

CAS 2025/A/11178 Eddy Van Bunder v. Union Cycliste Internationale (UCI)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Mario Vigna, Attorney-at-law, Rome, Italy
Arbitrators: Mr Giulio Palermo, Attorney-at-law, Geneva, Switzerland
Ms Janie Soublière, Attorney-at-law, Beaconsfield, Canada

in the arbitration between

Mr Eddy Van Bunder, Belgium

Represented by Mr Mathieu Baert and Ms Lore Vanden Berghe, Attorneys-at-law at Everest Law, Ghent, Belgium

Appellant

and

Union Cycliste Internationale, Switzerland

Represented by Mr Antonio Rigozzi, Mr Johannes Fahner and Mr Eolos Rigopoulos, Attorneys-at-law at Lévy Kaufmann-Kohler, Geneva, Switzerland

Respondent

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I. PARTIES

1. Mr Eddy Van Bunder (the “Appellant” or “Mr Van Bunder”) is a Belgian national who served as the Team Manager of the women’s cycling team Proximus Alphasport Dolcini Ct (now Velopro-Alphasport, the “Team”) during the 2023 and 2024 cycling seasons (respectively the “2023 Cycling Season” and the “2024 Cycling Season”).
2. The Union Cycliste Internationale (the “Respondent” or “UCI”) is the world governing body for the sport of cycling, with its headquarters in Aigle, Switzerland.
3. The Appellant and the Respondent shall together be referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. The following is a summary of the relevant allegations and undisputed facts derived from the Parties’ written submissions and supporting documentation. Additional facts, allegations and pleadings may be set out, where appropriate, in connection with the legal discussion that follows. While the Panel has carefully reviewed all factual, legal and evidentiary submissions, it refers in its Award only to those it considers necessary to explain its reasoning.

A. 2023 Cycling Season

5. In early February 2023, the Team conducted a training camp in Calpe, Spain (the “2023 Camp”), attended by the riders, as well as Mr Van Bunder (Team Manager), Mr Gert Vervoort (Assistant Sports Director, attending in the capacity of Team Leader - “Mr Vervoort”), and Ms Katelijne Noppe (masseuse - “Ms Noppe”). During the 2023 Camp, massages were administered to the Team’s riders by both Mr Vervoort and Ms Noppe.
6. On 17 February 2023, a rider from the Team during the 2023 Cycling Season (the “First Complainant” – although this rider’s identity was not formally disclosed, the Appellant contends that it was [A.]) exchanged WhatsApp messages with another teammate regarding their impressions of the 2023 Camp. *Inter alia*, the riders expressed discomfort with Mr Vervoort administering massages.
7. On 22 February 2023, following the conclusion of the 2023 Camp, [B.] – a rider of the Team who was present at such camp – sent an email to Mr Van Bunder with her reflections and feedback on the 2023 Camp. In particular, she expressed concerns regarding the massages administered by Mr Vervoort as follows (English translation of the Dutch original provided by the Respondent):

“The massages by Gert I found less pleasant, but I have never had massages before, so I don’t know how it normally goes, and I found it difficult to say something about it at that moment because I didn’t want him to think I criticize him. However, he did not place the towel over my underwear but kept it on one leg, and he also started feeling in my groin. This was for trigger points, and I understand that, but I would have liked him to first say what he was going to do. I was quite shocked when he put the towel

under my underwear and started feeling in my groin. Also, when Katelijne was massaging me, Gert came over without asking and started feeling my legs. This is okay, but I would have liked to hear what he was going to do or given permission since it is a sensitive area and Gert himself is not a woman.

I hope this reflection doesn't come across negatively because I really had one of the best weeks ever and was able to train well, get to know each other and feel ready for the season. I am grateful for the opportunity and for everything that is being done. I hope I can contribute to this great team."

8. On 23 February 2023, Mr Van Bunder responded to [B.]’s evaluation of the 2023 Camp by email, stating:

"As for the massage, this might be a strange feeling, but I am sure that there is nothing behind it and that [he] acted professionally. However, we will ensure that no one will be massaged by a male soigneur anymore. Even if it's just to make sure everyone feels comfortable."

9. Around February 2023, a Team rider allegedly complained anonymously to Belgian Cycling about massages performed by Mr Vervoort that made her uncomfortable.
10. In May 2023, the First Complainant *"had a call"* with Mr Van Bunder regarding Mr Vervoort’s behaviour. She allegedly *"did not speak about the massages but focused on the unwelcome behaviors"* of Mr Vervoort and the *"psychological pressure"* she claimed to have experienced as a result.
11. In July 2023, during the Baloise Ladies Tour in Belgium (the *"2023 Baloise Tour"*), Ms Kiona Crabbé (*"Ms Crabbé"*), then a Team rider, verbally conveyed to Mr Van Bunder that she did not feel comfortable with the massages administered by Mr Vervoort. Subsequently, Mr Van Bunder allegedly gave Mr Vervoort verbal instructions to provide massages only upon specific request from riders and also communicated this directive verbally to the Team riders and members of staff present at the 2023 Baloise Tour.
12. On 23 August 2023, the First Complainant sent messages to Mr Van Bunder *"to say I don't feel comfortable with the attitude of Gert"*.
13. On 15 September 2023, the First Complainant submitted her resignation by email to Mr Van Bunder and Mr Vervoort, attaching a letter detailing the difficulties she had experienced with the Team. The First Complainant’s letter stated in particular the following (grammatical mistakes and non-English words are part of the English translation of the Dutch original filed by the Appellant):

"It feels to me uncomfortable that a ploeg | eader multiple roles has [sic], that of masseur. This double role puts riders in an awkward position. a After all [sic], very bond with a caregiver is different from that with your team leader. Several times felt very uncomfortable and I have unsafe during massages, but because of the double role I felt unable to say anything about it."

14. On 23 October 2023, the First Complainant filed an anonymous complaint with the UCI in respect of “*inappropriate behaviours*” of Mr Vervoort towards Team riders, “*especially when he provided massages*”.
15. Towards the end of 2023, Ms Marieke De Groot (“Ms De Groot”) joined the Team as a rider. In her complaints, Ms De Groot narrates that, during this period, Mr Vervoort made multiple unsolicited attempts to visit her at her residence, including one occasion when he conducted an invasive physical examination and performance test.

B. 2024 Cycling Season

16. In early 2024, the Team held a training camp in Mallorca, Spain (the “2024 Camp”), which was attended by the riders as well as Mr Vervoort (in his capacity as Team Leader). Mr Van Bunder and Ms Noppe were not present. Notably, Mr Van Bunder explained in his written submissions that, due to the financial difficulties experienced by the Team, there was no possibility to have a masseur/masseuse participate in the 2024 Camp. During the 2024 Camp, Mr Vervoort performed massages on the riders of the Team, including on Ms De Groot.
17. On 19 April 2024, Ms De Groot sent an email to Mr Van Bunder expressing a “*motion of no-confidence*” in Mr Vervoort, with some comments on Mr Vervoort’s performance with the Team, without specific references to him performing massages. She also indicated her willingness to discuss the matter further.
18. On 20 April 2024, Mr Van Bunder emailed Ms De Groot asking, *inter alia*, whether she was available for an in-person conversation to discuss this issue.
19. On the same day, Ms De Groot replied, agreeing to said meeting and referring to “*I issue that is not acceptable to [her]*” and to the fact that there were “*boundaries crossed*” that would be explained further in the meeting.
20. On 23 April 2024, a meeting – recorded by Ms De Groot – took place between her, Mr Van Bunder and Mr David Boucher (a staff member). During this meeting, Ms De Groot reported Mr Vervoort’s alleged misconduct to Mr Van Bunder, specifically claiming that Mr Vervoort’s massages involved invasive physical contact, including the touching of intimate areas without prior warning and without her consent. She further stated that the riders felt compelled to comply because of Mr Vervoort’s dual role as a Sports Director and masseur. Mr Van Bunder stated in particular that: (i) he felt frustrated that he was learning about said behaviours “*now that it’s been months*”; (ii) he had already pointed out to Mr Vervoort in 2023 that he was no longer allowed to perform massages and did not know that Mr Vervoort kept massaging riders thereafter; and (iii) he would “*make sure that stops here and now*”.
21. On 24 April 2024, Mr Van Bunder sent a WhatsApp message to Mr Vervoort requesting if the latter could “*come by*” as he had to discuss a few important things with him.
22. On 27 April 2024, Mr Van Bunder allegedly met with Mr Vervoort. According to Ms Peggy Impens (Mr Van Bunder’s girlfriend), at said meeting, Mr Van Bunder

“banned Gert Vervoort from entering areas where massages were performed and from managing until the investigation was completed”.

23. On 16 May 2024, Mr Van Bunder sent an email to Ms De Groot, stating, *inter alia*, the following (grammatical mistakes are part of the English translation of the Dutch original filed by the Appellant):

*“Due to busyness and had been sick for a week I forgot to reply to mail for which sorry.
your*

*I hereby want to say that I had a good conversation with Gert. It was agreed that
should he no longer enter the is being given. room where massage*

*That he is also no longer allowed to give massages to riders. If no one is there then
there is no massage.”*

24. On 28 May 2024, Ms De Groot filed a complaint before the UCI Ethics Commission, referencing several incidents involving Mr Vervoort from December 2023 to April 2024, and alleging that Mr Van Bunder had failed to take adequate action.
25. On 31 May 2024, Ms De Groot responded to Mr Van Bunder’s email of 16 May 2024, as follows (English translation of the Dutch original provided by the Respondent – grammatical mistakes are part of said version):

*“I had to take some time to think about your e-mail and I have shared it with the other
riders last week.*

If I am honest, I am disappointed [sic].

*The fact that you ‘forget’ about it for a month... Shouldn’t this be highest priority when
this is communicated to you again?*

*I also made clear this is the feeling of the whole group and I regret it that the other
riders are not heard.*

*The riders who reached out to me are also really disappointed and feel that you don’t
really care about how we feel.*

*You state that Gert will not be in the massage room anymore. Isn’t that the measure
you have taken after the official complaint to the federation last year, which has been
crossed multiple times after?*

With David as a DS we all have a positive feeling. With IIs less.

*I want to highlight again that the masseur doesn’t have to be a woman. With Anneleen
we do have a positive feeling. In my own time I also visit a male masseur and I have
never felt bad or questioned him.*

*It’s very specifically Gert Vervoort. We have lost trust in him, we even have a very bad
feeling with him. About his intentions, and also his capabilities as a DS and
communicative skills.*

About his history at Alpecin, I really have the feeling that he talked his way in this position under false pretenses. Don't you question that he lied to you about this?

For me the alarm bells go off when I read that me speaking up was a surprise for him...

Last year there was an official complaint about the same behaviours and measures from you, plus I clearly spoke up at the end of training camp this year, with the whole group and present staff there.

I also want to make clear the the [sic] official complaint last summer was NOT coming from Kiona (what you said in the conversation with me). Kiona said this to you already, so you should know.

It's a big hurdle you have to cross to proceed with an official complaint, so I ask myself 'what was the history of that'. Don't you ask yourself that same question?

[...]"

26. On the same day, Mr Van Bunder replied to Ms De Groot stating, *inter alia*, the following (English translation of the Dutch original provided by the Respondent):

"I would like to first and foremost highlight that I talked with Gert immediately and set clear outlines.

I certainly didn't forget about it for a month, but I did forget to mention it to you. I understand your message, but I do defend Gert concerning the complaint which was indeed not Kiona, but [A.]. This complaint is full of lies and at most of the situations described I was there personally.

On terms of massages in Spain last year, I can tell you that Katelijne was there. But this is not what interests us, [A.] is a rider who cannot bear that she was fired."

27. On 4 June 2024, Mr Van Bunder sent an email to all Team riders:
- (i) Informing them that, consequent to the reports by [A.] and Ms De Groot, he had decided that Mr Vervoort would no longer give massages;
 - (ii) Requesting that they share whether they experienced issues with Mr Vervoort in the past and whether they thought that Mr Van Bunder had been somewhat negligent.
28. Some riders subsequently submitted their responses to Mr Van Bunder's requests.
29. On 5 July 2024, an alleged Team's staff member ("Anonymous Complainant W") submitted an anonymous complaint against Mr Vervoort via the UCI "SpeakUP" platform.
30. On 16 July 2024, two further anonymous complaints were filed via the same platform:
- (i) An alleged Team's staff member ("Anonymous Complainant X") submitted an anonymous complaint against Mr Vervoort;

- (ii) An alleged Team's staff member ("Anonymous Complainant Y") submitted an anonymous complaint against Mr Van Bunder.
31. On 19 July 2024, the Team's management sent via email an official communication to the Team: (i) announcing that it was informed by the UCI of the temporary suspension of Mr Vervoort pending the UCI's investigation; and (ii) informing the riders about the option to contact Ms Ils Van der Moeren (confidential advisor) as well as the "external", Ms Anouschka Serafimoff (psychologist).
 32. On 23 July 2024, Mr Vervoort sent a letter to Mr Van Bunder resigning from his position in the Team as "*there is an investigation against me by the UCI ethics commission but I am not going to wait for their decision and have decided to ban myself from cycling*".
 33. On 4 August 2024, another alleged Team's staff member ("Anonymous Complainant Z") filed an anonymous report against Mr Van Bunder with the UCI Ethics Commission.
 34. On 8 August 2024, Ms De Groot sent a WhatsApp message to the Team addressing the events of the preceding months involving herself, Mr Vervoort, and Mr Van Bunder and specifying that she had "*shared the same story to the UCP*". In reply, Mr Van Bunder stated, *inter alia*, that "*I don't think you realize what you're doing to the team...I think we made the right decision and Gert is no longer part of the team. But attacking me for negligence is not correct and if this does not stop it will have consequences for all riders and the team. I hope you realise this. And I hope this isn't your intention to destroy the team*".
 35. On 1 December 2024, Anonymous Complainant Z shared some further comments with the UCI Ethics Commission as to Mr Vervoort and Mr Van Bunder.

C. Proceedings before the UCI Ethics Commission

36. On 20 March 2024, Ms Fanny Bellier, Education and Integrity Manager of the UCI, filed a "Report for potential breach of the UCI Code of Ethics" (the "UCI Report") concerning "*the conduct of Mr Gert Vervoort*" and "*the involvement of Mr Eddy Van Bunder*" with the UCI Ethics Commission.
37. On 16 May 2024, the UCI Ethics Commission sent a letter to Mr Van Bunder stating that:
 - (i) The UCI had filed the UCI Report against him on 20 March 2024 "*in relation to certain facts that occurred in 2023*";
 - (ii) After a *prima facie* examination of the case, the UCI Ethics Commission had decided to open proceedings against him for alleged breaches of Article 6.4 (Protection of physical and mental integrity) of the UCI Code of Ethics (the "UCI Ethics Code"), read together with Articles 2.5 and 3.1 of Appendix 1 of the UCI Ethics Code; and
 - (iii) Mr Van Bunder was invited to submit his written comments together with any evidence, in the original language and, where necessary, accompanied by an English translation.

38. On 14 June 2024, Mr Van Bunder submitted his written comments on the file.
39. On 21 June 2024, Ms De Groot submitted additional explanations and evidence with reference to her original complaint of 28 May 2024 (see *supra* at para. 24).
40. On 27 August 2024, following communications received from additional individuals, the UCI Ethics Commission provided Mr Van Bunder with the following documents:
 - (i) Ms De Groot's complaint of 28 May 2024 as well as her additional explanations and exhibits sent on 21 June 2024;
 - (ii) Three anonymous reports filed via the UCI "SpeakUP" platform on 22 July 2024;
 - (iii) The anonymous complaint received on 4 August 2024; and
 - (iv) Four emails received on 16 July 2024, 7 August 2024 and 8 August 2024.
41. In the same letter, the UCI Ethics Commission invited Mr Van Bunder to submit his written comments and evidence.
42. On 13 September 2024, in the absence of any response from Mr Van Bunder within the prescribed deadline, the UCI Ethics Commission, having concluded that Mr Van Bunder did not intend to submit further comments or evidence, nor to request a hearing, informed him that the investigation phase had been closed.
43. On 17 September 2024, Mr Van Bunder submitted his written position, requested the opportunity to present arguments orally, and sought permission to be assisted by Mr Alex Polfliet ("Mr Polfliet"), the Team's new Co-Manager, citing language difficulties.
44. On 20 September 2024, the UCI Ethics Commission exceptionally decided to take note of the late submission from Mr Van Bunder and to hold a hearing, proposing some possible dates. It also informed him that the hearing would be conducted via videoconference in English or French. However, it declined his request to be assisted by Mr Polfliet and invited him to make arrangements for an independent interpreter, in accordance with Article 25 of the UCI Ethics Code.
45. On 7 October 2024, in the absence of a response from Mr Van Bunder, the UCI Ethics Commission asked him to confirm his availability for one of the proposed hearing dates and reiterated its request for the details of an independent interpreter, in case he still required language assistance.
46. On 9 October 2024, the Panel requested Ms De Groot to respond to specific questions regarding her complaint dated 28 May 2024. Ms De Groot replied on 16 October 2024.
47. On 10 October 2024, Mr Polfliet, on behalf of Mr Van Bunder, informed the UCI Ethics Commission that they were both available on the proposed hearing dates and requested that a videoconference link be provided.
48. On 11 October 2024, the UCI Ethics Commission reiterated that Mr Polfliet's presence had been explicitly denied and reminded Mr Van Bunder of his responsibility to arrange for an independent interpreter if required.

49. On 28 October 2024, a hearing was held by videoconference. During the hearing, Mr Van Bunder received questions concerning the accusations against him. At the conclusion of the hearing, Mr Van Bunder confirmed that his right to be heard had been fully respected.
50. On the same day, the UCI Ethics Commission held a separate hearing with the First Complainant.
51. On 2 December 2024, the UCI Ethics Commission provided Mr Van Bunder with the entire case file, including all documents previously shared as well as new evidence received after 17 September 2024, and requested him to provide his written comments and evidence.
52. On 12 December 2024, Mr Van Bunder submitted his final comments.
53. On 17 January 2025, the UCI Ethics Commission issued its decision in the case of Mr Van Bunder (the “Appealed Decision”).
54. The operative part of the Appealed Decision reads as follows:

“The UCI Ethics Commission:

- 1. decides that Mr Van Bunder has committed breaches of Article 6.4 of the UCI Code of Ethics and Article 2.5 and 3.1 of Appendix 1 of the UCI Code of Ethics;*
 - 2. imposes a ban on Mr Van Bunder from taking part in any cycling-related activity organised by the UCI or any of its affiliates for a period of three (3) years, effective as from the notification of this decision, of which the suspension of one and a half (1.5) years shall be (and remain) suspended if the following conditions are met:*
 - Mr Van Bunder does not commit any further breach of the UCI Code of Ethics (including any subsequent editions) for a period of three (3) years from the date of notification of this decision;*
 - The Party takes part in training programmes or other courses related to safeguarding and*
 - If, during the probationary period of three (3) years, Mr Van Bunder commits another breach of the UCI Code of Ethics (including any subsequent editions), the suspended sanction shall automatically be cancelled and the suspension of one and a half (1.5) years shall automatically apply. This sanction will be added to the sanction imposed for the most recent breach.*
 - 3. imposes a fine of CHF 5,000 to be paid by Mr Van Bunder to UCI within 30 days of receipt of the corresponding invoice from the UCI;*
 - 4. orders that Mr VB shall bear the procedural costs of this matter amounting to CHF 1,000, in accordance with Article 36 of the UCI Code of Ethics.”*
55. In the Appealed Decision, the UCI Ethics Commission *inter alia* found that:
 - (i) Mr Van Bunder breached Article 2.5 of Appendix 1 of the UCI Ethics Code, as he neglected to take adequate and enforceable measures in response to the riders’

complaints against Mr Vervoort's conduct, creating harm and an imminent danger of harm:

- (a) Although Mr Van Bunder received complaints regarding Mr Vervoort's inappropriate conduct and instructed Mr Vervoort to stop giving massages unless with the explicit request of the riders, Mr Van Bunder did not issue a formal communication to the Team and did not implement a mechanism to ensure compliance, thus failing to provide the required minimum level of care;
 - (b) Despite his awareness of complaints regarding Mr Vervoort's conduct, Mr Van Bunder allowed Mr Vervoort to continue in his role without implementing sufficient safeguards;
 - (c) Mr Van Bunder also neglected his duty to ensure that massages were performed by qualified personnel, as required by the UCI regulations, and allowed Mr Vervoort to be involved in providing massages, despite knowing that Mr Vervoort lacked the appropriate qualifications.
- (ii) Mr Van Bunder breached Article 3.1 of Appendix 1 of the UCI Ethics Code by failing to report the concerns regarding Mr Vervoort's conduct, despite being reasonably aware that the latter could constitute breaches of Article 2 of Appendix 1 of the UCI Ethics Code. Notably, Mr Van Bunder did not take action due to pecuniary and logistical considerations, in light of Mr Vervoort's work for the Team;
 - (iii) Mr Van Bunder breached Article 6.4 of the UCI Ethics Code as he did not implement sufficient safeguards and allowed Mr Vervoort to continue performing massages, thereby failing to respect the riders' physical and mental integrity;
 - (iv) The UCI Ethics Commission, in determining the sanctions to be imposed on Mr Van Bunder, took into account several aggravating factors, namely:
 - (a) Mr Van Bunder, as team manager, had a clear duty of care towards the Team but nonetheless failed to abide by his safeguarding obligations as he did not act despite numerous complaints;
 - (b) Despite verbal assurances to riders that Mr Vervoort would no longer perform massages on them, Mr Van Bunder did not implement formal action or a monitoring mechanism. While Mr Vervoort kept providing massages, Mr Van Bunder did not follow up or enforce compliance with his instructions;
 - (c) Despite being aware of the issue for a long time, Mr Van Bunder failed to take decisive measures to address Mr Vervoort's inappropriate behaviour. This reflects Mr Van Bunder's neglect of his managerial obligations. Additionally, even if he adopted some measures, he failed to properly and formally communicate them to the riders and/or the staff, and he did not ensure that said measures were abided by;
 - (d) Mr Van Bunder's failure to act decisively created an unsafe environment in which the riders felt unsupported and vulnerable. The power imbalance between Mr Van Bunder, as Team Manager, and the riders contributed to the

riders' reluctance to speak out, enhancing their fear of potential repercussions;

- (e) Throughout the proceedings, Mr Van Bunder denied any wrongdoing and even sought to downplay the concerns expressed by the riders of the Team. Moreover, he did not show accountability for the harm caused to them.

56. On the same day, the UCI Ethics Commission issued its decision in the case of Mr Vervoort (the "Vervoort Decision"). The operative part of the Vervoort Decision reads as follows:

"The UCI Ethics Commission:

- 1. decides that Mr Vervoort has committed breaches of Article 6.4 of the UCI Code of Ethics and Article 2.3 and 2.4 of Appendix 1 of the UCI Code of Ethics;*
- 2. imposes a ban on Mr Vervoort from taking part in any cycling-related activity organised by the UCI or any of its affiliates for a period of five (5) years, effective as from 16 July 2024. Given that the Party has resigned from his role and is not currently bound by the UCI Code, the sanction will take effect if and when the Party assumes a position or engages in any activity that has as a consequence that he is bound by the Code.*
- 3. states that the procedural costs are waived."*

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

57. On 6 February 2025, the Appellant, in accordance with Articles R47 and R48 of the Code of Sports-related Arbitration (the "CAS Code"), filed a Statement of Appeal with the Court of Arbitration for Sport (the "CAS") against the Respondent in respect of the Appealed Decision. Together with the Statement of Appeal, the Appellant:

- (i) Nominated Mr Giulio Palermo as arbitrator;
- (ii) Submitted a request to stay the execution of the Appealed Decision, in accordance with Article R37 of the CAS Code; and
- (iii) Requested that the UCI be ordered to produce "*all documents related to the case of Mr Gert Vervoort, the audio recording of Mr Van Bunder's meeting with Ms Marieke De Groot, and a complete record of all responses received by the UCI from its inquiry to the Team members*".

58. On 11 February 2025, the CAS Court Office initiated the present arbitration procedure and *inter alia* invited the Respondent to file: (i) its comments on the Appellant's request for a stay; as well as (ii) the documents requested by the Appellant, or to state its reasons for objection.

59. On 24 February 2025, the Respondent sent a letter to the CAS Court Office in which it:

- (i) Nominated Ms Janie Soublière as arbitrator;
- (ii) Requested that the Appellant's request for provisional measures be dismissed; and

- (iii) Contended that the Appellant’s documentary requests did not meet the criteria needed to order their production, as follows:
 - (a) As to the documents in relation to the case of Mr Vervoort, including the Vervoort Decision, the Respondent argued that the request lacked specificity and relevance. Furthermore, all documents concerning Mr Vervoort’s case were covered by confidentiality;
 - (b) As to “*the audio recording of Mr Van Bunder’s meeting with Ms Marieke De Groot*”, the Respondent indicated its willingness to produce it;
 - (c) As to the responses received by the UCI after its enquiry to Team members, the Respondent pointed out that there was no basis to insinuate that the UCI did not already forward the complete case file to him, or that such documents had been withheld.
60. On 25 February 2025, the CAS Court Office invited the Respondent to “*provide such recording to the Appellant (without copying the CAS Court Office)*” and informed the Parties that “*it will be for the Panel, once constituted, to rule on the Appellant’s outstanding requests for production*”, in accordance with Article R44.3 of the CAS Code.
61. On 7 March 2025, the Appellant filed his Appeal Brief, in accordance with Article R51 of the CAS Code. In his Appeal Brief, the Appellant, *inter alia*:
- (i) Reiterated the request for document production filed in his Statement of Appeal (see *supra* at para. 57);
 - (ii) Requested to “*cross-examine all six complainants*”, namely:
 - (a) the First Complainant;
 - (b) Ms Marieke De Groot;
 - (c) Anonymous Complainant W;
 - (d) Anonymous Complainant X;
 - (e) Anonymous Complainant Y;
 - (f) Anonymous Complainant Z.
 - (iii) Offered to provide the testimony of three individuals, namely:
 - (a) Mr Dylan Pemen;
 - (b) Ms Peggy Impens;
 - (c) Mr Ronny De Witte (“Mr De Witte”).
62. On 13 March 2025, the Deputy President of the CAS Appeals Arbitration Division issued an Order on Provisional Measures, dismissing the Appellant’s request for provisional measures.
63. On 7 April 2025, on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to

adjudicate the matter would consist of Mr Mario Vigna as President, Mr Giulio Palermo nominated by the Appellant, and Ms Janie Soublière nominated by the Respondent.

64. On 17 April 2025, the Respondent filed its Answer in accordance with Article R55 of the CAS Code. In its Answer, the Respondent *inter alia* made the following evidentiary requests:
 - (i) To exclude “*all evidence that was available to Mr Van Bunder or could reasonably have been available to him before the Appealed Decision was rendered*”;
 - (ii) With respect to the Appellant’s request to cross-examine the anonymous witnesses, the Respondent stated that it would not disclose the identity of any of them unless they confirmed their agreement thereto, stating that in any case it was not necessary for determining the facts of the case;
 - (iii) Reserved the right to examine Mr Van Bunder and his witnesses as well as to call some witnesses of its own, namely:
 - (a) Ms Marieke De Groot;
 - (b) [B.];
 - (c) Anonymous Complainant Z, subject to “*the adoption of suitable protective measures that will preserve his or her anonymity*”.
65. On 22 April 2025, the CAS Court Office, *inter alia*, invited the Parties to indicate their preferences as to holding a hearing and a case management conference (“CMC”) in the present matter.
66. On 29 April 2025, the Appellant requested that both a hearing and a CMC be held, preferably by videoconference. With regard to evidentiary measures, the Appellant also submitted that:
 - (i) The Respondent’s request for exclusion of evidence should be dismissed and “*no document should be excluded*” or, in any case, the Panel should exclude Respondent’s exhibit R-8 (email of [B.] dated 22 February 2023) since it constituted evidence that had already been available and could have been submitted earlier in the proceedings;
 - (ii) The Respondent’s request for suitable protective measures to preserve the anonymity of witnesses should also be dismissed. The Appellant pointed out that said measures only applied under specific circumstances that were not present in the case at hand, as “*there is no concrete risk of retaliations, and the witnesses did not provide a convincing motivation in these proceedings*”; and
 - (iii) The Panel should issue a preliminary decision as to the Appellant’s documentary requests not yet fulfilled by the Respondent.
67. On the same date, the Respondent indicated that a hearing was unnecessary and requested – in the event that a hearing was to be held – a CMC, “*to discuss the suitable protective measures to be put in place to preserve the anonymity of the Respondent’s anonymous witness*”.

68. On 5 May 2025, the CAS Court Office notified the Parties of the Panel’s decision to hold a hearing, as well as a CMC in order “*to discuss hearing logistics (including oral evidence), potential hearing dates and outstanding evidentiary issues*”.
69. On 28 May 2025, with regard to the Parties’ respective evidentiary requests, the CAS Court Office, *inter alia*, advised the Parties of the Panel’s determinations prior to the CMC, as follows:
- (i) Appellant’s requests for document production:
 - (a) The Respondent was ordered to produce the Vervoort Decision, with the authorisation to make confidentiality redactions it deemed necessary, provided it justified such arrangements;
 - (b) Except for (a) above, the Appellant’s requests for “*all documents in relation to the case of Mr Gert Vervoort*”, and “*a complete record of all responses received by the UCI from its inquiry to the Team members*” were rejected for reasons to be stated in this Award.
 - (ii) Parties’ respective requests for exclusion of evidence (see *supra* at paras. 64 and 66): The Panel considered that there were no grounds for excluding pieces of evidence from the case file and rejected both requests for reasons to be stated in this Award; and
 - (iii) Witnesses:
 - (a) The Appellant’s requests to hear Anonymous Complainant W and Anonymous Complainant X were rejected “*on grounds of irrelevance*”, for reasons to be stated in the Award;
 - (b) The Panel reserved its decision as to the relevance of the Parties’ requests to hear other witnesses and the procedure for such witness examination, as well as related requests for anonymity, at the CMC.
70. On 3 June 2025, a CMC was held via videoconference. In addition to the Panel and Ms Delphine Deschenaux-Rochat, CAS Counsel, the following persons were present at the CMC and discussed the admissibility and relevance of witnesses as well as the need to preserve the anonymity thereof:
- (i) For the Appellant:
 - (a) Mr Mathieu Baert, legal counsel;
 - (b) Ms Lore Vanden Berghe, legal counsel;
 - (ii) For the Respondent:
 - (a) Mr Johannes Fahner, legal counsel;
 - (b) Mr Eolos Rigopoulos, legal counsel.
71. On 4 June 2025, the CAS Court Office informed the Parties *inter alia* of the Panel’s determinations on witnesses’ examination after the CMC:

- (i) All the witnesses that were not already rejected (see *supra* at para. 69) were admitted and allowed to give evidence at the hearing:
 - (a) Mr Dylan Pemen;
 - (b) Ms Peggy Impens;
 - (c) Mr Ronny De Witte;
 - (d) The First Complainant;
 - (e) Ms Marieke De Groot;
 - (f) Anonymous Complainant Y;
 - (g) Anonymous Complainant Z;
 - (h) [B.].
 - (ii) Witnesses (a) to (c) would be subject solely to cross-examination by the Respondent, with any re-examination by the Appellant limited exclusively to matters emerging from the cross-examination.
 - (iii) The Respondent was directed to cooperate and facilitate the attendance of witnesses (d), (f) and (g), reporting on its efforts in this respect. The Panel remained “*open to consider any relevant procedural requests relating to their appearance, as appropriate*”.
72. On the same day, the Respondent submitted a copy of the Vervoort Decision to the CAS Court Office.
73. On 13 June 2025, the Respondent notified the Panel of its efforts to secure the attendance of the First Complainant and Anonymous Complainants Y and Z at the hearing. In this regard, the Respondent informed the Panel as follows:
- (i) The Respondent reached out to the First Complainant, but she communicated that she was unwilling to testify before the Panel;
 - (ii) The Respondent could not verify the identity of Anonymous Complainant Y as he/she filed the complaint through the UCI “SpeakUP” platform. However, Anonymous Complainant Z confirmed that he/she also authored said complaint;
 - (iii) Anonymous Complainant Z was not available on the proposed dates of the hearing and was unwilling to participate in a hearing where Mr Van Bunder was present; nonetheless, Anonymous Complainant Z indicated that “*he/she is willing to respond in writing or orally (in a brief call) to any questions the Panel may have*”.
74. On 18 June 2025, the Appellant sent a letter to the CAS Court Office with the following information and comments:
- (i) Three of the Appellant’s witnesses (Mr Pemen, Ms Impens and Mr De Witte) were available on both the hearing dates and times proposed by the Panel;
 - (ii) Since both the witnesses listed in para. 71(i) above and Mr Van Bunder himself were Dutch speakers with limited understanding of English, the Appellant’s counsel would provide the necessary Dutch-to-English translation for the Appellant and his

witnesses, citing insufficient financial resources to engage a professional interpreter. The Appellant pointed out that the Respondent's counsel Mr Johannes Fahner was a native Dutch speaker and thus could raise objections or corrections in the event of an inaccurate translation;

- (iii) As to the Respondent's letter, the Appellant expressed his disappointment with the fact that the UCI was now sharing for the first time that Anonymous Complainant Y and Anonymous Complainant Z were the same person, whereas throughout the proceedings before the UCI Ethics Commission, they were clearly treated as two separate complainants. Furthermore, the maintained anonymity and absence of the First Complainant and Anonymous Complainants Y and Z from the hearing was not justified and "*Their evidence, taken without cross-examination, must accordingly be given no value*" to preserve the Appellant's right to a fair hearing.
75. On 19 June 2025, the Respondent contested the content of the Appellant's letter and objected to the Appellant's proposal for his counsel to act as interpreter during the hearing. It also informed the Panel that the Parties were "*engaged in discussions about a hearing schedule*".
 76. On the same day, the CAS Court Office informed the Parties of the Panel's decision to reject the Appellant's request for its counsel to act as interpreter during the hearing with reference to Article R29 of the CAS Code, and invited the Appellant to provide the name and contact details of an independent and impartial interpreter.
 77. On 24 June 2025, the Respondent sent to the CAS Court Office the hearing schedule determined jointly with the Appellant. In said schedule, *inter alia*, the Appellant's witnesses (a) to (c) above (see *supra* at para. 71) each had a timeslot to provide their testimony.
 78. On 25 June 2025, both Parties sent their respective lists of hearing attendees. The Appellant's list, in particular, included the name and contact details of witnesses (a) to (c).
 79. On the same day, the Appellant informed the CAS Court Office of an email he received from witness (c), *i.e.* Mr De Witte, where the latter informed the CAS Court Office that he would not be available for the hearing on the following day "*due to work obligations*" as he "*was counting on the date of June 27*". Mr De Witte specified that he was "*still willing to appear before the CAS*".
 80. On 26 June 2025, and prior to the hearing:
 - (i) The Respondent sent an email to the CAS Court Office submitting that, due to his unavailability to testify at the hearing, Mr De Witte's written testimony "*ought to be disregarded and struck from the record*";
 - (ii) In response, the Appellant requested that, should the Panel disregard Mr De Witte's written testimony, it should "*apply that principle consistently to all witness statements from the UCI whose witnesses have elected either (i) not to appear at the hearing or (ii) to remain anonymous*";

- (iii) The Respondent submitted a deck of PowerPoint slides with excerpts from the case file that would be shared during its opening statements at the hearing.
81. After said exchange of communications and on the same day, a hearing was held via videoconference. In addition to the Panel and Ms Delphine Deschenaux-Rochat, CAS Counsel, the following persons were present at the hearing:
- (i) For the Appellant:
 - (a) Mr Van Bunder, the Appellant;
 - (b) Ms Lore Vanden Berghe, legal counsel;
 - (c) Ms Kirsten Van Grimbergen, interpreter.
 - (ii) For the Respondent:
 - (a) Mr Patrick Wilson, Head of Legal, Compliance and Integrity of the UCI;
 - (b) Mr Johannes Fahner, legal counsel;
 - (c) Mr Eolos Rigopoulos, legal counsel;
 - (d) Ms Josepha Theres Nehring, legal counsel.
82. At the outset of the hearing, the Panel heard the Parties' comments on their latest correspondence and notably on: (i) the non-participation of Mr De Witte and his availability on the following day; and (ii) the possibility to strike from the record the written testimony of Mr De Witte as well as the anonymous complaints of all the witnesses who would not be heard at the hearing. Thereafter, the Panel had an in-chamber meeting to discuss those matters. The Panel then communicated the following to the Parties:
- (i) The Panel decided not to reschedule a second day to hear the testimony of Mr De Witte, for reasons to be provided in this Award;
 - (ii) The Panel would state in this Award its decision, and grounds thereof, as to the possibility to expunge from the case file the written testimony of Mr De Witte as well as the complaints of the anonymous witnesses that would not be heard at the hearing.
83. The Panel heard oral evidence from the following individuals, who were subjected to examination and cross-examination as well as to questions from the Panel:
- (i) Witnesses called by the Appellant:
 - (a) Ms Peggy Impens, the Appellant's partner;
 - (b) Mr Dylan Pemen, Team mechanic;
 - (ii) Witnesses called by the Respondent:
 - (a) [B.], rider on the Team during the 2023 and 2024 Cycling Seasons;
 - (b) Ms Marieke De Groot, rider on the Team from the end of the 2023 and during the 2024 Cycling Season.

84. After their closing pleadings and prior to the conclusion of the hearing, both Parties confirmed their right to be heard was respected, satisfaction with the manner in which the Panel had conducted the hearing and raised no procedural objections.

IV. SUBMISSIONS OF THE PARTIES

85. The following summary of the Parties' respective positions is illustrative only and does not necessarily encompass every argument advanced by the Parties. However, the Panel has carefully considered all submissions put forward, even if there is no explicit reference to them in the following discussion.

A. The Appellant

86. The Appellant, in his Appeal Brief, requested the following reliefs:

- “1. The appeal of Mr Eddy Van Bunder is admissible.*
- 2. [Documentation request:] To order the UCI to produce all documents in relation to the case of Mr Gert Vervoort, including the decision rendered by the UCI Ethics Commission, and a complete record of all responses received by the UCI from its inquiry to the Team members.*
- 3. The decision dated 17 January 2025 rendered by the UCI Ethics Commission in the UCI EC/2024/EVB investigation opened against Mr Eddy Van Bunder under the UCI Code of Ethics is annulled.*
- 4. Primarily, the proceedings against Mr Eddy Van Bunder should be considered inadmissible and/or Mr Eddy Van Bunder is found to have committed no breaches of the UCI Code of Ethics.*
- 5. Subsidiarily, to amend the sanction imposed on Mr Van Bunder in the decision dated 17 January 2025 rendered by the UCI Ethics Commission (EC/2024/EVB) to a mandatory training program with safeguarding courses and no suspension.*
- 6. The arbitration costs (if any) shall be borne by the UCI.*
- 7. Mr Eddy Van Bunder is granted a contribution to his legal and other costs in accordance with Article R64.5 CAS Code.”*

87. The Appellant's submissions, in essence, may be summarised as follows:

- (i) Mr Van Bunder is not bound by the UCI Ethics Code. While Mr Van Bunder held a UCI licence and was Team Manager, this mere fact does not imply his consent to the provisions of the UCI Ethics Code invoked against him. In this respect, the UCI failed to produce conclusive evidence that he had formally accepted, acknowledged, or had been made aware of the UCI Ethics Code.
- (ii) The UCI failed to discharge its burden of proof to establish Mr Van Bunder's breach of the UCI Ethics Code:

- (a) The UCI erroneously placed the burden of proof on Mr Van Bunder to demonstrate that he had acted appropriately and was not aware of Mr Vervoort's misconduct while, quite the contrary, it was incumbent upon the UCI to prove a failure to act or negligence.
 - (b) It was for the UCI Ethics Commission to prove that Mr Van Bunder knew that Mr Vervoort did not have appropriate qualifications for massaging the riders. However, the UCI unreasonably expects Mr Van Bunder to establish a negative – namely, that he was unaware of the misconduct or lack of qualifications – without the UCI producing positive evidence to the contrary.
- (iii) The UCI's investigation and the proceedings before the UCI Ethics Commission were conducted in violation of Mr Van Bunder's procedural rights:
- (a) The UCI, as an international sports federation seated in Switzerland, is bound to uphold fundamental procedural guarantees of due process, including those under the European Convention on Human Rights (the "ECHR").
 - (b) In Mr Van Bunder's case, several core due process rights were infringed, including the right to be heard, the ability to review and respond to all relevant evidence and testimony, and the right to receive a clear and reasoned decision. Said procedural shortcomings compromised the fairness of the Appealed Decision.
 - (c) On 16 May 2024, Mr Van Bunder was notified of the charges against him based on a complaint with reference to events concerning the 2023 Cycling Season. Thereafter, the UCI Ethics Commission received a new complaint from Ms De Groot related to the 2024 Cycling Season. However, Mr Van Bunder never received an official notification that the proceedings had been extended to include new facts from 2024.
 - (d) Under Article 6 of the ECHR, any individual charged with a disciplinary offence must be promptly and clearly informed, in detail and in a language they understand, of the nature and basis of the accusations against them. However, in Mr Van Bunder's case, the provisions cited as the basis for the charges were overly broad, general, and insufficiently defined:
 - Article 2.5 of Appendix 1 of the UCI Ethics Code refers to a failure to provide a "minimum level of care" but offers no objective criteria or examples to clarify the standard.
 - Article 3.1 of Appendix 1 of the UCI Ethics Code requires reporting of conduct that "may reasonably be considered a violation" without defining what qualifies a reasonable belief or citing any precedent for its interpretation.
 - The Appealed Decision asserted that insufficient action had been taken but failed to articulate a clear legal or regulatory benchmark for what would have constituted "sufficient action" in the circumstances.
 - (e) All but one of the complaints relied upon were filed anonymously. The complainants were never identified or verified nor could Mr Van Bunder

cross-examine them. By relying on such complainants, the UCI Ethics Commission violated the Appellant's rights:

- CAS jurisprudence and legal doctrine only permit the use of anonymous complaints in narrowly defined circumstances, including: (1) a concrete risk of retaliation; (2) verification of the witness's identity and reliability by the adjudicating body; and (3) the opportunity for the accused to cross-examine via suitable protective measures such as audiovisual technology. None of these safeguards were observed in the Appellant's case.
 - There is no evidence that the UCI Ethics Commission verified the identity or credibility of the anonymous complainants, or that any risk of retaliation by the Appellant existed to justify anonymity. No cross-examination – direct or protected – was facilitated. Nevertheless, the Appealed Decision expressly relied on both anonymous and non-anonymous testimony.
 - Mr Van Bunder was not given a fair opportunity to test the credibility or veracity of the statements submitted against him. The absence of identifying information made it impossible to assess the context, credibility, or potential bias of the witnesses and materially restricted the Appellant's ability to respond meaningfully to the allegations or challenge the credibility of the witnesses.
 - A separate hearing was conducted with the First Complainant, but there is no evidence that the UCI Ethics Commission investigated the reliability of his/her statements.
 - Lack of the possibility to cross-examine the witnesses should result in the evidence being excluded from the case file or not place any reliance on their statements. Since this did not happen in the present case, the proceedings against Mr Van Bunder were conducted in violation of Article 6 of the ECHR.
- (f) The Appellant was never afforded the opportunity to be part of a hearing alongside the First Complainant (who was heard in a separate hearing), Ms De Groot and the other complainants (who never attended any hearing). Accordingly, he was deprived of a fair hearing, as he was denied the opportunity to test the credibility of said complainants.
- (g) Even though the language of the proceedings was English, and Mr Van Bunder is not proficient in English and is unable to express himself sufficiently, the UCI Ethics Commission denied his request to be accompanied by Mr Polfliet and ordered him to arrange for an independent interpreter at his own expense.
- (h) The Appealed Decision lacks adequate reasoning and fails to identify the specific evidence underpinning its conclusions:
- The reasoning on Mr Van Bunder violating the UCI Ethics Code is confined to a brief passage of the Appealed Decision.

- The Appealed Decision does not specify the evidence relied upon. It merely resorted to vague references such as “the evidence” or “the testimonies” throughout its reasoning, without identifying which witnesses, documents, or facts were decisive.
 - The assertions that there had been complaints by “two riders as early as July 2023” or that the Appellant was aware of complaints in prior seasons are entirely unsubstantiated.
- (iv) The Appellant did not violate the provisions of the UCI Ethics Code:
- (a) The Appealed Decision fails to take into account all exhibits, statements, and testimonies submitted by Mr Van Bunder, in particular the safeguarding measures implemented by him, the experiences of riders with him as Team Manager, and his explanation regarding the earlier report by Ms Crabbé.
 - (b) Mr Van Bunder has always acted in the best interest of his female riders, managing the Team conscientiously and maintaining good relationships. Despite limited resources and reliance on volunteers, the Team strives to operate professionally, and these constraints should be accounted for when assessing the threshold for the minimum level of care required – an aspect overlooked by the UCI Ethics Commission.
 - (c) The UCI Ethics Commission should have evaluated his actions based on the information and circumstances at the time (*ex-ante*), but instead assessed them with hindsight (*ex post*), resulting in an unfair judgment.
 - (d) There was no violation of Article 2.5 of Appendix 1 of the UCI Ethics Code, and the UCI Ethics Commission did not properly consider the relevant timeline of events:
 - The concept of “a minimum level of care” is not clearly defined in the UCI Ethics Code.
 - Prior to the conversation with Ms De Groot on 23 April 2024, Mr Van Bunder was unaware that riders felt uncomfortable with Mr Vervoort’s massages, except when, during the 2023 Baloise Tour, Ms Crabbé (who had a personal history with Mr Vervoort), expressed discomfort with Mr Vervoort’s massages, and Mr Van Bunder promptly intervened, ensuring Mr Vervoort would no longer massage her.
 - The First Complainant (likely [A.]) never informed him of any intimidation or discomfort related to the massages. To Mr Van Bunder’s knowledge, no formal complaints were filed to Belgian Cycling or the UCI at that time.
 - During the 2023 Baloise Tour, Mr Van Bunder announced to all Team riders that massages from Mr Vervoort would only occur upon their explicit request, as confirmed by Mr Dylan Pemen, the Team mechanic. Mr Van Bunder also appointed Ms Anouchka Serafimoff as an independent mental coach to support the riders. These measures demonstrate that he maintained a level of care.

- Later, on 15 September 2023, after a rider resigned citing discomfort with Mr Vervoort's dual role, Mr Van Bunder noted the issue but considered it resolved due to the rider's departure and his prior intervention. He was unaware that Mr Vervoort had breached their agreement.
 - Mr Van Bunder was not present at the 2024 Camp and was unaware of any violations by Mr Vervoort of the safeguarding measures. After being informed of continued misconduct by Ms De Groot on 23 April 2024, he promptly met with Mr Vervoort on 27 April 2024, instructing him to immediately cease all massages (this meeting was witnessed by Ms Peggy Impens, Mr Van Bunder's partner).
 - Overall, Mr Van Bunder maintained a minimum level of care, prioritising his duty to protect riders and condemning any misconduct. He did not act negligently under the circumstances, which can be confirmed through the testimony of several riders and staff members of the Team.
- (e) There was no violation of Article 3.1 of Appendix 1 of the UCI Ethics Code, as Mr Van Bunder did not receive an official complaint regarding Mr Vervoort until his conversation with Ms De Groot on 23 April 2024 and in any case the UCI Ethics Commission failed to explain why and when Mr Van Bunder should have reasonably reported the facts to the UCI:
- He took appropriate measures upon receiving Ms Crabbé's request in July 2023 that Mr Vervoort stop massaging her, by implementing additional safeguards. Believing this was an isolated issue, and given no other riders reported discomfort, he assumed the matter was resolved.
 - Mr Van Bunder was unaware that Mr Vervoort violated their agreement to massage only upon explicit request and therefore could not have reported it.
 - As a trusted confidant of the riders, he observed no red flags with regard to Mr Vervoort until Ms De Groot's clear complaint in April 2024.
 - The UCI Ethics Commission's reliance on the Team's financial difficulties to imply inaction by Mr Van Bunder is unfounded and irrelevant to whether Article 3.1 of Appendix 1 of the UCI Ethics Code was breached, as reporting is independent of any dismissal decision.
- (f) There was no violation of Article 6.4 of the UCI Ethics Code, and the UCI Ethics Commission simply concluded that, having Mr Van Bunder been negligent, he had also violated said provision:
- Proper application of Article 6.4 of the UCI Ethics Code requires fulfilling some cumulative conditions, which the UCI Ethics Commission failed to address. These conditions are: (1) the individual interacts with another person within the context of a cycling-related activity; (2) the individual failed to respect the physical and/or mental

integrity of the person with whom they interact; (3) the individual's actions adversely impact the personal rights of the affected person; and (4) the conduct involves one or more of the following: sexual harassment, poor practice, abuse or bullying.

- As to (1), while Mr Van Bunder clearly interacted with Team members in a cycling context, there is no evidence that he failed to respect their physical or mental integrity.
 - As to (2) and (3), he has never been accused of misconduct and is consistently described by riders, staff, and sponsors as compassionate and committed. Similarly, there is no indication that Mr Van Bunder's actions adversely affected anyone's personal rights, and after 30 years in the cycling community, he has no record of complaints or warnings.
 - As to (4), there is no evidence that Mr Van Bunder engaged in sexual harassment, abuse, bullying, or poor practice. The UCI Ethics Commission improperly conflated his conduct with that of Mr Vervoort.
 - The UCI Ethics Commission's conclusion that Mr Van Bunder's failure to act diligently and professionally allowed a harmful environment to persist, breaching the general principles of the UCI Ethics Code and undermining trust in his role as team manager is misguided. Based on the information and circumstances available to him during the 2023 and 2024 Cycling Seasons (*ex-ante* approach), he cannot be held liable for such a breach.
- (v) Should the Panel decide that Mr Van Bunder violated the UCI Ethics Code, the sanction imposed by the UCI Ethics Commission should be reduced:
- (a) The UCI Ethics Code lacks clarity on how its Article 34.2 should be applied, leaving broad discretion to the UCI Ethics Commission in determining appropriate sanctions.
 - (b) The UCI Ethics Commission failed to consider or even address any mitigating circumstances, which are clearly present in this case:
 - Mr Van Bunder has a long-standing and unblemished career as well as a strong reputation in cycling – spanning over 30 years.
 - Mr Van Bunder had already implemented several safeguarding measures long before Ms De Groot's complaint, such as appointing an external psychologist and an integrity focal point, and restricting massage duties to rider-requested sessions. When he was informed of continued concerns, he acted immediately, addressed the issue with Mr Vervoort, and ensured no further incidents occurred, demonstrating responsibility and a commitment to rider safety.
 - Mr Van Bunder took further proactive steps by introducing a formal safeguarding tool: a consent form for all massages conducted within the Team. After the massage, both the rider and the person providing the

massage must confirm that the treatment was appropriate and in accordance with the UCI Ethics Code.

- Mr Van Bunder cooperated with the investigation and proceedings before the UCI Ethics Commission to his best ability, despite the language barrier and the UCI Ethics Commission's refusal to allow him to be accompanied by Mr Polfliet.
- Mr Van Bunder demonstrated his commitment to ongoing improvement by enrolling in safeguarding training programs, reinforcing his dedication to rider safety and ethical standards, with the safety of riders remaining his top priority.

(c) The UCI Ethics Commission wrongly considered aggravating circumstances:

- As to his position of authority as Team Manager, Mr Van Bunder is aware of the inherent power imbalance between a Team Manager and the riders, but has always maintained open communication with them, welcoming feedback, as shown by his decision to meet with Ms De Groot. Testimonies from Team members confirm his approach and that he fostered a professional and approachable environment where riders could feel safe to speak up.
- As to his alleged lack of action, it is unclear how this could constitute an aggravating circumstance, as it seems to be the basis for the violation itself. In this respect, the UCI Ethics Commission has not sufficiently explained the distinction between the core elements of the alleged breach and what it classifies as aggravating.
- As to his alleged lack of remorse or accountability, said evaluation is misplaced. Mr Van Bunder immediately showed his concern and commitment to intervene after his conversations with both Ms Crabbé and Ms De Groot. Moreover, he never downplayed the severity of Mr Vervoort's misconduct and even expressed regret for not being informed earlier. Moreover, disputing that he committed any violation of the UCI Ethics Code does not equate to a lack of remorse.

(d) The sanction imposed by the UCI Ethics Commission is disproportionate:

- Mr Van Bunder was not sufficiently aware of Mr Vervoort's misconduct at the relevant time, and took all reasonable steps to prevent such misconduct within the Team.
- Mr Van Bunder is not accused of any direct misconduct but only of managerial shortcomings, and there is no precedent for imposing such a harsh penalty on a voluntary Team Manager for failure to intervene rather than direct wrongdoing. The UCI Ethics Commission failed to appreciate the limited operational capacity of the Team.
- Both Mr Van Bunder and the Team have already suffered damages due to the proceedings before the UCI Ethics Commission. First, Mr Van Bunder stepped down from the Team's governing body, and his reputation has been significantly damaged due to ongoing media

coverage linking him to Mr Vervoort. Second, Mr Van Bunder has financially supported the Team with personal loans exceeding EUR 34,000, as well as its opening of a line of credit through the company BV KSPB, a loan that was not repaid and led the bank to file a notice of default for more than EUR 100,000. Without him acting as guarantor for the Team's financial deficits, the latter's bankruptcy is almost inevitable. Third, the negative publicity has led to sponsors withdrawing or reducing support, causing severe funding shortfalls, resulting in unpaid rider salaries. Fourth, Mr Van Bunder's withdrawal from key roles, including organising major cycling events, has disrupted event planning, leading to potential cancellations that would affect numerous stakeholders beyond himself.

B. The Respondent

88. In its Answer, the Respondent requested that the CAS issue an award:

- “1. Dismissing Mr Van Bunder's prayers for relief.*
- 2. Confirming the Appealed Decision.*
- 3. Ordering Mr Van Bunder to pay a significant contribution towards the legal fees and other expenses incurred by the UCI in connection with these proceedings.”*

89. The Respondent's submissions, in essence, may be summarised as follows:

- (i) Mr Van Bunder was bound by the UCI Ethics Code:
 - (a) Article 1 of the UCI Ethics Code expressly stipulates that it applies to all UCI licence-holders. In fact, pursuant to Article 1.1.004 of the UCI Cycling Regulations, all UCI license-holders, including Mr Van Bunder, are subject to the UCI's constitution and regulations.
 - (b) Under Article 1.1.023 of the UCI Cycling Regulations, when applying for a license, any UCI license-holder declares to *“have read or have had the opportunity to become acquainted with the aforesaid constitution and regulations”*. Mr Van Bunder did in fact sign specific ethics acknowledgement forms for both the 2023 and 2024 Cycling Seasons.
 - (c) In his communications to the Team and to the UCI Ethics Commission, Mr Van Bunder made express references to his adherence by the UCI Ethics Code.
- (ii) There were no procedural violations during the proceedings before the UCI Ethics Commission:
 - (a) The Appellant did not invoke provisions of the UCI Ethics Code that were violated by the UCI Ethics Commission and failed to establish why Article 6 of the ECHR would apply to the investigation of the UCI Ethics Commission:
 - The European Court of Human Rights (“ECtHR”) has recognised the potential applicability of Article 6 of the ECHR to sports arbitration

proceedings, where participation in arbitration is a precondition for earning a living from professional sport (*Mutu and Pechstein v. Switzerland*). However, this is not the case for Mr Van Bunder, as his management of the Team was a voluntary activity unrelated to his professional livelihood. Moreover, the UCI Ethics Commission is not a tribunal established by law.

- Even if the case concerned disciplinary proceedings affecting the right to practice a profession, the ECtHR does not require compliance with Article 6 of the ECHR, provided that the decision is subject to further review by a court bound by said provision (*Gautrin and Others v. France*).
 - The jurisprudence relied upon by the Appellant confirms that in this case the UCI Ethics Code applies primarily, with recourse to the ECHR or other external legal sources only where the applicable regulations are silent.
- (b) The relevant provisions of the UCI Ethics Code relied upon by the UCI Ethics Commission are sufficiently clear. The sections in the UCI Ethics Code addressing sexual harassment and abuse are consistent with the standards set by the International Olympic Committee (the “IOC”). The provisions expressed in broad terms are meant to encompass the wide range of potential forms of unethical conduct, but this does not diminish their specificity. Moreover, in any case, the UCI has published – throughout the years – clarifying documents including the UCI Safeguarding Policy and UCI Safeguarding Toolkit, which could be read for guidance.
- (c) The use of anonymous complainants and witness statements did not violate Mr Van Bunder’s rights of defence:
- Article 30.3 of the UCI Ethics Code expressly permits witnesses to remain unidentified.
 - The Appellant has acknowledged that in CAS proceedings, anonymous testimony may be admitted where there is a concrete risk of retaliation by the party against whom the testimony is given. In this case, such a risk was self-explanatory given Mr Van Bunder’s position of authority and his history of publicly lashing out at riders who criticised him. In August 2024, he threatened Ms De Groot in the Team’s WhatsApp group, stating that riders “would be victims” if she continued to criticise him for negligence, and warning that failure to cease such criticism would “have consequences for all riders and the team”.
 - The use of anonymous complaints did not hinder Mr Van Bunder’s ability to prepare a defence, as such anonymous complaints were provided to him by the UCI Ethics Commission in full, along with the opportunity to contest or rebut any aspect of the reported accounts.
 - Mr Van Bunder’s case did not rest solely on anonymous complaints. The UCI Ethics Commission also considered statements from Mr Van Bunder and from Ms De Groot, who chose to reveal her identity.

Further evidence has been presented in the current proceedings, including correspondence between [B.] and Mr Van Bunder from February 2023.

- Even if the anonymous complaints were entirely excluded from consideration, the remaining evidence would be sufficient to establish Mr Van Bunder's violations.
- (d) Mr Van Bunder had no right to cross-examine the witnesses and the UCI Ethics Commission was entitled to hold separate hearings:
- Article 30 of the UCI Ethics Code does not confer any right of cross-examination in proceedings before the UCI Ethics Commission and grants broad discretion in determining the assessment of evidence.
 - The UCI Ethics Commission was entitled to organise separate hearings, given the sensitivity of the matter, the vulnerability of the complainants, and Mr Van Bunder's prior record of publicly criticising those who spoke out against him.
 - Mr Van Bunder could in any case respond to the complaints or evidence relied upon.
- (e) The UCI Ethics Commission rightly declined the request for Mr Polfliet to be present during the hearing before it:
- Mr Polfliet was not an interpreter but a newly appointed co-manager of the Team.
 - The UCI Ethics Commission invited Mr Van Bunder to secure the services of an independent interpreter, more than one month prior to the hearing, allowing sufficient time to arrange an alternative.
 - In any case, there is no evidence that the UCI Ethics Commission misunderstood Mr Van Bunder. In particular, the assertion that his alleged meeting with Mr Vervoort on 27 April 2024 was not disclosed due to difficulties in expressing himself in English is inconsistent with the fact that Mr Van Bunder was repeatedly invited to provide further comments or evidence.
- (f) The Appealed Decision is well-reasoned and motivated as it contains extensive details as to the UCI Ethics Commission's findings and conclusions. While a clerical error appears in para. 52 of the Appealed Decision, where "*July 2024*" should read "*July 2023*", the context makes it clear that this was a typographical mistake.
- (g) In any event, as per CAS jurisprudence, procedural irregularities during proceedings before the judicial bodies of a sports association are cured through an appeal before the CAS.
- (iii) Mr Van Bunder violated the UCI Ethics Code:
- (a) Article 6.4 of the UCI Ethics Code expresses a general rule, while Articles 2.3, 2.4, 2.5 and 3.1 of Appendix 1 of the UCI Ethics Code specify said

obligation, highlighting specific elements of the overarching obligation to respect everyone's physical and mental integrity.

- (b) Mr Van Bunder violated Article 6.4 of the UCI Ethics Code as he did not respect the integrity of riders by failing to implement sufficient safeguards and allowing Mr Vervoort to continue massaging the riders:
- Mr Vervoort's conduct was possible due to the fact that Mr Van Bunder continued to allow him to exercise power over the riders without supervision or clear instructions.
 - Mr Van Bunder had been repeatedly warned of Mr Vervoort's inappropriate sexual behaviour but failed to implement adequate safeguards, thereby facilitating Mr Vervoort's abuses.
 - Mr Van Bunder ignored, minimised or discredited the riders' complaints. Sexual harassment heightens the difficulties for the victims in raising the matter, especially in cases where the perpetrator holds a position of management and demands the utmost attention. However, Mr Van Bunder sought to defend Mr Vervoort and emphasised the latter's "good intentions". Moreover, he criticised Ms De Groot when speaking up and even called her a "liar".
 - The mere fact that Mr Van Bunder did not personally engage in sexual harassment or abuse does not imply that he did not violate Article 6.4 of the UCI Ethics Code. Rather, said article encompasses a broader obligation on staff members to protect and respect the integrity of all persons with whom they are involved, including a duty to safeguard them from any risk of abuse or harassment. Said obligation is expressly recognised in the ethics form signed by Mr Van Bunder every year. The failure to implement safeguards amounts, at the very least, to "poor practice" within the meaning of Article 6.4 of the UCI Ethics Code.
- (c) Mr Van Bunder violated Article 2.5 of Appendix 1 of the UCI Ethics Code by failing to provide a minimum level of care to riders, neglecting them even when expressly informed about Mr Vervoort's misconduct:
- Mr Van Bunder allowed Mr Vervoort to perform massages on the riders even though he did not hold the Paramedical Assistant's license required under Articles 13.2.20 and 13.2.21 of the UCI Cycling Regulations. The alleged financial difficulties of the Team cannot justify said non-compliance with the UCI Cycling Regulations, particularly in a domain as sensitive as the physical care of athletes.
 - The UCI Safeguarding Toolkit defines safeguarding as encompassing preventive measures to minimise the risk of harm, and responsive measures to appropriately handle concerns when they arise. However, Mr Van Bunder failed to implement any meaningful measures, either preventively (*e.g.* establishing rules for massages, issuing a code of conduct, or designating a safeguarding contact point) or responsively (*e.g.* fact-finding, or reporting to the UCI Ethics Commission or Belgian Cycling).

- In February 2023: When he was informed by – at the very least – [B.] of Mr Vervoort’s inappropriate massages, Mr Van Bunder assured her that no male soigneur would provide massages (which did not address the underlying concern) but failed to subsequently take any concrete action. No formal communication or safeguards were introduced, allowing the misconduct to continue unchecked.
 - In July 2023: After receiving a complaint by Ms Crabbé, Mr Van Bunder allegedly spoke with Mr Vervoort and subsequently announced to the Team riders during the 2023 Baloise Tour that such massages would occur only upon explicit request by the riders. Regardless of its veracity, the communication of this policy was vague and undocumented and, even if announced, no monitoring or enforcement measures were implemented to ensure that Mr Vervoort actually complied with it. The assertion that Mr Van Bunder believed that, thereafter, the issue was solved, is contradicted by the First Complainant’s resignation in September 2023, in which she cited the massages as one of the reasons for leaving the Team and explained that Mr Vervoort’s dual role as Team Leader and masseur deterred riders from speaking up. Moreover, he claims to have been open to feedback and accessible as a Team Manager, yet he did not attend the 2024 Camp and delegated leadership to Mr Vervoort, limiting his direct contact with riders; he nonetheless suggested that riders were at fault for not reporting the misconduct. As to the appointment of Ms Anouchka Serafimoff as an external, independent confidant for riders, the timing and purpose thereof are unclear, as the only available evidence is a slide deck from October 2023, indicating her role to train and discuss, without safeguarding purposes. In any case, her services were never used by the riders.
 - In April 2024: After being informed in detail by Ms De Groot of Mr Vervoort’s misconduct, Mr Van Bunder took minimal action, forgetting to follow up with Ms De Groot for over three weeks and failing to communicate the concerns to the Team – despite having assured her that he would – and even breached his commitment to keep her name confidential. Moreover, the subsequent measures implemented by Mr Van Bunder, such as a massage “consent form”, cannot be qualified as a safeguard; if anything, the use of the template would likely result in riders feeling compelled to sign off after the massage in the presence of the masseur. An integrity focal point was appointed in July 2024, over a year after earlier complaints and well after the investigation had begun. Therefore, the only responses were delayed and insufficient.
- (d) Mr Van Bunder breached Article 3.1 of Appendix 1 of the UCI Ethics Code by failing to report concerns about Mr Vervoort’s conduct, despite being reasonably aware of potential violations:

- Mr Van Bunder had explicitly acknowledged his duty to report in his annual ethics forms, which emphasised the importance of reporting to ensure protection from harm.
- Mr Van Bunder was informed of Mr Vervoort's inappropriate conduct as early as February 2023 and again in July 2023 and April 2024. In all those instances, the complainants described to Mr Van Bunder conduct that would reasonably qualify as sexual harassment and thus triggered the duty to report.

(iv) The sanction imposed by the UCI Ethics Commission must be upheld:

- (a) Under established CAS jurisprudence, an association that uses its discretion to impose a sanction should be afforded deference, with CAS intervening only if a penalty is evidently and grossly disproportionate. In fact, the association is best placed to assess the seriousness of a breach and determine an appropriate response, given its knowledge of the sport's customs and needs.
- (b) The sanction is consistent with standard practice, aligning with penalties in comparable cases, such as the five-year suspension of Mr Vervoort (who committed the abuse), the three-year suspension of Mr Marc Bracke, and the 2.5-year suspension of Mr Patrick Van Gansen, both for sexual harassment.
- (c) The UCI Ethics Commission correctly assessed the aggravating circumstances:
 - As to Mr Van Bunder's position of authority, Articles 1.1.080 and 1.1.086 of the UCI Cycling Regulations explicitly impose heightened responsibilities on team managers to ensure compliance, set an example, and bear responsibility for infractions committed by team personnel unless they can show lack of negligence.
 - Mr Van Bunder did not show remorse or accountability, downplaying the severity of concerns, and questioning the credibility of complainants – an attitude still evident during these proceedings, where he asserts he was largely unaware of the misconduct and therefore could not have acted appropriately.
 - A further aggravating factor emerged in these proceedings, as Mr Van Bunder presented false representations and withheld evidence from the UCI Ethics Commission.
- (d) The mitigating circumstances invoked by the Appellant cannot be relied upon to reduce the sanction:
 - Most of said circumstances simply reiterate Mr Van Bunder's claim that he adopted adequate measures to address the concerns on Mr Vervoort, which is actually not true.
 - Mr Van Bunder argues that he cooperated throughout the proceedings before the UCI Ethics Commission. However, quite the contrary, he withheld crucial evidence showing that he had been alerted about Mr Vervoort already in February 2023.

- Mr Van Bunder's recent registration for safeguarding courses in February 2025 cannot be deemed a mitigating factor. The UCI Ethics Commission already granted a conditional reduction of his suspension contingent on such training. Therefore, it is unreasonable to treat this registration as a mitigating circumstance.

V. JURISDICTION

90. Article R47 of the CAS Code reads as follows:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body”.

91. Article 35 of the UCI Ethics Code states that:

“Any decision of the Ethics Commission imposing a sanction, including provisional measures, or ordering compulsory measures in accordance with article 18, may be appealed before the Court of Arbitration for Sport (CAS) by the parties to the proceedings. A right of appeal is also granted to any person who is not a party to the proceedings but is directly affected by the decision and has a legitimate interest in being entitled to appeal.”

92. The Respondent does not dispute the jurisdiction of the CAS.

93. In light of the above, the CAS has jurisdiction to decide the present dispute.

VI. ADMISSIBILITY

94. Article R49 of the CAS Code reads as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document”.

95. In this regard, Article 35 of the UCI Ethics Code states as follows:

“The deadline to appeal, according the [sic] CAS Code of Sports-related Arbitration, starts to run upon notification of the decision with grounds or, if applicable, upon receipt of the information related to the decision for any person who is not a party to the proceedings according to article 21.”

96. The Appellant was notified of the Appealed Decision on 17 January 2025 and the Statement of Appeal was filed on 6 February 2025 (see *supra* at paras. 53 and 57). Therefore, the Statement of Appeal was filed within the 21-day period prescribed under Article R49 of the CAS Code.
97. The appeal also complied with the procedural requirements of Articles R48, R49 and R51 of the CAS Code.
98. The Respondent does not dispute the admissibility of this appeal. It follows that the appeal is admissible.

VII. APPLICABLE LAW

99. Article R58 of the CAS Code reads as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

100. Under Article R58 of the CAS Code, the Panel must primarily apply the “*applicable regulations*”, which in the present case are the applicable rules and regulations of the UCI, in particular the provisions of the UCI Ethics Code allegedly violated by the Appellant.
101. In this regard, the Panel notes that the 2023 edition of the UCI Ethics Code came into force on 4 August 2023. Therefore, both the 2021 and 2023 editions of the UCI Ethics Code apply as the alleged breaches occurred before and after the entry into force of the 2023 edition. However, the Panel notes that the provisions containing the alleged breach are identical in both editions.
102. Notably, the provisions of the UCI Ethics Code that are relevant to the dispute are the following:
 - (i) Article 6.4 (“*Protection of physical and mental integrity*”):

“The persons bound by the Code shall respect the integrity of all persons with whom they interact in the context of their cycling-related activity. The personal rights of every individual whom they contact and who are affected by their actions shall be protected and respected. In particular, sexual harassment in any form is forbidden and the welfare of young people under the age of 18 is paramount so as to give them protection from poor practice, abuse and bullying.

The above shall be considered as the general rule and is supplemented by Appendix 1.”

- (ii) Article 2.5 and 3.1 of Appendix 1 (*“Protection of Physical and Mental Integrity – Sexual Harassment and Abuse”*):
 - (a) Article 2.5 (*“Neglect”*): *“Failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.”*;
 - (b) Article 3.1 (*“Obligation to report”*): *“All persons bound by the Code of Ethics shall have the obligation to report any action that may reasonably be considered as a violation of article 2 of the present Appendix”*.
103. For completeness, the Panel will address the Appellant’s assertion that the UCI Ethics Code does not apply to him in paras. 188 *et seq. infra*.
104. Moreover, according to Article R58 of the CAS Code, the Panel notes that both Parties indicated Swiss law as applicable on a subsidiary basis and considers the fact that the UCI is seated in Switzerland.
105. Therefore, the Panel concludes that the “applicable regulations” are the UCI Regulations, in particular, the UCI Ethics Code, with Swiss law applying “subsidiarily”.

VIII. PRELIMINARY ISSUES

A. The Appellant’s request for document production

106. The Panel reiterates that it partially rejected the Appellant’s request for document production, in particular his request for all documents in relation to the case of Mr Vervoort as well as a complete record of all responses received by the UCI from its inquiry with the Team members (see *supra* at para. 69). This section sets out the reasons for such rejection.
107. The Appellant argued that the UCI should produce the requested documents for the following reasons:
- (i) All documents in relation to the case of Mr Vervoort:
 - (a) There is an alleged interconnection between Mr Vervoort’s case and the Appellant’s case, meaning that information that is relevant for the Appellant’s case could have been discussed in the course of the proceedings concerning Mr Vervoort;
 - (b) The Appellant was sanctioned for inaction following repeated complaints regarding Mr Vervoort’s conduct;
 - (c) Contrary to what was submitted by the Respondent, the Appellant was led to believe that Mr Vervoort had the requisite qualifications to provide massages. This was potentially a point dealt with in Mr Vervoort’s case.
 - (ii) Responses received by the UCI from its inquiry to the Team members: According to the Appellant, the UCI failed to clarify whether all Team members were

approached for statements regarding their cooperation with Mr Van Bunder, and whether all such responses were disclosed or only those that were negative.

108. The Respondent argued against these requests for the following reasons:

- (i) All documents in relation to the case of Mr Vervoort:
 - (a) Article 13.2 of the UCI Ethics Code requires the UCI to maintain confidentiality in respect of proceedings before the UCI Ethics Commission;
 - (b) The request for “*all documents*” lacks specificity;
 - (c) The focus of the present proceedings is on the Appellant’s response to complaints about Mr Vervoort’s misconduct, not on re-examining Mr Vervoort’s own conduct. The request therefore lacks relevance;
 - (d) If the Appellant disputes the UCI Ethics Commission’s finding that he was aware of Mr Vervoort’s lack of appropriate qualifications, he should have provided evidence to the contrary at first instance.
- (ii) Responses received by the UCI from its inquiry to the Team members: The Appellant is already in possession of all the requested documents. Moreover, there is no basis for alleging that the UCI withheld documents from the Appellant, including any that might be favourable to him.

109. The Panel is mindful that under Article R44.3 of the CAS Code, applicable in the current appeal arbitration proceedings, a party seeking the production of documents “*shall demonstrate that such documents are likely to exist and to be relevant*”.

110. It follows that the requesting party must clearly identify the documents sought (see CAS 2019/A/6533, para. 82) or at least provide a description of a specific category of documents.

111. In the present case, the Panel found that the Appellant did not abide by the aforementioned requirements.

112. As to the request under para. 107(i) above, the Appellant put forward a rather generic request. Furthermore, he failed to substantiate the reason why all the documents in Mr Vervoort’s case were relevant to the present arbitration or material to this outcome. Indeed, the focus of these proceedings lies in the Appellant’s behaviour in response to reports concerning Mr Vervoort’s conduct, while the latter is not the subject of this appeal.

113. As to the request under para. 107(ii) above, the Appellant failed to prove that he did not receive all the documents in the case file and that further documents existed that were withheld by the UCI. Quite the contrary, the Appellant himself expressed uncertainty as to whether any additional responses exist. Moreover, the Panel noted that the UCI Ethics Commission, in the Appealed Decision, also accounted for submissions from riders of the Team in support of the Appellant. As a result, the Panel concluded that the Appellant failed to satisfy the requirement that such documents are “likely to exist” within the meaning of Article R44.3 of the CAS Code.

B. The Parties' respective requests for the exclusion of evidence presented by the other Party

114. Each Party respectively requested the exclusion of evidence presented by the other Party (see *supra* at paras. 64 and 66), arguing that it was available or could have been available to said Party prior to these proceedings.
115. Notably, the Respondent in general terms referred to “*all evidence that was available to Mr Van Bunder or could reasonably have been available to him before the Appealed Decision was rendered*”, providing only one specific example, namely the Appellant's evidence regarding a meeting with Mr Vervoort following his conversation with Ms De Groot in April 2024, during which Mr Van Bunder allegedly instructed Mr Vervoort to cease giving massages to riders immediately.
116. The Appellant argued that the Respondent's request should be rejected and contended that, following the Respondent's own logic, the email of [B.] dated 22 February 2023 should likewise be excluded from the case file.
117. The Panel dismissed both requests as they did not meet the requirements under Article R57.3 of the CAS Code.
118. The Panel recalls that the rationale behind Article R57.3 of the CAS Code is to prevent parties from abusively introducing evidence for the first time before CAS, particularly where such evidence was previously withheld in bad faith or without justification. This provision should be construed narrowly and applied in exceptional circumstances, so as not to circumvent the Panel's full power of review under Article R57.1 of the CAS Code.
119. Moreover, the party invoking Article R57.3 of the CAS Code bears the burden of establishing, to the Panel's comfortable satisfaction, that the opposing party acted in bad faith by withholding evidence before the previous instance (see *ex multis* CAS 2024/A/10983, para. 67; CAS 2022/A/9170, para. 60).
120. Applying the foregoing to the present case, the Panel considers that neither Party has demonstrated, to the Panel's comfortable satisfaction, that the other Party withheld evidence at its disposal in bad faith or engaged in abusive or inappropriate conduct.
121. Specifically, the Respondent put forward an overly generic request, without identifying with precision the evidence to be excluded. Moreover, it failed to specify compelling reasons for the exclusion of said evidence.
122. Similarly, the Appellant did not provide any sufficient reasons for the exclusion of [B.]'s email from the case file or evidence that the Respondent withheld this document in bad faith during the proceedings before the UCI Ethics Commission.
123. Moreover, the Appellant was afforded the opportunity both to comment on said email and to cross-examine [B.] at the hearing.

C. The Appellant’s request to hear Anonymous Complainants W and X

124. In his Appeal Brief, the Appellant requested to cross-examine all six complainants, including Anonymous Complainants W (responsible for the complaint of 5 July 2024, see *supra* at para. 29) and X (a staff member who submitted the complaint of 16 July 2024, see *supra* at para. 30(i)).
125. The Panel found that these requests were irrelevant and immaterial, as the respective complaints referred solely to the conduct of Mr Vervoort and made no reference to the alleged actions or omissions of Mr Van Bunder, which is the subject of these proceedings.
126. Accordingly, the Panel concluded that even if the Appellant were afforded the opportunity to cross-examine Anonymous Complainants W and X, this would have no bearing on the factual findings or the underpinning legal reasoning relevant to the present case.

D. Mr Ronny De Witte’s oral testimony

127. The Panel recalls that, on the day prior to the hearing, the Appellant informed the Panel that one of his witnesses – Mr De Witte – would be unable to attend the hearing “*due to work obligations*”, but expressed his continued willingness to testify before the Panel at a later date, if required (see *supra* at para. 79). The Respondent objected to this proposed deferral and requested that his written witness statement be disregarded and struck from the record. In response, the Appellant argued that, if Mr De Witte’s witness statement were to be excluded, the same standard should apply to witnesses who either chose not to appear at the hearing or remained anonymous (see *supra* at para. 80).
128. After in-chambers deliberations at the outset of the hearing, the Panel informed the Parties that: (i) the testimony of Mr De Witte would not be rescheduled; and (ii) it would provide in this Award its decision, and grounds thereof, concerning the possible striking of any written testimony or complaint from the record.
129. As to (i), the Panel is of the view that the Appellant failed to provide compelling reasons justifying the last-minute absence of Mr De Witte, whose attendance was the responsibility of the Appellant pursuant to Article R44.2 of the CAS Code.
130. In fact, the Panel notes the following:
 - On 18 June 2025, the Appellant communicated that Mr De Witte would be available to participate in the hearing on both 26 and 27 June 2025;
 - The hearing schedule was jointly determined by the Parties and submitted to the Panel on 24 June 2025, including a timeslot dedicated to Mr De Witte;
 - On 25 June 2025, the Appellant once again confirmed Mr De Witte’s presence by listing him among the hearing attendees.
131. The aforementioned timeline clearly afforded the Appellant sufficient time to secure the attendance of his witness.

132. Furthermore, and in any event, the Panel determined that Mr De Witte's absence was not significant or material to the Panel's reasoning in this Award. As a result, the Panel considered it unnecessary to reschedule his testimony for a later date.
133. In addition, the Panel recalls that Article R57.4 of the CAS Code specifically allows the Panel to proceed with the hearing and render an award even if a duly summoned witness fails to appear.
134. As to (ii), the Panel decided not to strike any witness statement or complaint from the case file, but to accord them the specific evidentiary weight appropriate in these proceedings, as set out in detail under Section F below.

E. Whether the investigation by the UCI and procedure before the UCI Ethics Commission was violative of the Appellant's rights, and what are the consequences of said violations

135. The Appellant requests the CAS to annul the Appealed Decision and declare the first-instance proceedings "*inadmissible*" due to the UCI Ethics Commission's violations of his procedural rights.
136. He further contends that he was entitled to see his rights respected in application of Article 6 of the ECHR, while the Respondent argues that Article 6 ECHR does not apply to the case at hand and that reference should instead be made to the procedural safeguards envisaged under the UCI Ethics Code, which in any case were fully respected by the UCI Ethics Commission.
137. The Panel preliminarily observes that CAS jurisprudence in the past has noted that the ECHR is not *per se* applicable to proceedings before sports governing bodies, which are to be regarded as purely private entities. However, "*some guarantees afforded in relation to civil law proceedings by article 6.1 of the ECHR are indirectly applicable even before an arbitral tribunal – all the more so in disciplinary matters – because the Swiss Confederation, as a contracting party to the ECHR, must ensure that its judges, when checking arbitral awards (at the enforcement stage or on the occasion of an appeal to set aside the award), verify that parties to an arbitration are guaranteed a fair proceeding within a reasonable time by an independent and impartial arbitral tribunal. These procedural principles thus form part of the Swiss procedural public policy*" (see CAS 2017/A/5003 at para. 261, with references to CAS 2011/A/2426 at para. 66).
138. Therefore, while Article 6 of the ECHR is not *per se* directly applicable to the disciplinary proceedings of a private association such as the UCI, the Panel will nonetheless be guided by the procedural principles derived from Article 6 of the ECHR – which form part of Swiss procedural public policy – in determining whether the UCI Ethics Commission acted in light of the principles of fairness and due process enshrined in Article 6 of the ECHR. In doing so, the Panel will also take into account the guarantees, if any, afforded by the UCI Ethics Commission to the Appellant under the UCI Ethics Code.

i. Lack of specificity of the allegedly violated Articles of the UCI Ethics Code

139. The Appellant argues that he was charged with violations of provisions of the UCI Ethics Code that are broad and not specific, as they do not establish clear thresholds for the conducts provided therein to be met.
140. The Panel is mindful that, as also confirmed by CAS jurisprudence, for a sanction to be imposed, the relevant rules must be sufficiently clear, precise and predictable in proscribing the relevant misconduct, in order not to violate the principle *nulla poena sine lege clara* (CAS 2020/A/7008-7009 at para 53).
141. However, the mere circumstance that a rule is broadly written is insufficient to argue that it lacks legal basis. In fact, sports governing bodies are entitled to adopt a rule “*of a reach capable of embracing the multifarious forms of behaviour considered unacceptable in the sport in question*” (CAS 2014/A/3516 at para. 105), provided they remain sufficiently clear to enable individuals to anticipate the consequences of their actions.
142. In this regard, the Panel is of the view that Articles 2.5 and 3.1 of Appendix 1 of the UCI Ethics Code are indeed specific in describing the conduct constituting “neglect” and “failure to report”, respectively. Specifically, Article 2.5 defines neglect as the failure of a coach or other person with a duty of care to provide a minimum level of care to the athlete, thereby causing harm, allowing harm to occur, or creating an imminent danger of harm. In the present case, Mr Van Bunder, as Team Manager, was clearly in a position of responsibility and carried such a duty of care towards his riders. The provision therefore applies to his role in a foreseeable manner, leaving no doubt as to the type of conduct that could constitute a breach. Article 3.1, in turn, establishes an obligation on all persons bound by the Code to report any action that may reasonably be considered a violation of Article 2 of Appendix 1 of the Ethics Code. This obligation is framed in sufficiently precise terms to delineate the relevant conduct with clarity and to enable those subject to the Code to anticipate the consequences of non-compliance.
143. As to Article 6.4 of the UCI Ethics Code, the fact that said provision is drafted in such a way as to broadly encompass actions against a person’s integrity and personal rights does not render it excessively generic or unpredictable, considering that it relates to potential sanctions that must conform to civil – rather than criminal – law standards, “*which are often inherently vague and reveal their full meaning on the basis of judicial application (a typical example would be the concept of good faith as set out in Article 2 of the Swiss Civil Code)*” (see CAS 2020/A/7008-7009 at para. 56). Additionally, Article 6.4 is sufficiently specific, similar to Articles 2.5 and 3.1 of Appendix 1 of the UCI Ethics Code, since it expressly requires respect for integrity and personal rights, prohibits sexual harassment, and mandates the protection of minors. These elements provide adequate predictability as to the scope of the provision.
144. Therefore, the Panel concludes that the provisions of the UCI Ethics Code that are relevant to this case are sufficiently specific and the UCI Ethics Commission did not violate the Appellant’s procedural rights when applying them.

ii. Reliance on anonymous witnesses and separate hearings

145. The Appellant criticises the UCI Ethics Commission for heavily relying on anonymous complainants without verifying or identifying them.
146. Moreover, the Appellant argues that the UCI Ethics Commission did not meet the conditions to maintain the complainants' anonymity and, in any case, prevented the Appellant from cross-examining them, as the First Complainant was heard in a separate hearing.
147. The Panel notes that under Article 30.3 of the UCI Ethics Code *"The panel shall take all required measures in order to safeguard the interests and personal rights of witnesses and, if necessary, ensure they remain unidentified."*
148. Accordingly, the UCI Ethics Code expressly allows the UCI Ethics Commission to rely on testimonies from anonymous sources. This is reasonable and necessary to preserve the effectiveness of the mechanisms to anonymously report any potential violation of the UCI Ethics Code through the UCI "SpeakUP" platform, which would otherwise not be used, possibly preventing the UCI from finding out about severe misconduct.
149. Moreover, as acknowledged by the Appellant, the UCI, relying on CAS precedents on this point, issued a legal opinion in 2017 confirming the need to *"protect the identity of the reporting person(s)"*, though pointing out that this should happen *"under very restrictive conditions"*. The Appellant refers to CAS jurisprudence to argue that said conditions include:
 - "*The witness must provide a convincing motivation of his or her right to remain anonymous;*
 - *The court must have the possibility to see the witness;*
 - *There must be a concrete risk of retaliations against the witness by the party against whom he or she is testifying;*
 - *The witness must be questioned by the court itself and such court must investigate his or her identity and the reliability of his or her evidence; and*
 - *The opposing party must be able to cross-examine the witness through an 'audiovisual protection system'."*
150. The Respondent accepts the applicability of specific conditions for the anonymity of witnesses but argues that in the present case there was a clear risk of retaliation against the witnesses by Mr Van Bunder and that the UCI Ethics Commission was entitled to organise separate hearings in light of the sensitivity of the matter.
151. The Panel neither contests the sensitivity of this matter nor undermines the importance of protecting anonymous witnesses when it is justifiable to do so. However, the Panel notes that there is no evidence on file suggesting that the UCI Ethics Commission duly informed Mr Van Bunder of its reasons for maintaining the anonymity of the witnesses and/or for holding a separate hearing with the First Complainant.

152. Moreover, the Panel observes that nowhere under Article 30.3 or other provisions of the UCI Ethics Code is there a reference to possibly holding hearings without the accused being present. Furthermore, the lack of any reference to possibly cross-examining said witnesses in the UCI Ethics Code is, in the Panel's view, a deficiency that undermines any party's right to be heard and to a fair trial. While that could partially be remedied by relying on Article 23 of the UCI Ethics Code, under which parties have the right "*to be heard, the right to present evidence, the right for evidence leading to a decision to be inspected*" (emphasis added), there is no clear reference to the fact that a party has the right to cross examine the witnesses heard by the UCI Ethics Commission.
153. Accordingly, the Panel finds that Mr Van Bunder was not afforded said opportunity, which apparently is not even envisaged in the applicable rules, and the UCI Ethics Commission failed to duly motivate its decision in this respect to the Appellant, thereby not fully respecting his right to be heard and to a fair trial.

iii. The rejection of Mr Van Bunder's request to be assisted by Mr Polfliet as interpreter

154. The Appellant asserts that his language difficulties were overlooked by the UCI Ethics Commission, which, in his view, prevented him from being assisted by Mr Polfliet as interpreter.
155. The Panel is of the view that the UCI Ethics Commission, when rejecting Mr Van Bunder's request, correctly applied the UCI Ethics Code and did not violate the Appellant's procedural rights.
156. On 20 September 2024, the UCI Ethics Commission informed Mr Van Bunder that the hearing would be conducted in English or French, the official languages of the proceedings under Article 25 of the UCI Ethics Code and that, in compliance with that provision, he had to arrange for an independent interpreter.
157. The UCI Ethics Commission reiterated the above to Mr Van Bunder again on 7 and 11 October 2024, in accordance with the UCI Ethics Code and well in advance of the hearing of 28 October 2024.
158. Moreover, in any case, while the requirement to secure external interpretation at the Appellant's cost may have posed practical or even financial difficulties, there is no evidence that such difficulties impaired the Appellant's ability to defend himself and/or resulted in any misinterpretation by the UCI Ethics Commission. On the contrary, at the end of the hearing before the UCI Ethics Commission, Mr Van Bunder confirmed that his right to be heard had been fully respected.
159. Therefore, the Appellant's grievances in this respect are unfounded and must be dismissed.

iv. Alleged lack of information by the UCI Ethics Commission

160. The Appellant argues that the UCI Ethics Commission's first notice on 16 May 2024 only related to the First Complainant's complaint of 23 October 2023, with no reference to the

events that took place during the 2024 Cycling Season. However, the UCI Ethics Commission then widened the scope of the proceedings to include Ms De Groot's complaint and facts concerning the 2024 Cycling Season, without informing Mr Van Bunder of said extension.

161. The Panel acknowledges that the UCI's notice of 16 May 2024 indeed referred to events that took place solely during the 2023 Cycling Season. However, this deficiency was subsequently remedied by the UCI Ethics Commission, considering that the latter: (i) invited Mr Van Bunder a first opportunity to submit his comments; (ii) accepted the submission filed after the relevant deadline had expired; and (iii) afforded him an additional opportunity to submit comments on 2 December 2024.
162. Accordingly, Mr Van Bunder was afforded multiple occasions to file his written observations and/or evidence concerning the accusations against him for both the 2023 and 2024 Cycling Seasons.
163. In light of the above, the Panel concludes that Mr Van Bunder's procedural rights were duly respected, and he was afforded fair opportunities to defend himself against all the accusations, even those that were not part of the UCI Ethics Commission's first notice on 16 May 2024.

v. *The Appealed Decision's insufficient reasoning*

164. The Appellant contends that the Appealed Decision is insufficiently reasoned and motivated, considering that the grounds thereof are confined in a few paragraphs and do not explain the evidence relied upon by the Ethics Commission to reach its conclusion, to the standard of comfortable satisfaction, that Mr Van Bunder had violated the UCI Ethics Code.
165. The Panel finds that, while it is true that the UCI Ethics Commission listed all the evidence gathered throughout the course of the proceedings in the first instance, it failed to explain on which documents/testimonies or passages thereof it relied upon to reach its conclusion or the reasoning behind it. It is particularly hard to assess the weight, if any, given to each piece of evidence, whether filed anonymously or not.
166. For instance, the UCI Ethics Commission stated that Mr Van Bunder violated Article 2.5 of Appendix 1 of the UCI Ethics Code by failing to take adequate measures, but it did not explain why the measures he undertook were considered insufficient or identify the precise sources of evidence relied upon to reach said conclusion.
167. Moreover, the Appealed Decision concluded that Mr Van Bunder's failure to implement sufficient safeguards resulted in a lack of respect for the riders' physical and mental integrity, but it failed to explain the causal link between the insufficiency of safeguards and the harm allegedly suffered by the riders, from a physical and mental point of view.
168. Accordingly, the UCI Ethics Commission did not fully respect the Appellant's right to be sanctioned on the basis of a reasoned decision, as required by Articles 23 and 34.1 of the UCI Ethics Code.

vi. Conclusions

169. Based on the foregoing considerations, the Panel is of the view that the Appellant's procedural rights were not fully respected before the UCI Ethics Commission.
170. That said, the Panel recalls that, as per CAS longstanding jurisprudence, the CAS *de novo* power of review (see *infra* under paras. 194 *et seq.*) entails that procedural deficiencies in first instance, if any, are cured by the Panel: "*the virtue of an appeal system which allows for a full rehearing before an appellate body is that issues related to the fairness of the proceedings before the authority of first instance fade to the periphery*" (CAS 2022/A/8863-8864 at para. 107, quoting CAS 2019/A/6233 at para. 134; see also CAS 2024/A/10384 at para. 123).
171. In this respect, the Panel notes that the Appellant was allowed wide opportunities to present his case in these proceedings, that appropriate safeguards were applied to ensure that the statements of the anonymous complainants that he could not cross-examine were treated fairly and that the Panel has provided full and detailed reasoning as to his violations of the UCI Ethics Code. This is also confirmed by the fact that the Appellant, at the end of the hearing, stated that his right to be heard had been fully respected.
172. Notwithstanding the above, the Panel is of the view that in cases as the present one, where the UCI Ethics Commission did not fully comply with the UCI Ethics Code and where the UCI Ethics Code itself is found to be partly deficient, the Panel may take measures to somewhat compensate the Appellant for having participated in proceedings that did not entirely respect his procedural rights.
173. To this end, the Panel notes that Article 36 of the UCI Ethics Code provides, as a general rule, that procedural costs shall be borne by the sanctioned party. However, it also allows for flexibility, stipulating that part of the procedural costs may be borne by the UCI where appropriate in respect of the imposition of sanctions and that "*procedural costs may be reduced or waived in exceptional circumstances, in particular taking into account the party's financial circumstances*". The Panel considers that there were several procedural irregularities identified in the proceedings before the UCI Ethics Commission, unduly undermining the Appellant's right to be heard and to a fair trial. This circumstance is already "exceptional" enough to warrant a waiver of the procedural costs, not to mention that the Appellant's voluntary work and personal investments for the Team had a severe impact on his finances.
174. Accordingly, the Panel rules that the Appellant shall not pay the procedural costs awarded in the Appealed Decision, and Item 4 thereof shall be set aside.

F. Evidentiary value to be accorded to the statements provided by anonymous complainants and to Mr De Witte's written testimony

175. In addition to arguing that reliance on anonymous complaints in the proceedings before the UCI Ethics Commission violated his procedural rights (see *supra* at para. 145), the Appellant contends that, since he did not have the opportunity to cross-examine any of

these anonymous complainants, their statements should be struck from the record in the present proceedings.

176. The Panel deems it necessary to clarify the legal status of the anonymous material. In the Panel's view, a crucial distinction must be drawn between: (i) anonymous or "protected" witnesses properly summoned and examined in arbitral proceedings under procedural safeguards; and (ii) anonymous complaints that remain at the stage of untested statements, without the complainants appearing as witnesses before the adjudicating body.
177. In fact, only category (i) falls within the framework of "protected witnesses" as confirmed by arbitral jurisprudence and scholarly commentary (A. Rigozzi, B. Quinn, *International Sports Arbitration – Evidentiary Issues before CAS in International Sports Law and Jurisprudence of the CAS*, 2014, pp. 46–51). In this respect, CAS panels have admitted witness anonymity where there is a concrete risk of retaliation, but have at the same time ensured procedural fairness, in line with Article 6 of the ECHR and Article 29.2 of the Swiss Constitution, by granting the opposing party access to the substance of the testimony and, often, the possibility to put questions (see CAS 2011/A/2384-2386 at paras. 16 *et seq.*).
178. For the purposes of the present case, the Panel observes that the notion of anonymous witnesses – which, as mentioned above, are admissible under Article 30.3 of the UCI Ethics Code – and anonymous complaints must be carefully distinguished in their evidentiary function. Indeed, the UCI did not summon the anonymous complainants as witnesses to substantiate its position in the present arbitration. Accordingly, the anonymous complaints cannot be equated with "witness testimony" and accorded full evidentiary weight in the sense of Article 30.3 of the Ethics Code, R57 of the CAS Code or the jurisprudence mentioned above. They must rather be considered as sources of information – that is, indications or leads that may trigger or support an investigation – but not as independent means of evidence upon which the Panel could directly base its conviction. As such, in the present proceedings, the anonymous complaints, though not determinative, remain part of the record insofar as they served as the triggering source for the UCI's investigation and may only serve as contextual information.
179. The Panel therefore underlines that it has not relied on the anonymous complaints as autonomous pieces of evidence. Conversely, the Panel has decided not to strike them from the case file since these complaints acted as the catalyst for the UCI's investigation, which led to the collection of further evidence capable of corroboration and scrutiny.
180. In this regard, the record of this arbitration includes contemporaneous documentary evidence, including the Appellant's own statements and recollection of events, together with, *inter alia*:
 - (i) As to the 2023 Cycling Season (considering that the First Complainant filed a complaint with the UCI on 23 October 2023):
 - Email exchange between Mr Van Bunder and [B.] in February 2023;
 - Resignation email of the First Complainant on 15 September 2023.

- (ii) As to the 2024 Cycling Season (considering that Ms De Groot filed her complaint with the UCI on 28 May 2024 and the Anonymous Complainants followed in July and August 2024):
- Recording and transcript of the meeting with Ms De Groot on 23 April 2024;
 - Emails between Mr Van Bunder and Ms De Groot in May 2024;
 - Emails from Mr Van Bunder to the Team on 4 June 2024 and 19 July 2024;
 - Riders' replies to Mr Van Bunder's email of 4 June 2024.

181. Furthermore, the Panel recalls that [B.] and Ms De Groot participated as witnesses at the hearing and the Appellant had the opportunity to cross-examine them.
182. Therefore, the Panel's findings in this Award will ultimately rest on objective and verifiable elements, such as the repeated accounts of riders raising concerns to the Appellant, his assurances followed by inaction, his later contradictory explanations, and the undisputed fact that Mr Vervoort continued to perform massages on female riders after [B.]'s email in February 2023. These elements, viewed cumulatively within the framework of this arbitration, are of a very different nature from the anonymous complaints and will be evaluated to establish whether the Appellant has committed violations of the UCI Ethics Code.
183. As to Mr De Witte's written testimony, the Panel recalls that he did not participate in the hearing, without offering compelling justifications, such that his statements could not be corroborated and the Respondent could not cross-examine him. Accordingly, in keeping with the above reasoning, Mr De Witte's written testimony, while not struck from the case file, shall be accorded limited evidentiary value that cannot, independently and in itself, serve as a sufficient basis on which the Panel can rely to establish the facts mentioned therein.

IX. MERITS

184. The Appellant argues that the UCI Ethics Code does not apply to him. He therefore requests the CAS to annul the Appealed Decision and find that Mr Van Bunder did not commit any violation of the UCI Ethics Code. Subsidiarily, the Appellant contends that the sanction against him should be reduced to *"a mandatory training program with safeguarding courses and no suspension"*.
185. The Respondent argues that the UCI Ethics Code applies to the Appellant and seeks full confirmation of the Appealed Decision. Notably, it defends the findings of the UCI Ethics Commission regarding Mr Van Bunder's violations of the UCI Ethics Code and the appropriateness of the sanction imposed.
186. The Panel must therefore begin its analysis by determining whether the Appellant is bound by the UCI Ethics Code. In addition, as a preliminary matter, the Panel will determine the scope of its review as well as the pertinent burden and standard of proof.
187. Having established the above, the Panel will answer the following questions:

- (i) Did the Appellant violate the UCI Ethics Code?
- (ii) Should the sanction imposed in the Appealed Decision be reduced?

A. The Appellant is bound by the UCI Ethics Code

188. The Appellant contends that: (i) the UCI Ethics Code does not apply to him, as he never accepted, acknowledged, or was even made aware of the content of the UCI Ethics Code; and (ii) holding a UCI licence does not, in itself, constitute consent to be bound by the specific provisions of the UCI Ethics Code.
189. In contrast, the Respondent argues that: (i) Article 1 of the UCI Ethics Code stipulates that it applies to all UCI licence-holders; (ii) Article 1.1.004 of the UCI Cycling Regulations requires every applicant for a UCI license to respect the constitution and regulations of the UCI; (iii) when applying for a license, any license-holder declares to “*have read or have had the opportunity to become acquainted with the aforesaid constitution and regulations*”, as per the application form provided in Article 1.1.023 of the UCI Cycling Regulations; and (iv) Mr Van Bunder signed the ethics acknowledgment form for both the 2023 and 2024 seasons.
190. At the outset, the Panel observes that Article 1 of the UCI Ethics Code stipulates that the UCI Ethics Code applies to, *inter alia*, all UCI licence-holders. Moreover, according to Article 1.1.010 of the UCI Cycling Regulations, a specific license is required to carry out the activities of a Team Manager within the UCI. It is undisputed that Mr Van Bunder was the Team Manager and indeed a UCI license holder during the 2023 and 2024 Cycling Seasons.
191. Furthermore, Article 1.1.004 of the UCI Cycling Regulations provides that: “*Anyone requesting a license thereby undertakes to respect the constitution and regulations of the UCI [...]*”.
192. The Panel was also provided with evidence of the “Acknowledgement and Recognition of Ethical Principles” signed by Mr Van Bunder in 2023 and 2024, wherein he expressly stated the following:
- “I hereby confirm and agree to respect at all times the following principles including general principles and a reminder of the rules of conduct of the UCI Code of Ethics, the importance of which is particularly high in view of my function.”*
193. As a result, Mr Van Bunder is clearly bound by and subject to the UCI Ethics Code.

B. The Panel’s scope of review of the Appealed Decision

194. Under Article R57.1 of the CAS Code, the Panel has full authority to “*review the facts and the law*”.
195. This *de novo* power entails that the Panel is entitled to go beyond a mere establishment of the legality of the previous decision and to “*issue an independent and free standing decision*” (CAS 2019/A/6233 at para. 133).

196. Accordingly, the Panel will fully and independently analyse the facts of the case and all the evidence before it to determine whether Mr Van Bunder's conduct violated the provisions of the UCI Ethics Code, and if so, whether the sanctions imposed on him by the UCI Ethics Commission as a result of such conduct are proportionate.
197. The relationship between the Panel's wide scope of review and its judicial restraint when analysing the sanction imposed by disciplinary bodies at first instance will be expounded *infra* under Section E.
198. Furthermore, the *de novo* power of review of the Panel also entails a curing effect on possible procedural deficiencies in the proceedings of the previous adjudicating body, as shown *supra* at para. 170.

C. Burden and standard of proof

199. As a preliminary matter, the Panel must determine which of the parties bears the burden of proving (or disproving) that the Appellant is responsible for violations of the UCI Ethics Code.
200. In this respect, the Appellant argues that the UCI Ethics Commission in effect inverted the burden of proof by asserting that Mr Van Bunder had to prove that he acted appropriately and was unaware of Mr Vervoort's conduct. He contends instead that it is the UCI Ethics Commission that bears the burden of proving that Mr Van Bunder's conduct violated the UCI Ethics Code.
201. The Panel observes that the allocation of the burden of proof is a matter to be assessed pursuant to the law applicable to the merits of the dispute (see CAS 2023/A/9364 at para. 133).
202. Since the UCI Ethics Code is silent on the issue, reference must be made to Swiss law (see *supra* at para. 104), notably Article 8 of the Swiss Civil Code, under which "*Unless the law provides otherwise, the burden of proving the existence of an alleged fact shall rest on the person who derives rights from that fact.*"
203. Considering the above, as well as the fact that the Respondent requests that the sanction imposed on the Appellant be confirmed, the Panel concludes that it is the Respondent who bears the burden to establish, under the applicable standard of proof, that Mr Van Bunder violated the UCI Ethics Code.
204. Accordingly, it is for the UCI to establish the alleged violations of the UCI Ethics Code. The Appellant, of course, retains the possibility to rebut the Respondent's evidence and conclusions, subject to the burden of substantiating such rebuttals.
205. Moving to the relevant standard of proof, pursuant to Article 30.2 para. 2 of the UCI Ethics Code, and as acknowledged by both Parties, the Panel must apply the standard of "comfortable satisfaction". This standard, consistently applied by CAS jurisprudence, lies between "beyond a reasonable doubt" and "balance of probabilities" (see *ex multis* CAS 2021/A/7840 at para. 91; CAS 2014/A/3625 at para. 132).

D. The Appellant violated the provisions of the UCI Ethics Code

206. The central issue on the merits is whether Mr Van Bunder, in his capacity as Team Manager, violated the UCI Ethics Code by failing to adequately respond to safeguarding concerns regarding Mr Vervoort, an Assistant Sports Director – and occasional masseur – under his supervision. The UCI Ethics Commission found that Mr Van Bunder breached Article 6.4 (duty to protect the physical and mental integrity of others) in conjunction with Articles 2.5 (neglect) and 3.1 (duty to report) of Appendix 1 of the UCI Ethics Code.
207. The Appellant disputes both the legal qualification of his conduct and the factual findings underpinning the Appealed Decision, while the Respondent requests that those findings be fully confirmed.
208. In this respect, the Panel has carefully analysed the entire evidentiary record before it (taking into account the weight to be accorded to each piece of evidence and the findings set out *supra* under Section VIII.F) in order to determine the factual matrix of this case, which formed the basis for the UCI Ethics Commission to render the Appealed Decision.
209. The contested violations, along with the factual elements relevant thereto, are analysed separately below.

i. Mr Van Bunder violated Article 2.5 of Appendix 1 of the UCI Ethics Code

210. The Appealed Decision found that Mr Van Bunder committed a violation of Article 2.5 of Appendix 1 of the UCI Ethics Code, insofar as he failed to provide a minimum level of care to the riders by neglecting to adopt adequate measures in response to the complaints against Mr Vervoort. Such omissions created harm and an imminent danger of harm, fulfilling the criteria for neglect.
211. In particular, the UCI Ethics Commission pointed out that the following cumulative conditions must be met in order to establish a violation of Article 2.5 of the UCI Ethics Code:
 - (i) An individual with a duty of care towards athletes fails to provide a minimum level of care in their regard;
 - (ii) The individual's lack of care causes harm, allows harm to occur or creates an imminent danger of harm.
212. Mr Van Bunder contends that he did not act negligently in the circumstances, arguing that he was not aware, for a long time, of any issue with Mr Vervoort and that he took action as soon as he was informed of it.
213. Mr Van Bunder argues, *inter alia*, that the UCI Ethics Commission failed to properly evaluate and assess the relevant timeline of events in the present case, which, in his view, was as follows:
 - (a) July 2023: Mr Van Bunder was verbally informed that Ms Crabbé was not willing to be massaged by Mr Vervoort any longer. Thereafter, Mr Van Bunder

immediately discussed the matter with Mr Vervoort and ensured that he would no longer massage her;

- (b) 2023 Baloise Tour: Mr Van Bunder informed all riders and Team members that massages by Mr Vervoort would only be performed on riders who explicitly requested it;
 - (c) 15 September 2023: The First Complainant sent a resignation letter to the Team. She stated that she felt uncomfortable due to Mr Vervoort's dual role as team leader and masseur. Mr Van Bunder thought that this situation had already been solved, considering his announcement during the 2023 Baloise Tour. He also believed that the issue was related to personal grievances between Mr Vervoort and the First Complainant (most likely [A.]);
 - (d) 2024 Camp: Mr Van Bunder did not participate in the 2024 Camp. Due to financial constraints, it was not possible to bring a masseur/masseuse to attend the 2024 Camp. However, (i) Mr Van Bunder had already stated that Mr Vervoort would only massage the riders asking for it, and (ii) in any case, nobody informed Mr Van Bunder of any issue with Mr Vervoort performing massages at the 2024 Camp;
 - (e) 23 April 2024: Ms De Groot informed Mr Van Bunder of Mr Vervoort's misconduct. Mr Van Bunder regretted not being informed earlier and, on the very next day, he requested a meeting with Mr Vervoort;
 - (f) 27 April 2024: Mr Van Bunder banned Mr Vervoort from entering the areas where massages were performed and from his managerial duties;
 - (g) After Mr Vervoort's resignation from the Team:
 - 4 June 2024: Mr Van Bunder requested all riders to share, if they so wished, their experience with Mr Vervoort and himself;
 - 19 July 2024: Mr Van Bunder sent an official communication to the Team with specific reference to the possibility of confiding in Ms Anouchka Serafimoff (independent psychologist) or Ms Ils Van Der Moeren (integrity focal point).
214. The Panel is of the view that the factual pattern of the case actually shows that Mr Van Bunder did not provide to the riders the minimum level of care he was expected to provide in his position as Team Manager. In fact, even without taking into account the information provided by the anonymous complainants and relying on the timeline expressly referenced by Mr Van Bunder, the evidence clearly points to negligent conduct on his part.
215. First, it must be noted that Mr Van Bunder had already been alerted to possible issues with Mr Vervoort's conduct in February 2023, through [B.]'s email. Accordingly, the Panel does not accept his assertion that he only became aware of the issue in July 2023. His narrative of awareness starting only at that time is inconsistent with the evidence and therefore unreliable.
216. In this respect, the Panel notes that during the hearing, Mr Van Bunder insisted that no "formal complaint" had been filed prior to July 2023 and that he could only be expected to act upon receipt of such a complaint. The Panel considers this to be a matter of

semantics. Irrespective of its form, a serious concern – such as sexual harassment – raised by a rider to a Team Manager (as discussed further *infra* at paras. 226-232) should be reasonably perceived as a complaint, so long as it is expressed with sufficient clarity. In the present case, once the concern of possible sexual impropriety was raised by one of his riders with sufficient clarity, it behoved Mr Van Bunder to take action. The Panel further notes that even the “complaint” on which Mr Van Bunder himself relies to assert his awareness did not take the form of a “formal complaint”. Indeed, no such formal complaint process was ever established within the Team or communicated to the Team members, as confirmed by [B.] when questioned as to whether she was aware of any formal reporting mechanisms within the Team.

217. Second, in any case, the Panel holds that the measures undertaken by Mr Van Bunder do not show a sufficient level of care in dealing with the issue:

- February 2023: When informed by [B.] of her unpleasant feelings towards the massages provided by Mr Vervoort, Mr Van Bunder assumed that Mr Vervoort had acted professionally and stated that nobody would be massaged by a male soigneur any longer. This “action” did not directly address [B.]’s concerns, as she did not complain about Mr Vervoort being a male figure but rather about his personal methods. Moreover, there is no evidence that Mr Van Bunder actually implemented this promise and in fact, quite the contrary, another complaint arose in July 2023;
- July 2023: Ms Crabbé was the second person informing Mr Van Bunder of issues with Mr Vervoort performing massages. Thereafter, during the 2023 Baloise Tour, he allegedly informed all Team riders and members of staff that Mr Vervoort would only provide massages upon specific request by the riders. However, once again, there is no evidence that Mr Van Bunder followed up to ensure that this instruction was truly complied with. Moreover, the evidence remains unclear as to the substance of said instruction – which was only provided orally. In fact, at the hearing, Mr Van Bunder referred to a policy whereby riders could refuse to be massaged by Mr Vervoort, a different measure that, in any case, did not account for the possibility that Mr Vervoort would exploit his position of authority to keep massaging the riders even without their *ex ante* consent;
- 15 September 2023: A third different person – in the Appellant’s own recollection, [A.], who most likely was the First Complainant – when resigning from the Team, made reference *inter alia* to difficulties with Mr Vervoort performing massages and to the fact that she did not feel secure to speak due to the latter’s double role. However, despite receiving the third complaint in under a year about the same conduct, Mr Van Bunder thought that the issue had already been solved and thus did not take any action, not even to supervise whether the policy he had enacted at the 2023 Baloise Tour was being implemented;
- 2024 Camp: Mr Van Bunder did not attend the 2024 Camp. Despite the fact that he had allegedly communicated to all riders that they would be massaged by Mr Vervoort only upon their request, he failed to provide any alternative masseur/masseuse to the riders, invoking “financial constraints”, and thereby leaving the riders with no second choice and thus inevitably in the hands of a person whose double position had previously been flagged as a ground preventing the riders from feeling secure and speaking up. Even worse, Mr Van Bunder admitted

that he never checked with the riders whether Mr Vervoort had complied with his instructions during the 2024 Camp;

- 23 April 2024: Notwithstanding the above-discussed timeline, when talking with Ms De Groot, Mr Van Bunder regretted that he had not been previously informed of Mr Vervoort's misconduct. Three days later, he allegedly prevented Mr Vervoort from accessing the room where massages were performed, but did not officially communicate said decision to any member of the Team, remembering to notify Ms De Groot in writing only on 16 May 2024, *i.e.* more than two weeks later and after receiving the UCI Report;
- Conduct in June and July 2024: These measures, regardless of their potential adequacy, were only put in place after the beginning of the investigation before the UCI Ethics Commission and, in any case, only after Mr Vervoort had already – allegedly – been prevented from accessing the room where massages were performed.

218. All the above suggest that Mr Van Bunder adopted a careless approach to a very serious matter. On each occasion a concern was raised, he had a chance to discuss the issue with the riders and to take concrete action, but failed to do either in a meaningful way. Moreover, he never reproached Mr Vervoort's conduct but rather referred to the fact that Mr Vervoort most likely meant no harm and that, in any case, he was an important figure due to the work he performed in support of the Team. Mr Van Bunder, in other words, actively protected Mr Vervoort and suggested that he could not have acted inappropriately.
219. Clearly, this falls short of the minimum standard of care expected from a Team Manager when informed of potential issues of sexual harassment within his team. Moreover, even assuming – as the Appellant argued – that Mr Vervoort could be given the benefit of doubt and that it was acceptable to just “keep eyes open” when Mr Van Bunder was informed by [B.] of the issues with him performing massages, the subsequent events show that not only did he actually not keep his eyes on the situation, but also downplayed its effects and waited more than one year before effectively excluding Mr Vervoort from performing massages altogether, a measure that in any case was not formally communicated to the Team.
220. The Panel further emphasises that in cases involving potential abuse and safeguarding breaches, the duty of care requires immediate and preventive action. The obligation cannot be construed as conditional upon the repetition of wrongful behaviour or upon the accumulation of multiple complaints. The seriousness of such allegations is that one cannot “wait and see” whether inappropriate conduct occurs again or towards other riders. Behaviour that violates safeguarding rules is unpredictable as to time, manner and victim. Effective prevention demands early intervention to avoid any risk of harm, including the prohibition of conduct that carries safeguarding risks (such as massages conducted in inappropriate conditions), rather than tools like consent or satisfaction forms, which cannot meaningfully prevent abuse or protect athletes from its occurrence.
221. The above-discussed lack of care clearly allowed harm, as evidenced by numerous riders being subjected to Mr Vervoort's conduct, and even created an imminent danger of harm

since, despite communicated grievances, Mr Van Bunder did not act meaningfully to address or redress the situation.

222. In this respect, the Appellant's argument that he had checked Mr Vervoort's qualifications as a masseur and that, as shown in the Vervoort Decision, Mr Vervoort was indeed qualified to perform massages, does not alter in any way the aforementioned conclusion. In fact, the Panel holds that Mr Vervoort's reported conduct was undoubtedly worrisome and deserved to be promptly addressed regardless of his professional qualifications.
223. Similarly, the simple appointment of Ms Anouchka Serafimoff as point of contact does not constitute an adequate measure, considering that: (i) this appointment allegedly occurred "at the beginning of the 2023 season", therefore not in response to the concerns raised by the riders as to Mr Vervoort; and in any case (ii) the riders never relied on the services of Ms Serafimoff. Similarly, Ms Ils Van der Moeren was only appointed in July 2024, well after the UCI Report had been filed and at a point in time when Mr Vervoort had already been prevented from accessing the areas where massages were performed.
224. Lastly, the issuance of a "massage consent form" took place on an unspecified date and was in any case insufficient to address Mr Vervoort's position of authority within the Team and the riders' issues therein, considering that the form points out that "*both parties declare that the massages were conducted correct [sic] without violating the Code of Ethics*" and therefore, most likely, the form had to be signed or approved by both the rider and the masseur/masseuse involved. Moreover, the form constituted an *ex post* declaration to be signed only after the massages had been performed, and was thus ineffective in preventing the riders from experiencing harm.
225. In light of all the above, the Panel concurs with the Appealed Decision's conclusion that Mr Van Bunder violated Article 2.5 of Appendix 1 of the UCI Ethics Code.

ii. Mr Van Bunder violated Article 3.1 of Appendix 1 of the UCI Ethics Code

226. The Appealed Decision found that Mr Van Bunder violated Article 3.1 of Appendix 1 of the UCI Ethics Code when failing to report to the UCI Ethics Commission concerns about Mr Vervoort's conduct, despite being reasonably aware that the latter's action could constitute a violation of Article 2 of Appendix 1 of the UCI Ethics Code. The UCI Ethics Commission further considered that Mr Van Bunder's omission was motivated by pecuniary and logistical reasons linked to Mr Vervoort's continued role within the Team.
227. The UCI Ethics Commission pointed out that a breach of Article 3.1 is established when an individual bound by the UCI Ethics Code fails to report an action that can reasonably be considered as a violation of Article 2 of Appendix 1 of the Ethics Code. The Panel adds that Article 2 of Appendix 1 lists as forbidden conduct those with which Mr Vervoort was charged as per the Vervoort Decision, namely "*Sexual harassment*" (Article 2.3) and "*Sexual abuse*" (Article 2.4).
228. It is undisputed that Mr Van Bunder never reported Mr Vervoort's conduct to the UCI Ethics Commission. Nonetheless, the Appellant argues that no violation of Article 3.1

occurred and that the Panel should find that he did not have anything to report, as he was simply not made aware of any misconduct and did not observe any “red flag” at least until his discussion with Ms De Groot on 23 April 2024.

229. In light of the Appellant’s comment, the Panel has the task of determining when the obligation to report envisaged under Article 3.1 is triggered and, in particular, how the concept of “*action that may reasonably be considered as a violation*” must be interpreted.
230. The Appellant’s argument implies that his subjective perception of Mr Vervoort’s conduct as violative of the UCI Ethics Code is crucial to trigger his obligation to report it.
231. The Panel does not concur with this interpretation. In keeping with CAS precedents on the interpretation of regulations of sports bodies (see *e.g.* CAS 2020/A/7008-7009 at para. 62) and, as per the jurisprudence of the Swiss Federal Tribunal, going beyond a mere literal interpretation and looking at “*the goal pursued, especially the protected interest (teleological interpretation)*” (see SFT 132 III 226, consid. 3.3.5), the Panel is of the view that the “reasonableness” referred to in Article 3.1 needs to be assessed from an objective point of view and from the shoes of a reasonable observer, with little weight given to the subjective interpretation of the person expected to report the conduct. If the opposite were accepted, the purpose of preventing “*conduct that damages the integrity and reputation of cycling*” could too easily be circumvented.
232. The Panel is comforted in its interpretation by the fact that, from a systematic point of view, the same concept of reasonableness is used throughout the UCI Ethics Code in other contexts that are clearly meant to refer to objective, rather than subjective, standards:
 - Article 7.1 of the UCI Ethics Code (“*Offering and accepting gifts*”), para. 2: “*Gifts or other benefits must not be offered or accepted if it can reasonably be considered that, at the time of handing over, the gift or other benefit is likely not to meet the requirements above. Any person bound by the Code may also ask for the Ethics Commission’s opinion before definitively accepting a gift or other benefit.*”. The fact that the UCI Ethics Code even suggests that one could ask for the opinion of the UCI Ethics Commission shows that a person’s subjective perception of a gift may not be “reasonable” in the meaning of Article 7.1;
 - Article 28.2 of the UCI Ethics Code (“*Independence, impartiality and challenge*”), para. 2: “*Any challenge of a member of the panel shall be sent to the Secretariat within 7 days after the grounds for challenge become known or should reasonably have become known to the challenging person*”. Once again, the “reasonableness” of knowledge is clearly based on objective considerations.
233. In addition, the ethics forms signed by Mr Van Bunder for the 2023 and the 2024 Cycling Season refer to the obligation to report “*any element of which I am aware that would constitute or could reasonably be considered a violation of the Code of Ethics of the UCI*” (emphasis added). Clearly, the obligation goes beyond a person’s subjective awareness.
234. In light of the above, the Panel must determine whether, regardless of Mr Van Bunder’s subjective perception, Mr Vervoort’s conduct could be considered, from an objective

point of view, a violation of Article 2 of the UCI Ethics Code, thereby triggering Mr Van Bunder's obligation to report.

235. The Panel holds that the information on Mr Vervoort's conduct available to Mr Van Bunder was sufficient to consider it, from an objective point of view, as reasonably constituting a violation of Article 2 of the UCI Ethics Code.
236. Specifically, Mr Van Bunder cannot credibly invoke total unawareness of Mr Vervoort's conduct until April 2024, considering the measures he, though insufficiently, undertook to control him when performing massages on the riders before that date. The mere fact that he "took action" shows that he was aware that something was amiss. Moreover, the references, in [B.]'s email in February 2023, to inappropriate massages in intimate areas, and in the First Complainant's resignation in September 2023 to feeling "uncomfortable" and "unsafe" during massages, could and should have, in the Panel's view, been perceived as a "red flag" and trigger his obligation to report.
237. Furthermore, in any case, Mr Van Bunder admits that such a "red flag" arose on 23 April 2024 and, even then, he did not report anything to the UCI Ethics Commission.
238. Accordingly, even in the version of the events most favourable to the Appellant (with his awareness becoming evident in April 2024), the latter still breached his obligation to report under Article 3.1 of Appendix 1 of the UCI Ethics Code, as correctly found in the Appealed Decision.

iii. Mr Van Bunder violated Article 6.4 of the UCI Ethics Code

239. The Appealed Decision ruled that Mr Van Bunder violated Article 6.4 of the UCI Ethics Code, by failing to respect and protect the riders' physical and mental integrity, in particular by neglecting to implement sufficient safeguards and by allowing Mr Vervoort to continue performing massages in inappropriate conditions.
240. In the Appealed Decision, the UCI Ethics Commission pointed out that the following cumulative constitutive elements must be satisfied to find a violation of Article 6.4 of the UCI Ethics Code, namely:
 - (i) Interactions between the accused and another person in the context of a cycling-related activity;
 - (ii) Failure to respect the physical and/or mental integrity of said other person;
 - (iii) Actions of the accused that adversely impact said person's personal rights; and
 - (iv) Conduct of the accused, including at least one of the following: sexual harassment, poor practice, abuse or bullying.
241. Requirement (i) is expressly acknowledged by the Appellant and clearly met in this case, considering Mr Van Bunder's role in the Team and relationship with the riders.
242. As to requirements (ii) and (iii), the Panel notes that the impact on a person's physical or mental integrity or, in general, on their personal right is not limited to instances of direct misconduct from the accused. Rather, Article 6.4 clearly refers to a duty to "respect" and

“protect” that goes beyond the mere obligation to refrain from directly hurting a person and entails higher safeguarding standards.

243. In this respect, the fact that Mr Van Bunder did not directly engage in abusive behaviour is irrelevant, considering that, as explained above, he clearly failed to meaningfully act to protect the rider against Mr Vervoort’s conduct. This omission facilitated an unsafe team environment and contributed to compromising the mental integrity of the riders.
244. As to requirement (iv), the Panel notes that Article 6.4 does not require proof of “sexual harassment” for a violation to be established. Rather, considering Mr Van Bunder’s inability to put in place sufficient safeguards for the riders and his repeated underestimation of the impact of Mr Vervoort’s conduct on the riders’ integrity, the Panel finds that his behaviour qualifies as “poor practice” within the meaning of Article 6.4.
245. In light of all the above, the Panel concludes that Mr Van Bunder violated Article 6.4 of the UCI Ethics Code.

E. The sanction imposed on the Appellant is not subject to reduction

246. The Appealed Decision imposed on Mr Van Bunder a three-year suspension, with 18 months suspended, and a fine of CHF 5,000. The Appellant contends that these sanctions are excessive.
247. The Respondent points out that CAS should adopt a deferential approach to the determination of the sanction carried out by the UCI Ethics Code, unless it finds that said sanction is “evidently and grossly disproportionate”. Moreover, in any case, it maintains that the sanctions are fair and reflect the gravity of the breaches.
248. The Panel preliminarily notes that the UCI Ethics Code provides no specific guidance as to how the sanctions listed under Article 34.2 of the UCI Ethics Code should be applied and how to deal with cases – such as the present one – involving several violations. Rather, the UCI Ethics Commission is vested with broad discretion, and in this respect Article 33 of the UCI Ethics Code merely states that the UCI Ethics Commission shall “*deliberate and determine, if any, which of the sanctions listed in Article 34.2 below should be imposed*”.
249. Moreover, the Panel is mindful that, as submitted by the UCI and held in CAS jurisprudence, it owes deference to judicial bodies of first instance, which are generally better placed to assess the seriousness of a breach and determine the appropriate sanction (see CAS 2024/A/10384 at para. 195 and CAS 2019/A/6665 at para. 157). Accordingly, the Panel should intervene and amend the sanction only where, notwithstanding the deference due to the first-instance body’s expertise, it finds that the sanction is disproportionate. In such cases, due to its *de novo* power of review (see *supra* at paras. 194 *et seq.*), the Panel may impose a more proportionate sanction (see CAS 2018/A/5977 at para. 178).

250. In evaluating proportionality, the Panel is guided by the principle that sanctions must be commensurate with the seriousness of the offence and must take into account both aggravating and mitigating circumstances (see CAS 2017/A/5086 at para. 136).
251. Having established the above and turning to the circumstances of this case, the Panel preliminarily recalls that it has upheld all the violations of the UCI Ethics Code that were established in the Appealed Decision.
252. That said, the Panel is willing to consider whether the mitigating circumstances invoked by the Appellant can be relied upon to reduce the sanction, or whether the UCI Ethics Commission wrongfully evaluated the relevant aggravating circumstances, or otherwise imposed an excessive sanction.
253. The Panel acknowledges the Appellant's long-standing service to the sport, including over 30 years without prior disciplinary action and his voluntary contributions to the team's operations, also from a financial point of view. These factors are relevant and deserving of weight.
254. However, the Panel also notes several aggravating elements. Chief among them is the fact that the Appellant was in a position of authority and failed to discharge his obligations in a safeguarding-sensitive context. The systemic nature of his inaction, rather than a single isolated lapse, warrants a firm disciplinary response.
255. Against this background, and considering the precedents of the UCI Ethics Commission referred to by the Respondent, the Panel concludes that the three-year suspension imposed on Mr Van Bunder, with a partial suspension as an incentive for rehabilitation, is proportionate.
256. Notwithstanding the above, the Panel is of the view that the combination of a suspension with a fine is disproportionate in the present case.
257. Notably, the UCI Ethics Commission failed to explain the reason why the said fine was imposed in the first place. Conversely, it should have taken into account the fact that, admittedly, Mr Van Bunder operated on a voluntary basis in an amateur team and even personally invested money to help keeping the Team afloat notwithstanding its financial difficulties, as per the evidence filed by the Appellant and not expressly contested by the Respondent.
258. Moreover, in the Vervoort Decision as well as in all other comparable precedents referred to by the Respondent, the sanction always amounted to a suspension period with no fine but mandatory safeguarding training.
259. In light of the above, the Panel confirms the suspension imposed on Mr Van Bunder under Item 2 of the Appealed Decision, but sets aside the fine provided under Item 3 of the Appealed Decision.

F. Further or different motions

260. The above conclusions render it unnecessary for the Panel to address any other requests made by the Parties.
261. Accordingly, all other further claims and requests submitted by the Parties are hereby dismissed.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that

1. The Appeal filed on 6 February 2025 by Mr Eddy Van Bunder against the decision rendered by the UCI Ethics Commission on 17 January 2025 is partially upheld.
2. Items 3 and 4 of the decision rendered by the UCI Ethics Commission on 17 January 2025 are set aside.
3. The remainder of the decision rendered by the UCI Ethics Commission on 17 January 2025 is confirmed.
4. (...).
5. (...).
6. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 28 October 2025

THE COURT OF ARBITRATION FOR SPORT

Mario Vigna
President of the Panel

Giulio Palermo
Arbitrator

Janie Soublière
Arbitrator