



## MEDIA RELEASE

### CYCLING - DOPING

#### JAN ULLRICH FOUND GUILTY OF AN ANTI-DOPING RULE VIOLATION BY THE COURT OF ARBITRATION FOR SPORT (CAS): SUSPENSION OF TWO YEARS AND ANNULMENT OF ALL RESULTS ACHIEVED SINCE 1 MAY 2005

*Lausanne, 9 February 2012* – The Court of Arbitration for Sport (CAS) has rendered its decision in the arbitration between the Union Cycliste Internationale (UCI) and the German cyclist Jan Ullrich & Swiss Olympic. The CAS has partially upheld the appeal filed by the UCI and has found Jan Ullrich guilty of a doping offence. As a consequence, Jan Ullrich is sanctioned with a two-year period of ineligibility starting retroactively on 22 August 2011. Furthermore, all results achieved by the athlete on or after 1 May 2005 until his retirement are annulled.

In 2004, the Spanish Guardia Civil opened an investigation called "*Operation Puerto*" during which documents and other materials were seized from the apartments of Dr. Eufemiano Fuentes, including evidence of possible doping offences by athletes. The Guardia Civil drafted a report on 27 June 2006 which made reference to certain of the materials seized from the apartments. On 30 June 2006, Jan Ullrich was suspended by his professional cycling team, T-Mobile, and was withdrawn from the 2006 Tour de France. On 21 July 2006, T-Mobile dismissed Jan Ullrich. Later in 2006, the UCI requested that Swiss Cycling open disciplinary proceedings against Jan Ullrich. As a result of new regulations adopted by Swiss Olympic, the case was transferred to the Disciplinary Chamber of Swiss Olympic, which decided on 20 May 2009 that it could not rule on this matter.

On 22 March 2010, the UCI filed a statement of appeal with the Court of Arbitration for Sport requesting the CAS to annul the decision of the Disciplinary Chamber of Swiss Olympic and to sanction Jan Ullrich with a lifetime suspension and retroactive disqualification of all results achieved from 29 May 2002. A separate appeal was filed by Swiss Anti-doping which was rejected by the CAS on 30 November 2011 due to lack of jurisdiction. A CAS Panel composed of Mr Romano Subiotto QC, United Kingdom (President), Prof. Ulrich Haas, Germany, and Mr Hans Nater, Switzerland, was appointed to hear this matter. Jan Ullrich raised an objection with respect to CAS jurisdiction, which was dismissed by the CAS Panel in a partial award of 2 March 2011. The CAS Panel heard the parties on the merits of the case on 22 August 2011 at the CAS Headquarters in Lausanne.

Jan Ullrich raised several objections relating to the procedure and to the applicable law. The CAS Panel dismissed all of them and determined that the UCI Rules were applicable to this case.



Furthermore, the CAS Panel ruled that it was possible, under the UCI Rules, to initiate disciplinary proceedings against Jan Ullrich even if the athlete was no longer a UCI licence-holder.

The CAS Panel also rejected a request by Jan Ullrich to refer the case back to Swiss Olympic for a new decision, in the event the Panel were to uphold the appeal of the UCI.

With respect to the merits, the CAS Panel noted that the documentary evidence presented by the UCI showed that 1) Dr Fuentes was engaged in the provision of doping services to athletes, 2) Jan Ullrich travelled in the vicinity of Dr Fuentes' operations on multiple occasions, and evidence in Dr Fuentes' possession suggested that Jan Ullrich was in personal contact with him, 3) Jan Ullrich paid more than € 80'000.—to Dr Fuentes for services that have not been particularized, and 4) a DNA analysis confirmed that Jan Ullrich's genetic profile matched blood bags ready for use for doping purposes found in the possession of Dr Fuentes. The Panel also expressed its surprise that Jan Ullrich did not question the veracity of the evidence or any other substantive aspect of this case, limiting his defence to procedural issues.

Given the volume, consistency and probative value of the evidence presented by the UCI, and the failure of Jan Ullrich to raise any doubt about the veracity or reliability of such evidence, this Panel came to the conclusion that Jan Ullrich engaged at least in blood doping in violation of Article 15.2 of the UCI Anti-doping Rules.

Concerning the sanction, the CAS Panel rejected the request of the UCI to impose a lifetime ban on Jan Ullrich, considering that the first doping offence that he committed in 2002 was due to the ingestion of amphetamines out-of-competition. Since 2002, amphetamines have been reclassified and their presence constitutes an anti-doping violation only if they are found in an athlete's system in-competition. Therefore, the CAS Panel refused to consider Jan Ullrich guilty of a second doping offence, given that the first violation in 2002 would no longer constitute a violation under the existing anti-doping rules. Accordingly, a period of ineligibility of two years is imposed on Jan Ullrich, commencing on 22 August 2011, which is the date of the CAS hearing. Furthermore, in accordance with the UCI Rules, the CAS Panel has disqualified the results of Jan Ullrich from all sporting events in which he competed from 1 May 2005 until the time of his retirement. The CAS Panel fixed the commencement date at 1 May 2005 as it is established that Jan Ullrich was fully engaged with Dr Fuentes's doping program at least from that date.

The full award with the grounds is published on the CAS website (<http://www.tas-cas.org/recent-decision>).