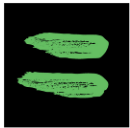


Resolution from the World Anti-Doping Agency in relation to the request made by AFLD to conduct additional testing on the 2010 Edition of the Tour de France

1. Facts

- 1- On May 12, 2010, AFLD requested the authorization from UCI to conduct approximately 60 additional tests during the 2010 Edition of the Tour de France
- 2- UCI refused such request by a letter addressed to AFLD on May 18, 2010.
- 3- On June 1, 2010, AFLD wrote to WADA to ask permission to conduct approximately 60 additional tests during the 2010 Edition of the Tour de France on the basis of Article 15.1.1 of the World Anti-Doping Code (Code). On that day, AFLD did not notify UCI of its request to WADA.
- 4- On June 1, 2010, WADA notified UCI of the request it had received from AFLD, and asked for an answer within seven days, as per the protocol for Article 15.1.1.
- 5- On June 8, 2010, UCI answered WADA and explained its position in relation to its refusal to allow AFLD to conduct additional testing. UCI raised some procedural issues, in particular the fact that it had not been notified by AFLD directly on June 1.
- 6- On June 9, AFLD notified UCI of its letter sent to WADA on June 1, 2010.
- 7- On June 9, WADA informed UCI it would give it another seven days to provide any additional comments in order to formally respect the protocol of Article 15.1.1 after notification from AFLD.
- 8- On June 16, UCI informed WADA that it had no further comments
- 9- This resolution is rendered by WADA within 7 days of the last information received from UCI.



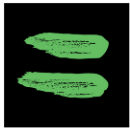
2. Arguments of the parties

10- Arguments from AFLD

- a. AFLD claims that it should be authorized to conduct additional testing, given that it has access to confidential information from police and customs that it cannot share with other organizations. Such information will allow AFLD to target test specific riders during the Tour de France but will not be available directly to UCI because of legal issues.
- b. AFLD is ready to cooperate with UCI to avoid the inconvenience of having two entities testing at one single event.
- c. AFLD raises concerns about UCI conducting unannounced testing.

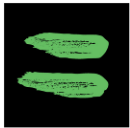
11- Arguments from UCI

- a. UCI raises some formal issues in relation to the AFLD request.
- b. UCI is also invoking some previous problems with AFLD which in its view would justify WADA not to grant permission to AFLD to conduct extra testing.
- c. UCI presents its testing plan for the 2010 Tour de France, and argues that this plan is comprehensive and can be adapted based on the needs. UCI, in particular, indicates that it is open to conduct testing on any rider that would be requested by AFLD on the basis of the confidential information received by AFLD, provided this information is given to WADA.
- d. On that basis, UCI doesn't see why AFLD should conduct tests itself during the event.
- e. UCI claims that, if permission were granted to AFLD on the basis that it holds confidential information, this might lead to other anti-doping organizations (ADOs) getting authorization to test at the event, and therefore in having multiple ADOs testing at the same event.
- f. UCI raises logistical issues in relation to having two organizations testing at the same event.
- g. UCI also raises the issue of the French anti-doping law not being fully Code compliant, and the issue of having a decision rendered in France which will have to be recognized later on by UCI, and which potentially could be in contradiction, given that the final appeal in France is to the State Council and the final appeal under the Code is to the Court of Arbitration for Sport (CAS).
- h. On that basis, UCI refuses to grant permission to AFLD to conduct testing.



3. Discussion

- 12- WADA has given due consideration to the arguments raised by both parties. Following the response from UCI, additional information was sought from both parties on June 10, and the responses to such request have also been fully studied and taken into account in this resolution.
- 13- WADA sees no procedural or formal issue in this matter. The claim from UCI that it was not notified by AFLD on the day AFLD sent its request to WADA has been fully cured by the fact that UCI was notified on June 9, and that, subsequently, an extended deadline was given to UCI by WADA.
- 14- WADA does not consider that previous issues between UCI and AFLD should be taken into account in the making of this resolution.
- 15- WADA understands that AFLD has intelligence from the French police and customs which could be useful to target test riders during the tour.
- 16- WADA signed a confidentiality agreement under which AFLD is able to share some of this information with WADA.
- 17- WADA is satisfied that this information appears prima facie realistic and useful to conduct target testing on some riders.
- 18- UCI offered to target test riders upon request from AFLD. This suggested approach would be potentially very useful as it would avoid having two different organizations testing at the same event, while allowing accurate target testing to take place.
- 19- WADA is concerned that testing conducted by AFLD will necessarily fall under French law, which is not, to date, fully Code compliant. Having UCI perform such extra tests upon request from AFLD will ensure that results management for all tests will be conducted under UCI rules, which are Code compliant and provide for a final appeal to CAS.
- 20- The unannounced component of testing is vital in ensuring target testing is successful.
- 21- WADA does not speculate on the unannounced nature of UCI tests but considers that it is of primary importance that all tests be conducted in total transparency and thereby avoid any subsequent criticism of being pre-warned. WADA thinks that such assurance would benefit all parties and the public at large.



4. Resolution

22-WADA does not give permission to AFLD to conduct additional testing at the Tour de France. This resolution is however subject to the following conditions:

- a) Because of the acceptance of UCI to conduct extra testing if information warrants it, WADA requires of AFLD to be informed of any target test that it might suggest be conducted as a result of the receipt of confidential information.
- b) Upon receipt of this information, and after evaluation of the background information related to such request, WADA will pass such request to its Independent Observer (IO) team present on site during the Tour de France in order to appropriately manage the issue of confidentiality, and for the IO team to pass it on to UCI as follows :
 - i. The IO team will ask a UCI doping control officer (DCO) to conduct the specific target testing mission(s) by first contacting the UCI designated DCO and agreeing on a place and time to meet.
 - ii. A representative of the WADA IO team will then go with the UCI DCO and the UCI chaperone to collect the sample.
 - iii. The WADA IO team representative will only inform the UCI DCO and UCI chaperone of the name of the rider at the appropriate time in accordance with its own appreciation of the circumstances.
 - iv. There should be no communication to any external parties from the UCI DCO and the UCI chaperone from the time they meet the WADA IO team representative until the mission is fully completed.
 - v. All samples collected during these missions should be analysed for EPO and hgH.
- c) If for whatever reason(s) the above mentioned conditions are not acceptable to UCI, or are not respected during the Tour de France, WADA will grant the AFLD the permission to perform such tests itself.

Montreal, June 22, 2010

John Fahey, President