

January 2014

**UCI AD HOC REGULATIONS ON
THE CYCLING INDEPENDENT REFORM COMMISSION**

Adopted by the UCI Management Committee on 1st February 2014

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ABBREVIATIONS

ADRV	Anti-Doping Rule Violation
CADF	Cycling Anti-Doping Foundation
CIRC	Cycling Independent Reform Commission
CIRC Regulations	These UCI Ad Hoc Regulations in relation to the CIRC, adopted by the UCI Management Committee on 1 st February 2014
Investigation Period	The Period between 1 January 1998 and 31 December 2013 (or as extended by the CIRC)
LH	UCI License Holder
MoU	The Memorandum of Understanding between the UCI and WADA, signed on 15 January 2014
NADO	National Anti-Doping Organisation
PoI	Person of Interest
Rider Assistance Personnel	Mechanics, masseurs, soigneurs, paramedical assistants, drivers
Senior Team Personnel	General managers, Team managers, Team owners, Directeurs sportifs, coaches
ToR	The CIRC terms of reference
UCI ADR	The UCI Anti-Doping Rules
WADA	The World Anti-Doping Agency

I. PURPOSE AND SCOPE OF APPLICATION OF THE PRESENT AD HOC REGULATIONS

1. The present ad hoc regulations (hereinafter referred to as the **CIRC Regulations**) are intended to establish a Cycling Independent Reform Commission (**CIRC**) and to set out the main rules under which the CIRC will operate.
2. The CIRC Regulations are based on Article 2(a), 2(b) and 2(c), Article 46(l) and 46(o) and Article 69 of the UCI Constitution.
3. The CIRC Regulations were drafted taking into account the Memorandum of Understanding (**MoU**) concluded between the UCI and the World Anti-Doping Agency (**WADA**) on 15 January 2014.
4. The CIRC Regulations are exceptional in nature and are applicable only temporarily from 1st February 2014 to 31st January 2015. The UCI President can extend the scope of application of the CIRC Regulations for a period up to 4 months upon a reasoned request by the CIRC. Any further extension can only be granted by the UCI Management Committee.
5. Within the scope of application of the CIRC Regulations, the CIRC Regulations will take precedence over any conflicting rules contained in any UCI Cycling Regulations, including the Anti-Doping Rules of the UCI (**UCI ADR**).
6. According to Preliminary Provision 3 of the UCI Cycling Regulations and Article 6 of the UCI Constitution, National Federations shall adopt regulations expressly stating that the CIRC Regulations form part of their own regulations.
7. In line with Preliminary Provision 3 of the UCI Cycling Regulations, these CIRC Regulations shall be published on the UCI's website.

II. MANDATE OF THE COMMISSION

A. IN GENERAL

8. The CIRC has been established to conduct a wide ranging independent investigation into the causes of the pattern of doping that developed within cycling and allegations which implicate the UCI and other governing bodies and officials over ineffective investigation of such doping practices.

9. The priority of the investigation should be placed upon understanding and learning from the past to improve the future of the sport by eliminating undesirable practices and procedures as well as understanding the roots and mechanisms of the endemic problem of doping in cycling. The objective of the investigation will not be to discover and punish anti-doping offences by single riders but rather to uncover and tackle the practices and networks that have instigated and/or facilitated doping in cycling over the Investigation Period (defined in paragraph 10 below).
10. The CIRC investigation should focus on, but shall not necessarily be limited to, the period between 1 January 1998 and 31 December 2013 (**Investigation Period**). The CIRC may on its own motion extend the length of the Investigation Period or opt for an alternative Investigation Period.
11. The CIRC investigation shall result in a report containing recommendations for the future with (and for) all stakeholders involved in the cycling world. In particular, the UCI aims to gain knowledge and an understanding of the past, and make the changes necessary to avoid repeating mistakes in the future.

B. COMPOSITION OF THE CIRC

12. The CIRC is comprised of the following three members:
 - (i) Dr. Dick Marty (President).
 - (ii) Mr. Peter Nicholson (Vice-President).
 - (iii) Prof. Ulrich Haas (Vice-President).

C. ORGANIZATION OF THE CIRC

13. The CIRC is free to organize itself as it sees fit within the limits of the present CIRC Regulations, keeping in mind the practical realities of the budget allocated for this project and the time limits applicable to the investigation
14. The CIRC will act independently within the framework of the present CIRC Regulations.

D. TERMS OF REFERENCE

15. The UCI Executive Committee and the CIRC will draw up and approve the CIRC terms of reference (**ToR**) taking into account the rules contained in the present CIRC Regulations.
16. The ToR will explicitly recognize that the CIRC shall enjoy absolute discretion in handling its investigation in order to be as effective as possible. The CIRC shall have regard to the financial resources and the limited time available.
17. The ToR will explicitly restate that the CIRC will act independently, with no influence whatsoever from the UCI or any of its officials and/or employees, past or present and will receive no instructions whatsoever either from the UCI, or from its officials and/or employees.
18. The ToR will provide that the CIRC shall investigate the following main issues:
 - (i) Whether there are specific historical reasons explaining the development of a culture of doping in cycling;
 - (ii) What are the processes and practices in professional road cycling that allowed the culture of doping to evolve and perpetuate;
 - (iii) Who have been the main providers and facilitators of doping in cycling;
 - (iv) Whether and to what extent the UCI and/or UCI officials directly contributed to the development of a culture of doping in cycling, in particular by mismanaging the testing and/or by covering up positive tests.
19. The ToR will explicitly provide that the CIRC will not be bound by the issues identified in the ToR and that the CIRC may extend the scope of its investigation to any other issue deemed relevant by the CIRC for the purposes of its investigation.

E. BUDGET

20. The UCI and the CIRC have agreed on a budget the allocation of which will be independently decided by the CIRC.

III. SOURCES OF INFORMATION

21. The CIRC shall be allowed to rely on any type of information it deems appropriate.

22. The CIRC may hear evidence from any current or past UCI License Holder (**LH**) and any other person of interest (**PoI**) including “Non-License Holders” within the meaning of Article 18 of the UCI ADR.
23. The CIRC will encourage any LH or PoI to disclose any anti-doping relevant facts and circumstances, including but not limited to ADRVs.

A. UCI’S ASSISTANCE

24. The UCI will provide any documents or electronically stored information within its possession relevant for the investigation upon a simple request by the CIRC.
25. The National Federations will conduct any necessary investigation upon request by the CIRC in accordance with Article 231 of the UCI ADR.
26. The UCI will ensure that any National Federations as well as the UCI’s officials and employees will assist the CIRC in fulfilling its mandate. In particular, the UCI will ask any employee and/or official to provide evidence to the CIRC if so requested by the CIRC. The UCI will also take the necessary steps to ensure that the employees of the Cycling Anti-Doping Foundation (**CADF**) will cooperate with the CIRC. The UCI will not take any action against any employee of UCI and/or CADF on the ground that he or she has provided information to the CIRC.
27. All License-Holders are obliged to assist the CIRC in investigating any anti-doping rule violation (**ADRV**) and provide any information requested pursuant to Article 231 UCI ADR.
28. The UCI will use its best efforts to assist the CIRC to obtain the cooperation of any anti-doping organization (**NADO**) as well as WADA’s assistance.

B. INVESTIGATIVE POWERS OF THE CIRC

29. The CIRC can interview any person who wishes to provide information to the CIRC.
30. The CIRC has the power to impose reduced sanctions on any License Holder (**LH**) who admits an ADRV to the CIRC (**Reduced Sanctions**) and may also propose further reduced sanctions to any LH who provides valuable information concerning other ADRV/s or any other significant anti-doping relevant circumstances (**Further Reduced Sanctions**). On a case by case basis, the CIRC can recommend an ad hoc reduction in sanction for a LH who is currently serving a period of ineligibility or currently facing

disciplinary proceedings. If the CIRC uncovers evidence that an ADRV was committed within the applicable statute of limitation period by someone who has not appeared in front of the CIRC, it will either forward such evidence to the UCI to take appropriate action or invite the LH who allegedly committed the ADRV to be heard by the CIRC. The CIRC's disciplinary power shall be exercised according to the provisions contained in Section IV below.

C. PROCEDURE AND CONFIDENTIALITY

31. The CIRC will enact its own procedural rules where necessary, taking into account the procedural rules contained in the ToR and Section V below. The CIRC will ensure proper treatment of confidential and/or sensitive information.

32.

IV. DISCIPLINARY PROVISIONS

33. The rules contained in the present section shall apply to all result management and disciplinary proceedings concerning ADRVs disclosed to or discovered by the CIRC, which were committed during the Investigation Period.

A. JURISDICTION

34. The CIRC shall have exclusive results management and disciplinary jurisdiction (**Jurisdiction**) with respect to all ADRVs admitted or reported to the CIRC within the time-window specified in Section I(4) above.

35. The CIRC's Jurisdiction and possibility to impose Reduced Sanctions or Further Reduced Sanctions shall extend to any LH as well as any "Non-License Holders" within the meaning of Article 18 UCI ADR.

36. National Federations will refrain from asserting jurisdiction over an ADRV governed by the CIRC Regulations. National Federations that have delegated their jurisdiction to a NADO will ensure that the NADO will not assert jurisdiction over an ADRV governed by the CIRC Regulations.

37. Any decision by any other ADO concerning an ADRV within the exclusive jurisdiction of the CIRC will not be recognized by the UCI under Article 366 UCI ADR.

38. The CIRC will have the authority to impose reduced sanctions to any LH who admits an ADRV (i.e. Reduced Sanctions) and to reduce the sanction even further if the LH also provides valuable information concerning other ADRV/s or any other significant anti-doping relevant circumstances (i.e. Further Reduced Sanctions).

B. ADMISSIONS OF ADRV

a. Reduced sanctions

39. The following Reduced Sanctions will be applied by the CIRC:

aa. Riders admitting ADRV/s:

- (i) Use or possession of prohibited substances or methods (Articles 21.2 and 21.6 UCI ADR) or whereabouts/reporting failures (Article 21.4 UCI ADR):

6 months ineligibility period.

- (ii) Evading and tampering (Articles 21.3 and 21.5 UCI ADR):

6 months ineligibility period.

- (iii) Other ADRV/s:

12 months ineligibility period.

bb. Mechanics, masseurs, soigneurs, paramedical assistants, drivers (Rider Assistance Personnel) admitting ADRV/s:

- (i) Possession of prohibited substances or methods (Article 21.6 UCI ADR):

6 months ineligibility period.

- (ii) Other ADRV/s:

12 months ineligibility period.

cc. General managers, Team managers, Team owners, Directeurs sportifs, coaches (Senior Team Personnel) admitting ADRV/s

- (i) Possession of prohibited substances or methods (Article 21.6 UCI ADR):

12 months ineligibility period.

(ii) Other ADRVs:

24 months ineligibility period.

dd. Team Doctors and other licensed medical personnel (Practitioners) admitting ADRV/s

(i) Possession of prohibited substances or methods (Article 21.6 UCI ADR):

18 months ineligibility period.

(ii) Other ADRVs:

36 months ineligibility period.

b. Commencement of the Ineligibility period

40. The relevant period of ineligibility shall start on the date of the CIRC decision or on any subsequent date that the CIRC deems appropriate under the circumstances.

c. Disqualification

41. The CIRC will have discretion to decide (i) which results should be disqualified as a result of the confessed ADRV, if any, and (ii) whether the ranking should be adjusted accordingly.

42. No consequence to teams under Article 327 UCI ADR shall apply.

d. Prize Money and Financial Sanctions

43. If the LH admits an ADRV to the CIRC no return of prize money shall be ordered, even if the CIRC decides, in its discretion, that the relevant results should be disqualified.

44. In any event no fine pursuant to Article 326 UCI ADR will apply.

e. Form of the Decision

45. The CIRC will issue a decision within the meaning of Articles 272-273 ADR

46. The Decision shall not be reasoned. In its discretion the CIRC may provide brief reasons.

f. Costs

47. CIRC decisions will be rendered without costs imposed on the LH.

g. Notification, publication and appeals

48. Decisions taken under the present section IV.B shall be notified pursuant to Article 277 UCI ADR and published according to Articles 353 and 354 UCI ADR. However, the CIRC may in its discretion decide that a decision shall be published only at the end of the investigation.
49. The CIRC Decision is final and not subject to any appeal.

h. Register

50. The CIRC Decision shall be included in the UCI Register and will constitute a violation for the purposes of Article 306-311 UCI ADR. For the specific purposes of Article 306 UCI ADR, the Reduced Sanction shall be considered as the equivalent of a “Reduced sanction for No Significant Fault or Negligence”.

C. ADDITIONAL VALUABLE INFORMATION

51. Further Reduced Sanctions can be proposed by the CIRC to any LH under its exclusive jurisdiction if they provide a Witness Statement (**WS**) and/or documentary evidence containing valuable information concerning other ADRV/s or any other significant anti-doping relevant circumstances (**Additional Valuable Information**).
52. The CIRC can decide that a Further Reduced Sanction will be proposed only if the LH explicitly: (i) agrees that such evidence can be used in further disciplinary proceedings and (ii) accepts to testify in such proceedings if so requested by the CIRC or the UCI.
53. Upon request by the LH, the CIRC can decide that: (i) the WS will be anonymized; and (ii) the LH will be heard only as a secret witness in further disciplinary proceedings.

a. Further Reduced Sanctions

54. Taking into account all the circumstances of the case, including in particular the importance of the Additional Valuable Information, the CIRC can propose the following maximum Further Reduced Sanctions:

aa. Riders admitting ADRV/s and providing Additional Valuable Information:

- (i) The otherwise applicable sanction can be reduced up to no period of Ineligibility and will not be considered as a violation for the purposes of Article 306 et seq. UCI ADR

and, in exceptional cases,

- (ii) The admitted ADRV will not be publicly disclosed.

bb. Rider Assistance Personnel, Senior Team Personnel and Practitioners admitting ADRV/s and providing Additional Valuable Information:

- (i) The otherwise applicable sanction can be reduced up to no period of Ineligibility

and, in exceptional cases,

- (ii) The ADRV will not be publicly disclosed.

55. The CIRC shall exercise its discretion in determining what constitutes “Additional Valuable Information” allowing the imposition of Further Reduced Sanctions. The extent of the proposed further reduction in sanction and the decision that the ADRV will not be publicly disclosed shall be agreed in advance with (i) UCI and (ii) WADA according to the mechanism set out in the MoU of 15 January 2014 and any other agreements entered into between the UCI and WADA concerning the CIRC and its mandate.

b. Commencement of the Ineligibility period

56. The relevant period of ineligibility, if any, shall start on the date of the CIRC decision or on any subsequent date that the CIRC deems appropriate under the circumstances.

c. Disqualification

57. Unless the CIRC decides that the ADRV will not be publicly disclosed, the CIRC will have discretion to decide which results should be disqualified as a result of the admitted ADRV, if any.

58. No consequence to teams under Article 327 UCI ADR shall apply.

d. Prize Money and Financial Sanctions

59. No return of prize money shall be ordered, even if the CIRC decides, in its discretion, that the relevant results should be disqualified.
60. In any event no fine pursuant to Article 326 UCI ADR will apply.

e. Form of the Decision

61. Unless the CIRC decides that the ADRV will not be publicly disclosed, the CIRC will issue a decision within the meaning of Articles UCI 272-273 ADR
62. If the decision is publicly disclosed, the CIRC will briefly state the reasons behind its decision.

f. Costs

63. CIRC decisions will be rendered without costs imposed on the LH.

g. Publication and confidentiality

64. If the CIRC applies a Further Reduced Sanction and decides that the ADRV shall not be publicly disclosed, the CIRC's Decision will be notified only to the LH (Articles 277 and 351-355 of the UCI ADR shall not be applicable).

h. Register

65. The CIRC Decision shall not be included in the UCI Register and will constitute a violation for the purposes of Article 306-311 ADR only as provided under 54(aa)(i).

i. Subsequent ADRV

66. If the LH commits an intentional or negligent ADRV concerning a non-specified substance or a prohibited method after having confessed to the CIRC (the Additional ADRV) for which he has obtained a Further Reduced Sanction of "no period of Ineligibility, no return of prize money or payment of fines or costs" and/or a ruling that the "ADRV will not be publicly disclosed and will not be considered as a violation for the purposes of Articles 306 et seq. UCI ADR", the following principles shall apply:

- (i) If the CIRC is still constituted, the LH must inform the CIRC of the Additional ADRV.

- (ii) The CIRC shall not disclose the Admitted ADRV to any ADO investigating or prosecuting the Additional ADRV. It will take the necessary measures to ensure that the Admitted ADRV remains confidential also after the dissolution of the CIRC.
- (iii) However, if the ADO prosecuting the Additional ADRV independently discovers the Admitted ADRV, the CIRC's Decision imposing a Further Reduced Sanction will become ineffective and the ADRV covered by such Decision can (i) be the subject of prosecution by any ADO with results management jurisdiction within the applicable statute of limitations period; and (ii) be taken into account to determine the sanction for the Additional ADRV (in other words, the LH will not be sanctioned for the Admitted ADRV but for the Additional ADRV under the aggravated regime of multiple offences).

D. LICENSE HOLDERS CURRENTLY FACING DISCIPLINARY PROCEEDINGS OR SERVING A PERIOD OF INELIGIBILITY

- 67. The CIRC's authority to propose Reduced Sanctions and Further Reduced Sanctions within the meaning of the CIRC Regulations is limited to LHs who are not currently: (i) serving a period of ineligibility; or (ii) already facing disciplinary proceedings (i.e. who have been informed of a potential ADRV) at the time of the adoption of the present CIRC Regulations.
- 68. On a case by case basis, the CIRC can recommend an ad hoc reduction in sanction for a LH who is: (i) currently serving a period of ineligibility; or (ii) currently facing disciplinary proceedings, along the lines of the Reduced Sanctions defined in Section IV.B if said LH provides the CIRC with particularly valuable anti-doping relevant information:
 - (i) The reduction proposed by the CIRC is subject to the agreement of: (i) the UCI; (ii) the ADO which investigated and prosecuted the case which resulted in the period of ineligibility currently being served; and (iii) WADA.
 - (ii) The identity of a LH currently serving a period of ineligibility shall be disclosed. However the CIRC will have discretion to decide whether and to what extent the identity of a LH who is currently facing disciplinary proceedings can be kept confidential. Such decision shall be accepted by: (i) the UCI; (ii) the governing body that imposed the period of ineligibility currently being served or is conducting the pending disciplinary procedure; and (iii) WADA.

E. ADRV DISCOVERED BY THE CIRC

69. If the CIRC uncovers evidence that an ADRV was committed within the applicable statute of limitation period by someone who has not appeared in front of the CIRC, it will either: (i) forward such evidence to the UCI to take the appropriate action under Articles 229-233 of the UCI ADR; or (ii) invite the LH who allegedly committed the ADRV to be heard by the CIRC and to benefit from the Reduced Sanctions provided for under Section IV above.
70. Any disciplinary proceedings instigated upon information forwarded by the CIRC shall be conducted exclusively by the UCI Disciplinary Commission (Article 234 of the UCI ADR will not be applicable) applying the UCI ADR exclusively.
71. If the CIRC has decided that the evidence provided to prosecute the ADRV will not be public and that the Additional Valuable Information shall be treated in a confidential way, the Disciplinary Commission will ensure that the identity of the LH will not be disclosed in such disciplinary proceedings.
72. The Decision of the UCI Disciplinary Commission will be subject to an appeal to CAS according to Articles 329, 330, 332 (by analogy), 333 and 334 UCI ADR.
73. If the CIRC has decided that the ADRV will not be public and that the “additional valuable anti-doping relevant information” shall be treated in a confidential way, the LH will be heard in CAS as a protected witness.

V. PROCEDURAL RULES

A. IN GENERAL

74. For matters which are not governed by the present CIRC Regulations or for which no specific rule has been included in the ToR, the CIRC shall have discretion to conduct the proceedings and/or approach the matter in question as it deems fit.
75. In exercising its discretion, the CIRC shall endeavour to act in line with the purpose of its mandate as set out in the ToR and always proceed in accordance with the commonly accepted principles of due process.

B. CONFIDENTIALITY

76. The CIRC will conduct its investigation on a strictly confidential basis and will take all procedural measures it deems necessary to guarantee such confidentiality.
77. Any LH who accepts a Reduced Sanction shall provide a declaration setting out the details of the admitted ADRV.
78. Any LH who accepts a Further Reduced Sanction shall provide a WS describing the Additional Valuable Information (on which the proposal is based).
79. With respect to a LH admitting an ADRV and/or providing additional information, the following procedural rules shall apply:
 - (i) The initial fact finding phase of the proceedings will be totally confidential.
 - (ii) The CIRC shall indicate at the outset that none of the information provided by the LH will be used against the LH and/or against any other LH without the agreement of the LH who is admitting an ADRV and/or providing information to the CIRC.
 - (iii) The CIRC shall make it clear at the outset that the name of the LH will remain confidential and will be disclosed only with the LH's agreement (by accepting a Reduced Sanction or a Further Reduced Sanction that does not include confidentiality).
 - (iv) The CIRC shall inform the LH at the outset of the length of the applicable Reduced Sanction that would be applicable if the LH accepts that the confessed ADRV is officially recorded.
 - (v) The CIRC shall explain that if the LH provides Additional Valuable Information he or she will be eligible for a Further Reduced Sanction
 - (vi) The CIRC shall inform the LH who provided Additional Valuable Information that he or she will receive a proposal of Further Reduced Sanction once the CIRC has processed the relevant information.
 - (vii) The CIRC shall explain to the LH that he or she will be free to either accept or refuse the proposal and of the legal consequence of his or her choice (see below paragraph 80).

80. Where the proposal by the CIRC requires acceptance by the UCI and WADA, the CIRC, the UCI and WADA will follow the procedure agreed upon in the MoU and any other agreements entered into between the UCI and WADA concerning the CIRC and its mandate.
81. The CIRC shall communicate the proposal to the LH (when relevant, after having confirmed the UCI and WADA's acceptance):
- (i) If the LH *refuses* the proposal, the information provided will remain confidential and no further action shall be taken against the LH on the basis of the information provided.
 - (ii) If the LH *accepts* the proposal, the proceedings will continue and the CIRC will issue a decision according to the principles set out above (see paragraphs 54 et seq.).
82. If the CIRC decides that the Further Reduced Sanction includes "non-publication of the ADRV", the CIRC shall treat the Additional Valuable Information in a confidential way.

C. OBLIGATION TO TELL THE TRUTH

83. Any LH giving evidence to the CIRC is under an obligation to tell the truth.
84. Any LH who provides false information to the CIRC will be declared ineligible for a period of up to 8 years following the falsity of the information has been established. The CIRC will either (i) accept jurisdiction and authority to impose this sanction or (ii) forward the matter to the UCI Disciplinary Commission that will then have jurisdiction and authority to impose this sanction. Following the dissolution of the CIRC, only the UCI Disciplinary Commission will have such jurisdiction and authority.
85. The decision to impose a sanction under this provision is subject to appeal to CAS by the LH within a time limit of 21 days.