or electronic,

and to draw conclusions from such documents.

C. AND to make RECOMMENDATIONS.

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