



PRESS RELEASE

CYCLING

THE APPEAL OF STEFAN SCHUMACHER IS DISMISSED BY THE COURT OF ARBITRATION FOR SPORT (CAS)

Lausanne, 25 January 2010 – The Court of Arbitration for Sport (CAS) has dismissed the appeal filed by the German cyclist Stefan Schumacher against the decision of the International Cycling Union (UCI) to recognise the two-year suspension imposed by the French Anti-Doping Agency (AFLD) and to extend it worldwide. However, the CAS has fixed the commencement date of the suspension at 28 August 2008, instead of 22 January 2009.

On 22 January 2009, the Disciplinary Panel of the AFLD suspended Stefan Schumacher for a period of two years from all sports events organized by French sports federations. Such suspension was the result of the cyclist's positive anti-doping test for EPO CERA during the Tour de France 2008. On 3 March 2009, the UCI issued a statement of international recognition of the decision rendered by AFLD. The commencement date of the suspension was fixed at 22 January 2009 by the UCI, the same as in the AFLD decision.

On 1 April 2009, Stefan Schumacher filed an appeal with the CAS in order to request the annulment of the UCI recognition statement.

The case was submitted to a Panel of CAS arbitrators composed of Mr Bernard Foucher/France (President), Prof. Ulrich Haas/Germany and Mr Olivier Carrard/Switzerland (Arbitrators). Two hearings took place at the CAS headquarters in Lausanne on 8 July and 4 November 2009 during which the parties, their counsels and experts were heard.

The major legal interest of the CAS decision lies in the fact that the arbitration panel has, on the one hand, established that a recognition statement extending the geographical effects of a national decision constitutes a formal decision and, on the other hand, that the examination by the CAS of such a recognition statement should not only include questions of form and of procedure but also questions on the merits in order to check that the recognition statement does not extend a decision which would itself be contrary to the anti-doping rules in force.

In the case of Stefan Schumacher, the CAS arbitration Panel has stated first that the initial decision (made by the AFLD) was rendered by a competent anti-doping organisation and that it was valid from a procedural point of view. The CAS arbitrators then checked the validity of the AFLD decision in the light of the requirements of the World Anti-Doping Code relating to the evidence of doping. More particularly, the arbitrators have rejected the arguments raised by Stefan Schumacher and have found that :

- the chain of custody of the urine sample was respected
- the doping control was anonymous
- no contamination of the urine sample was established
- the additional analysis of the "A" sample to determine any presence of EPO CERA was justified
- no sufficient evidence was brought in order to establish that the detection method of EPO CERA was not valid
- the waiver of the athlete to request the analysis of the "B" sample was not caused by a fault of AFLD.

Finally, the CAS arbitration Panel has stated that the two-year suspension was also in accordance with the World Anti-Doping Code. Only the commencement date of the suspension has been amended and has been fixed at 28 August 2008, which corresponds to the beginning of the effective suspension of the athlete, who did not take part in any professional cycling races since that date, as he could no longer obtain a UCI Pro Tour licence.

The full award with the grounds (in French) is published on the CAS website (www.tas-cas.org.)

For further information related to the CAS activity and procedures in general, please contact Mr. Matthieu Reeb, CAS Secretary General or Mrs Katy Hogg. Château de Béthusy, Avenue de Beaumont 2, 1012 Lausanne, Switzerland. Tel: (41 21) 613 50 00; fax: (41 21) 613 50 01, or consult the CAS website: www.tas-cas.org