

Press Releases

Q&A response to public comments on the proceedings involving Mr. Froome

06 July 2018

There have been a lot of requests from the public to provide further information on why the case was closed. According to public reports, Dr. Olivier Rabin, Senior Executive Director, Sciences and International Partnerships of the World Anti-Doping Agency (WADA) has stated that more detailed information would have to come from the UCI. Can you elaborate on what has already been publicly said by WADA and Mr. Froome?

The UCI confirms that it closed the case primarily based on WADA's advice, but also after conducting its own analysis to determine whether WADA's conclusion was justified.

The key factors as far as the UCI was concerned arose after the following procedural steps: (i) after a first evidentiary phase, Mr. Froome requested information from WADA in late January 2018 – he received a response in early March 2018; (ii) in late March 2018, Mr. Froome then sent a formal request for further information on the salbutamol regime to WADA – he received a response on 15 May 2018; (iii) on 4 June 2018, Mr. Froome submitted his explanation; and (iv) on 28 June 2018, WADA provided its position on the case to UCI.

The most relevant factors to the UCI's decision were:

(i) First, obviously, WADA's position:

WADA's scientific department has access to information that UCI does not, including ongoing and unpublished studies on the excretion of salbutamol (which is – as confirmed by WADA Scientific Director–subject to considerable variations). In those circumstances, the UCI had to trust WADA's assessment of whether or not Mr. Froome's control amounted to an anti-doping rule violation as per the rules adopted by WADA. Pursuing the case when the world supervising authority in anti-doping – which is the entity enacting the rules and the tests – tells you that there is no case is simply not an option. In the UCI's view, it would not be fair to continue the proceedings against Mr. Froome considering WADA's position that he did not commit an anti-doping rule violation.

(ii) The second key element was the new WADA Technical Document of 2018 which entered into force on 1 March 2018 (WADA TD2018DL):

It is important to recall that according to WADA's Technical Document (both in its version in force in September 2017 and today), only samples containing a concentration of salbutamol in excess of 1,200ng/ml are to be reported as abnormal results.

The new Technical Document implemented in March 2018 also now allows for the salbutamol Decision Limit to be increased above 1,200 ng/ml based on the specific gravity of the sample. This adjustment is intended to factor in the hydration status of the athlete which, as Professor Kenneth Fitch has publicly stated, was not contemplated when the salbutamol regime was first developed. In the course of the proceedings it also appeared that WADA would have been willing to accept a further adjustment based on the measurement uncertainty of the specific gravity.

(iii) Thirdly, Mr. Froome's expert reports:

Having been tested 21 times during the Vuelta a España, Mr. Froome had access to the estimated concentration of salbutamol in his urine over three weeks. This allowed him to establish a significant variation in the way he excreted salbutamol, even at consistent, low, doses. Taking into account that he significantly increased his dose of salbutamol

(to treat a chest infection) around the time of the test, it was accepted by WADA that this individual variation could explain the analytical results of his 7 September 2018 sample. Under these circumstances, a controlled pharmacokinetic study was unnecessary before closing the case, as Mr. Froome's individual excretion could already be assessed from existing data.

(iv) The specific context of the substance and the case:

The reality is that salbutamol is permitted for therapeutic purposes and that Mr Froome uses salbutamol to treat asthma. In addition, Mr. Froome could expect to be (and was) tested on almost every day of the Vuelta a España. These contextual elements are not conclusive but were obviously elements to take into account in deciding to follow WADA's position.

(v) New WADA commissioned studies:

During the proceedings, WADA confirmed that there are ongoing and unpublished studies on the excretion of salbutamol. As the studies were not yet finalised, neither UCI or Mr. Froome had access to them, but this was taken into account in accepting WADA's position.

What about things that the UCI did not consider to be relevant factors?

The UCI did not take its decision based on the fact that Mr. Froome "took a certain number of medicines to treat [an infection]", "other elements linked to his diet" or "dietary supplements" as referred to by WADA's Scientific Director in recent interviews. The UCI considered those factors irrelevant and/or not substantiated. The UCI thus only took into consideration the elements listed in the section above, however it is possible that WADA had access to unpublished information that the UCI was not aware of.

The UCI also confirms that during the evidentiary phase of the proceedings it did not accept Mr. Froome's request to have various tests done on his samples. The purpose of such testing would have been to attempt to determine whether the factors mentioned directly above had an impact on Mr. Froome's excretion of Salbutamol. The UCI believed that such impact was purely speculative and could not justify conducting additional tests on Mr. Froome's samples. The UCI consulted with WADA before taking this position.

The UCI would also like to clarify that it did not take its decision based on the recent study in the British Journal of Clinical Pharmacology titled "Futility of current urine salbutamol doping control". Whilst the UCI reviewed this study as part of its assessment, it was not a determining factor in the case.

How do you react to the claim that UCI is responsible for the delays?

The UCI has already made it clear that it would have liked to resolve the case much earlier, however it was essential to take the time necessary to issue the right decision. As already mentioned the proceedings started with an evidentiary phase, which included a decision from the UCI Anti-Doping Tribunal on whether further information should be provided, or further tests carried out on Mr. Froome's samples. The issues that were eventually decisive to the UCI's decision were brought up by Mr. Froome only thereafter, when he formally questioned WADA on the salbutamol regime in March 2018. Whilst the issues in the case evolved over time as more information came to light, the UCI believes that the parties acted as efficiently as possible in dealing with the case.

The UCI has noted the comments of WADA's Scientific Director that the delays in the case are "a question for the UCI" as it handled the interaction with Mr. Froome's lawyers. If this statement has been correctly reported, it is disappointing. The UCI consulted with WADA and sought its input on the case throughout the entirety of the proceedings. Under both the UCI Anti-Doping Rules (UCI ADR) and the WADA Code, WADA had a right to appeal directly to the Court of Arbitration for Sport (CAS) if it considered that the UCI was failing to render a decision in a timely manner. WADA did not file any such appeal.

How do you react to suggestions that other athletes have been treated unfairly in the resolution of their salbutamol proceedings?

The UCI echoes WADA's public comments that every case is treated based on its unique aspects. However, the UCI also emphasises that every anti-doping case has to be dealt with according to the regulations in effect and in light of

the state of scientific knowledge at the relevant time.

The WADA regime for salbutamol has evolved over the years, including in the most recent WADA Technical Document. The UCI is not aware of the scientific evidence that led to the latest developments, however considers it a good thing that WADA is willing to make changes to its processes even where this could raise questions about prior cases. The alternative – avoiding change simply in order to avoid criticism – would be far more concerning.

The UCI has also taken note of a significant number of comments on alleged unequal treatment with respect to the cases of Mr. Alessandro Petacchi and Mr. Diego Ulissi. Such comments are inaccurate for several reasons. First of all, both of those cases were decided before the UCI put in place its independent Anti-Doping Tribunal, which means that they were decided at the national level with a possibility for both WADA and the UCI to appeal the decision to CAS. In addition, the UCI notes the following:

- o Mr. Petacchi was initially cleared by the Disciplinary Commission of the Italian Cycling Federation and the case was then decided by CAS after appeals were brought by WADA and the Italian Anti-Doping Organisation. Importantly, the CAS arbitrators decided the case based on the regulations applicable and scientific evidence available at the time (which did not include a correction for specific gravity or a controlled pharmacokinetic study). Mr. Petacchi has publically stated that he is happy that Mr. Froome has been absolved “because that vindicates [him] retrospectively”. Whilst Mr. Petacchi’s case may have been decided differently if heard today, the UCI notes that in another case dating from the same year, a different cyclist was acquitted of a salbutamol anti-doping rule violation after the scientific evidence and facts of his case were considered in legal proceedings at the national level.
- o Suggestions of unequal treatment are also incorrect with respect to Mr. Ulissi’s case. The UCI was not involved in the disciplinary proceedings of Mr. Ulissi’s case, which were handled by the Swiss Anti-Doping Agency. As mentioned above, the case was determined based on individual data and the UCI cannot provide any further information on the details of the case. Neither UCI nor WADA appealed the decision.

Whilst the outcome of the above cases was different, the UCI must emphasise that each of the relevant athletes had access to a fair hearing as provided for by the WADA Code and the UCI ADR.

The UCI would also like to emphasise to all riders who are involved in anti-doping proceedings that:

- o Proceedings before the UCI Anti-Doping Tribunal are (aside from specific exceptions) not subject to costs;
- o Appeals from the UCI Anti-Doping Tribunal to CAS are free; and
- o CAS provides legal aid and pro bono legal counsel for athletes without sufficient financial means to defend their rights at CAS.

Finally, how do you react to criticism of the UCI’s statement that it hoped the cycling world could move on and enjoy upcoming races?

The UCI understands such criticism, in particular when it comes from experienced cycling commentators. To clarify, in making this statement, the UCI simply wanted to convey the message that:

- o Mr. Froome’s case was closed after a careful review by both WADA and the UCI as well as their respective experts; and
- o the public debate on this case should not overshadow the sport itself, in particular because the decision taken was the right decision.

The UCI hopes that the clarifications in this document go some way to reassuring the public that its decision was justified but understands that there will be continued discussion and debate about this case. The most important thing, however, is that professional cyclists should not be negatively affected by this debate, particularly in terms of their security and their right to participate in the sport they love. This was the intended message at the heart of the UCI’s prior statement.

Finally, and on a related note, the UCI understands that the public would like to see the specific data and expert reports from Mr. Froome’s case in order to assess whether WADA and the UCI took the right decision. In its capacity as a signatory of the WADA Code, the UCI can only say that there are important reasons that WADA does not publish information on its analytical methods and decision limits, the most important being to avoid such information being

abused by athletes who wish to illegitimately enhance their performance.

Whilst the UCI does not therefore intend to publicly release specific information from this case, it notes that WADA has confirmed that all relevant information will be sent to the WADA expert committees to determine whether there need to be any adjustments to the salbutamol regime. The UCI will also officially request WADA's guidance on how future salbutamol cases should be handled in view of the latest scientific evidence.

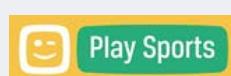
Finally, the UCI will continue to be at the forefront of the fight against doping and to propose innovations to improve the effectiveness of our collective action to protect clean sport. Recent announcements by the UCI Management Committee on Tramadol and glucocorticoids confirm our strong political will in this area. For such purpose, the UCI will collaborate closely with WADA.



UCI WORLD CYCLING PARTNER



UCI OFFICIAL PARTNERS



UCI OFFICIAL SUPPORTERS

