



INTERNATIONAL CYCLING UNION

President

USA Cycling
Mr. Steve Johnson
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Sent by email only
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Aigle, 16 August 2012
Ref: Presidency

Re: USADA v/ Johan Bruyneel e.a.

Dear Steve,

I come back on my letter of 3rd August 2012.

I received no answer to that letter and now that I was forwarded the transcript of the hearing of 10 August 2012 before the Western District Court of Texas as well as the affidavit by Mr Shawn O. Farrell I would like to insist that USA Cycling complies with UCI's request and also make the following points.

As explained in our correspondence with USADA and WADA and of which you received a copy, USADA has no jurisdiction for results management in the case against the six respondents: it is UCI that discovered the violation and the sample results that USADA invokes are all results from samples taken by the UCI. No testing by USADA is involved. USADA has no jurisdiction for testing in international races. In this respect and in view of the affidavit by Mr Farrell it must be specified that even when USA Cycling would have tested in an international race in the USA, such testing is governed by UCI rules, not USADA rules: article 4 ADR. USADA can test in national races only (and of course only after it was established and started testing), whereas the US Postal and Discovery Channel Teams as high level professional teams were not allowed to participate in national races (art. 2.1.005 of UCI's cycling regulations).

Therefore USADA cannot proceed. Under the UCI rules that are invoked by USADA as the basis for its jurisdiction and its proceedings, including at the hearing in Austin, USADA is acting on behalf of USA Cycling and USA Cycling is acting on behalf of UCI (see also articles 202 and 229-234 of UCI's Anti-Doping Rules (ADR). USA Cycling has to comply with ADR and with the powers of UCI under ADR and so has USADA. USA Cycling has no authority on its own in anti-doping cases under UCI rules and therefore USADA has neither.

In this case UCI made a request to investigate, not to open disciplinary proceedings: it is UCI's exclusive authority to decide whether after the investigation the case should be taken further and disciplinary proceedings opened.

The fact that USADA may have a different view of UCI's rules as USADA claimed during the hearing is not relevant: if UCI decides that they cannot proceed under UCI's rules USADA cannot proceed, whatever USADA's view on UCI's rules may be. In addition USA Cycling and therefore USADA are bound by UCI's interpretation of its rules.

The circumstance that it is USA Cycling that issues licences to riders and other participants domiciled in the USA does not change the above elements, on the contrary: this license is a UCI license as laid down in articles 1.1.001 et seq. of UCI's Cycling regulations and is governed by these rules. It is for obvious reasons that licenses are issued by the national federations to the persons domiciled in their respective countries.

It is clear that USADA has no jurisdiction in this case and also that USA Cycling has no jurisdiction: USA Cycling and USADA can/could only do what UCI requested them to do. Such request was limited to an investigation into the case and did not comprise the decision on whether proceedings should be opened or not.

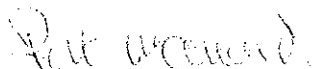
It is clear also that USADA cannot not rely on any delegation by USA Cycling as USA Cycling can delegate no more than what was delegated by UCI to USA Cycling and such delegation was limited to an investigation.

This should be clear to USADA and USADA should act or refrain to act accordingly.

Yet to the extent that USADA still would try to rely on any delegation by USA Cycling and insofar as necessary, we request USA Cycling to promptly instruct USADA that it has no authority to act or proceed on the basis of ADR or any other rule of the UCI or otherwise on behalf of UCI and/or USA Cycling, cannot act under a delegation from USA Cycling and must *hand over the case to the UCI*.

We await your confirmation and a copy of your instruction to USADA by return of mail.

Best regards,



Pat McQuaid
President