



## INTERNATIONAL CYCLING UNION

President

USADA  
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*Sent by email only:*

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Aigle, 17 September 2012

Ref: Presidency

Dear Mr Bock,

I come back to your letter dated August 23, 2012.

You will understand that I have a different interpretation of the decision of the District Court. Far from ruling that USADA has jurisdiction to address its charges against Lance Armstrong in arbitration, the Court – which by the way was very critical, to say the least, of USADA's proceedings – found that it had no jurisdiction for ruling on Lance Armstrong's arguments against USADA's proceedings. This includes the argument of lack of jurisdiction: the Court did not find that USADA had jurisdiction, but found that Mr Armstrong had to submit his exception of lack of jurisdiction to arbitration by AAA.

In other words: the Court did not rule that USADA had jurisdiction but ruled that the Court was not the appropriate forum for contesting USADA's jurisdiction.

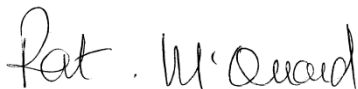
You also misunderstood UCI's statement of 20 August. In that statement the UCI did not acknowledge that its concerns could be addressed in an arbitration proceeding under the USADA protocol: instead the UCI noted that the Court found that an arbitration proceeding would meet UCI's concerns.

Regarding your request for information I have the following remarks.

1. USADA has confirmed that disciplinary proceedings have already been opened against Mr Bruyneel, Mr Celaya and Mr Marti. This means that USADA found that there is enough evidence against these respondents, that its investigation was complete and that no other documents were required.
2. And frankly, as your request was part of your vehement answer to our letter of 13 July in which UCI contested USADA's jurisdiction, it is difficult to see your request as anything else than a retaliation. Otherwise you would have asked that information way before you started disciplinary proceedings.

3. Furthermore the information requested is all about samples that have been taken by the UCI. USADA has no results management jurisdiction where these samples are involved, regardless of UCI's position that USADA has no jurisdiction either concerning the alleged non-analytical violations.
4. It is known to the UCI that the respondents before AAA contest the jurisdiction of USADA and AAA and therefore UCI cannot provide USADA with documents as this might be seen as a form of recognition of USADA's jurisdiction.
5. I point out that article 20.3.12 of the Code does not impose upon the UCI to comply with your request. In this respect I could note also that USADA refuses to provide UCI with the case file, but this is not the point here. The point is that the Code does not allow, let alone oblige an ADO to provide another ADO with the information that you request without the consent of the persons concerned. As you know data protection specialists are already critical about the information that is made available on ADAMS. In this case we asked for the consent of Mr Armstrong but he refused. Under these circumstances the information you request could only be provided on the basis of a valid judicial order to the UCI.
6. In your letter of 26 July you refer to my statements that the UCI would cooperate with an investigation into whether the UCI concealed a positive result of Lance Armstrong. I don't think that USADA has any jurisdiction to conduct an investigation against the UCI. I don't think neither that USADA is doing so.
7. I can only confirm that the UCI never received a positive test for Lance Armstrong (the finding of corticosteroids in 1999 did not constitute a violation). As to the 2001 Tour de Suisse, Mr Martial Saugy, who I understand is one of USADA's witnesses, will have confirmed to you that there was no positive test. Furthermore UCI never received a recommendation from the expert panel to initiate proceedings against Lance Armstrong on the basis of the latter's blood passport.

Yours sincerely,



Pat McQuaid  
President

CC: David Howman, Director General WADA  
O. Niggli, Legal Director WADA