

11 February 2014

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**CYCLING INDEPENDENT REFORM COMMISSION**

**TERMS OF REFERENCE**

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## MAIN ABBREVIATIONS

ADRV	Anti-Doping Rule Violation
CADF	Cycling Anti-Doping Foundation
CIRC	The Cycling Independent Reform Commission (also referred to as the IC)
CIRC Regulations	The UCI Ad Hoc Regulations on the CIRC, adopted by the UCI Management Committee on 1 <sup>st</sup> February 2014
CIRC Report	The CIRC Report referred to in Section 9
IC	The CIRC
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
NF	National Federation
Rider Assistance Personnel	Mechanics, masseurs, soigneurs, paramedical assistants, drivers
Senior Team Personnel	General managers, Team managers, Team owners, Directeurs sportifs, coaches
ToR	These CIRC Terms of Reference
UCI	Union Cycliste Internationale
UCI ADR	UCI Anti-Doping Rules
WADA	World Anti-Doping Agency

## **I. PURPOSE OF THE PRESENT TERMS OF REFERENCE**

1. The present Terms of Reference (**ToR**) are intended to set out the mandate of the UCI Cycling Independent Reform Commission (**CIRC**).
2. The present ToR were drafted taking into account the Memorandum of Understanding signed between UCI and WADA on 15 January 2014 (**MoU**), the UCI Ad Hoc Regulations on the Cycling Independent Reform Commission adopted by the UCI Management Committee on 1<sup>st</sup> February 2014 (**CIRC Regulations**), the UCI Anti-Doping Regulations (**UCI ADR**) and any other agreements entered into between the UCI and WADA concerning the CIRC and its mandate.

## **II. MANDATE OF THE CIRC**

### **A. IN GENERAL**

3. 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.
4. 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.
5. 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 on understanding of the past, and make the changes necessary to avoid repeating mistakes in the future.
6. The mandate of the CIRC is temporary in nature. It is expected that the CIRC will have accomplished its task by 31 January 2015. The UCI President can extend the mandate of the CIRC for a period up to 4 months upon a reasoned request by the CIRC. Further extensions can only be granted by the UCI Management Committee.

**B. ISSUES TO BE INVESTIGATED**

7. 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.
8. The CIRC will 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.
9. The CIRC will not be bound by the issues identified in these ToR and may extend the scope of its investigation to any other issue deemed relevant by the CIRC for the purposes of its investigation.

**C. REPORT BY THE CIRC**

10. The CIRC will produce to the President of the UCI a report (**CIRC Report**), the main purpose of which will be to provide recommendations for the future with (and for) all stakeholders involved in the cycling world. In particular, the CIRC Report shall endeavour to assist the UCI in gaining knowledge and an understanding of the past, and making the changes necessary to avoid repeating mistakes in the future.
11. As per Article 1.3 of the MoU, the CIRC Report shall make targeted recommendations to the whole cycling community in order to achieve the objectives set out in Article 10 above.

**D. INVESTIGATION PERIOD**

12. 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**).
13. The CIRC may on its own motion extend the length of the Investigation Period or opt for an alternative Investigation Period.

## E. BUDGET

14. The UCI and the CIRC have agreed on a budget the allocation of which will be independently decided by the CIRC.
15. The UCI and the CIRC's Secretary will hold monthly budget review meetings to ensure that the expenditure is consistent with the agreed budget.
16. The CIRC and the UCI will discuss and resolve any budgetary issue in good faith.

## III. COMPOSITION AND ORGANISATION OF THE CIRC

17. As per Articles 3.1 and 3.2 of the MoU, the CIRC is comprised of three persons under a *société simple* within the meaning of Article 530 *et seq* of the Swiss Code of Obligations and the CIRC shall be free to adapt its legal status as it deems appropriate with the agreement of the UCI.
18. The CIRC is comprised of the following three members (**CIRC Members**):
  - (i) Dr. Dick Marty (President)
  - (ii) Mr. Peter Nicholson (Vice-President)
  - (iii) Prof. Ulrich Haas (Vice-President).
19. The remuneration of the CIRC Members will be governed by separate agreements.
20. The CIRC is free to organise 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.
21. The CIRC will act independently within the framework of the CIRC Regulations.
22. The CIRC can hire its own personnel as it deems fit within the limit of its budget.
23. The CIRC will be free to enact its own internal regulations and procedural rules, however such rules and regulations must take into account and be consistent with the present ToR, the MoU and the CIRC Regulations and any other agreements that form the basis of the MoU.
24. The CIRC will act in a pragmatic way taking into account the resources available, but always in a fair manner.

25. 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.

#### **IV. SOURCES OF INFORMATION**

26. The CIRC shall be allowed to rely on any type of information it deems appropriate.
27. The CIRC may hear evidence from any current or past UCI License Holder (**LH**) and any other person of interest (**Pol**) including "Non-License Holders" within the meaning of Article 18 of the UCI ADR.
28. The CIRC will encourage any LH or Pol to disclose any anti-doping relevant facts and circumstances, including but not limited to ADRVs.

#### **V. UCI ASSISTANCE**

29. The UCI will provide any documents or electronically stored information within its possession relevant for the investigation upon a simple request by the CIRC.
30. UCI staff, members of commissions and other bodies are obliged to assist the CIRC in its investigation. UCI will encourage former members of commissions and bodies of the UCI to assist the CIRC in its investigation
31. The National Federations will conduct the necessary investigation upon request by the CIRC in accordance Article 231 UCI ADR.
32. The UCI will ensure that any National Federations as well as UCI's official 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.
33. In particular, the UCI agrees to waive any confidentiality agreement it might have with its staff, members or commissions and bodies as well as the CADF's employees.
34. All License-Holders are obliged to assist the CIRC in investigating ADRV pursuant to Article 231 UCI ADR.
35. 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.

## VI. INVESTIGATIVE POWERS OF THE CIRC

36. The CIRC can interview any person who wishes to provide information to the CIRC.
37. The CIRC has the power to impose reduced sanctions on any LH who admits an Anti-Doping Rule Violation (**ADRV**) to the CIRC (**Reduced Sanctions**) and when the LH has admitted the CIRC 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 the 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 the CIRC Regulations and Section VII below. The CIRC shall apply the procedural rules contained in the CIRC Regulations and in Section VIII below.

## VII. DISCIPLINARY PROVISIONS

38. Subject to the CIRC Regulations the following rules shall apply to all result management and disciplinary proceedings concerning ADRV disclosed to or discovered by the CIRC, which were committed during the Investigation Period.

### A. JURISDICTION

39. The CIRC shall have exclusive results management and disciplinary jurisdiction (**Jurisdiction**) with respect to all ADRVs admitted or reported to the CIRC within a time-window to specified in para 6.
40. The CIRC's Jurisdiction shall extend to any LH as well as any "Non-License Holders" within the meaning of Article 18 UCI ADR.
41. National Federations will refrain from asserting jurisdiction over ADRV governed by the CIRC Regulation. National Federations that have delegated their jurisdiction to a NADO will ensure that the NADO will not assert jurisdiction over ADRV governed by the CIRC Regulations.
42. 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.



43. The CIRC will have the authority to propose reduced sanctions to any LH who admits an ADRV (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 (Further Reduced Sanctions).

**B. ADMISSIONS OF ADRV**

**a. Reduced sanctions**

44. 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**

45. 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**

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

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

**d. Prize Money and Financial Sanctions**

48. 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.

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

**e. Form of the Decision**

50. The CIRC will issue a decision within the meaning of Article 272-273 UCI ADR

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

**f. Costs**

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

**g. Notification, publication and appeals**

53. Decisions taken under the present section VII.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.
54. The CIRC Decision is final and not subject to any appeal.

**h. Register**

55. 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 purpose 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**

56. 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**).
57. 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.
58. 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**

59. 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.

60. 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 below in para 86.

**b. Commencement of the Ineligibility period**

61. 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**

62. 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.

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

**d. Prize Money and Financial Sanctions**

64. No return of prize money shall be ordered, even if the CIRC decides, in its discretion, that the relevant results should be disqualified.

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

**e. Form of the Decision**

66. Unless the CIRC decides that the ADRV will not be publicly disclosed, the CIRC will issue a decision within the meaning of Article 272-273 UCI ADR

67. If the decision is publicly disclosed, the CIRC will briefly state the reasons behind its decision.

**f. Costs**

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

**g. Publication and confidentiality**

69. 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**

70. The CIRC Decision shall not be included in the UCI Register and will constitute a violation for the purposes of Article 306-311 UCI ADR only as provided under para 59(aa)(i).

**i. Subsequent ADRV**

71. If the LH commits an intentional or negligent ADRV concerning a non-specified substance or a prohibited method after having admitted 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 Article 306 et seq. UCI ADR", the following principle 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 remain 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**

72. The CIRC's authority to propose Reduced Sanctions and Further Reduced Sanctions within the meaning of this 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 regulations.

73. 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 para 44 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**

74. 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 Article 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 VII above.

75. 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.

76. If the CIRC 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.
77. The Decision of the UCI Disciplinary Commission will be subject to an appeal to CAS according to Article 329, 330, 332 (by analogy), 333 and 334 UCI ADR.
78. If the CIRC 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.

## **VIII. PROCEDURAL RULES**

### **A. In General**

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

### **B. CONFIDENTIALITY**

82. The CIRC will conduct its investigation on a strictly confidential basis and will take all procedural measures it deems necessary to guarantee such confidentiality.
83. Any LH who accepts a Reduced Sanction shall provide a declaration setting out the details of the admitted ADRV.
84. Any LH who accepts a Further Reduced Sanction shall provide a WS describing the Additional Valuable Information (on which the proposal is based).
85. 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 admitted 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 para 87).
86. Where the proposal by the CIRC requires acceptance by the UCI and WADA (see supra para 60), 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 the WADA concerning the CIRC and its mandate.
87. 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 para 59 et seq.).
88. 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**

89. Any LH giving evidence to the CIRC is under an obligation to tell the truth.
90. 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.
91. 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.

**D. ADDITIONAL PROCEDURAL RULES**

92. The UCI and the CIRC will resolve any dispute regarding the present ToR through good faith negotiations. If need be the ToR may be amended and/or supplemented by the UCI with the consent of the CIRC.
93. At the latest with the termination of its mandate the CIRC will inform the President of the UCI when it will deliver the CIRC Report. The CIRC and the UCI will then agree in good faith negotiations – inter alia – the terms of the delivery of the Report, its publication, the remittal of any remaining equipment of the CIRC (laptops, printers, etc.) to the UCI, the publication of information pertaining to the budget (see supra III.E) or other aspects of the mandate, the use of information contained in the Report by the members of the CIRC and the release of the documentation gathered by the CIRC in the course of its mandate to the UCI.
94. There is no obligation on the CIRC or its members to store any documentation obtained in the course of the mandate after the termination of its mandate.
95. The UCI will keep the contents of the agreements referred to in para 19 and the agreements entered into by the CIRC with its staff confidential.

**IX. MISCELLANEOUS PROVISIONS**

96. The CIRC, its members and staff will apply their best efforts to fulfil the mandate. They are liable to the UCI only for intentional or reckless misconduct.
97. The UCI will provide the CIRC, its members and its staff with full indemnity in case of

- (i) injunctions, liability and/or defamation claims filed against any of the members and staff of the CIRC in relation to the fulfillment of their mandate under the present ToR;
- (ii) legal actions by LH and/or Pol relating to the investigative and disciplinary powers of the CIRC and
- (iii) any injunctions or orders issued by any administrative or judicial authority requesting the members and/or staff of the CIRC to provide information obtained in fulfilling their mandate under the present ToR.

98. Furthermore, in the cases cited under para 97 the UCI will take all necessary steps to hold the CIRC, its members and staff harmless, engage in and take over any judicial proceedings initiated against the CIRC, its members and staff in their best interest and at its own expenses.

99. Any dispute arising out of or in connection with the ToR between the CIRC, its members or staff and the UCI that cannot be settled according to para 92 shall be resolved at the exclusion of state courts by the Court of Arbitration for Sport (CAS) in Lausanne.

**For the CIRC**

**On behalf of the UCI Executive Committee**

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Dick Marty, President

\_\_\_\_\_

Brian Cookson, UCI President

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Ulrich Haas, Member

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Martin Gibbs, UCI Director General

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Peter Nicholson, Member

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Aurélie Merle, Secretary