

## **UCI-ASO dispute**

### **ASO is not exempt from the rules!**

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Since the launch of the UCI ProTour in 2004, the French company, Amaury Sports Organisation (ASO), organiser of the Tour de France, has conducted a guerrilla war against the UCI. Its aim being not only to sabotage the UCI ProTour through every possible means, but also to undermine the UCI's legitimacy.

This situation is causing great harm to all those involved in cycling: riders, teams and especially sponsors. Furthermore, it has created a great feeling of malaise in and with respect to our sport.

This situation is dangerous. Cycling is faced with very serious challenges – globalisation, the fight against doping, competition between sports and from other leisure activities – which requires close and constructive cooperation between all parties, and a strong International Federation. Dissension and the temptation to go it alone, disregarding the general interest, may have consequences which could greatly weaken cycling.

Now, ASO has purely and simply decided to ignore the rules set by the UCI and to act outside of the rules. ASO has therefore crossed the boundaries of legality. The UCI cannot accept this irresponsible behaviour, which is leading straight towards a state of anarchy.

In view of the gravity of the situation, it is urgent and vital to have a full overview of the actions and reasons of the parties in dispute. This document will help to explain them clearly.

#### **ASO and the UCI ProTour: before the rejection, the full backing**

Since the beginning of the project in 2001, the UCI ProTour was the subject of much consultation. The various parties in cycling were all consulted. Organisers of the major tours, for example, were involved in its development right from the start, in particular with the active contribution of Messrs. Jean-Marie Leblanc for ASO (organiser of the Tour de France) and Carmine Castellano for RCS (organiser of the Giro d'Italia).

In September 2004, ASO even gave its written agreement to take part in the UCI ProTour, under certain conditions, for a two year period.

At this time, RCS fully supported the project. It was the replacement of Mr Carmine Castellano by Mr Angelo Zomegnan which ultimately led to a total change of policy by the company RCS.

Unipublic, organiser of the Vuelta a España, was even more enthusiastic about the UCI ProTour. In 2004, Mr Victor Cordero, Unipublic Executive Director, requested a special dispensation so that his race could obtain a special licence allowing it be included in the UCI ProTour for a 12 year period!

The organisers of the three major tours therefore welcomed the UCI ProTour with open arms. Why then today are its founding principles being so vehemently attacked by the same people who believed before that they were the best solutions for the future of cycling? What is the reason for this total reversal?

For several months, the UCI has been sorry to see that ASO, followed by RCS and Unipublic, have decided to follow their own rules, those which would allow it to control professional cycling for its sole benefit. When a reform threatens its stranglehold, ASO immediately tries to ruin it. When a party blocks its action to try and govern cycling, it tries to overpower it. The fact that it is the International Cycling Federation does not appear to matter.

### **UCI-ASO talks: superficial negotiations**

Since September 2004, the UCI has made great efforts to hold constructive talks with ASO. In this respect, the UCI, as a loyal partner, has accepted numerous compromises in order to reach an agreement acceptable to both parties.

Unfortunately, when the UCI has agreed to each concession, ASO has demanded even more. An example: ASO gave the impression that it would accept a UCI ProTour with 18 teams (instead of 20 in the initial project). As soon as this concession was granted, ASO decided that it would only accept to take part in the UCI ProTour if further concessions were agreed to by the UCI.

This manner of behaving is evidently unacceptable and is more like a fool's game than fair negotiations.

ASO accused the UCI of overturning the agreement in March 2006. This is a lie: there was a project, but its terms, which were unacceptable, had to be submitted to the respective bodies. According to this project, the UCI was being forced in particular to accept not only a reduction in the number of teams (18 instead of 20), but also a limit on the duration of licences (3 years instead of 4), without ASO agreeing to any concessions whatsoever in exchange. The UCI could not accept this.

Talks cannot be held if one of the parties is demanding concessions without granting any itself.

ASO has now taken legal action for alleged «harm to its trademark». There was absolutely no question of this in March 2006. Besides the fact that there are 18 teams instead of 20 has no effect whatsoever on ASO's trademark. This shows that ASO has repeatedly tried to find ways of hampering the development of the UCI ProTour, using convenient arguments. When one becomes ineffective it uses another one.

The UCI's requests to ASO have not been excessive. It asked ASO to accept the registration of its races on the UCI ProTour calendar and to respect the fixed conditions for participation, which stipulate that UCI ProTour calendar organisers must invite the 20 best world teams. The UCI has not imposed any other obligation than this.

Far from accepting this rule, ASO's intention is to purely and simply elude this and set its own participation rules, whereas in the past it admitted that it was the UCI's responsibility to set these rules. This situation is dangerous for teams. It is the UCI that sets the participation rules and not organisers. To leave such a decision to organisers puts teams at the mercy of their goodwill and leads to all kinds of problems.

## **The UCI ProTour today: a success in spite of everything**

The UCI ProTour, despite ASO's opposition, has been a great success. The facts prove this:

- the great majority of sponsors have extended their initial contract;
- the UCI ProTour has attracted new sponsors to cycling;
- sponsors who have left cycling have come back following the introduction of the UCI ProTour;
- this circuit is supported by the large majority of riders and National Federations;
- demand exceeds supply: there are more teams wanting to take part in the circuit than places available;
- the UCI ProTour has heralded the debut of the globalisation of cycling, developing way beyond the borders of France, Italy, Spain, Belgium (where the Federations of these 4 countries are against the UCI ProTour...).

These successes are the best answer to the criticisms that ASO has voiced and still is voicing against the UCI ProTour. ASO's arguments are in fact artificial and false.

"The UCI ProTour strips organisers of their rights at their races". False: all guarantees on this subject have been stipulated in the rules. Furthermore, no other organiser has complained!

"The licence is an authorisation to be able to organise the race". False. It is registration on the calendar which authorises the organisation of the race under UCI rules. The licence does not change anything. The situation is the same in this respect for all races.

"The UCI ProTour is a commercial circuit" (criticism from the most powerful commercial party in cycling). The UCI ProTour can offer extra commercial opportunities in terms of marketing and TV rights to organisers, who voluntarily, may decide to pool their interests. And why not? It can only benefit cycling as well. As far as the UCI is concerned, it has no commercial advantages. The objective of the UCI ProTour is not to make a profit. This is ASO's objective.

"The UCI ProTour has been imposed on ASO". False. ASO is not obliged to have a licence and does not have to be involved in any collective initiatives in terms of sponsorship, marketing, or TV rights. ASO's only obligation (the same applies to RCS and Unipublic) is to allow all UCI ProTeams to take part.

"The UCI ProTour is a closed system based on the American model". False. The 20 best teams are chosen from an unlimited number of candidates. A licence expires after four years or before and a new selection is then made. New teams have joined the UCI ProTour in the last two years. More importantly, cycling is an individual sport and riders can be employed by a UCI ProTeam or leave at any time.

The doom and gloom statements describing the UCI ProTour as the death of cycling are just sheer propaganda. It should be remembered that all those who support this view are all defending their own interests. The UCI, in cooperation with all parties involved in cycling, is promoting the general interest.

## **ASO: when private interests want to govern cycling for their own benefit**

It is now clear that ASO's aim is to bring about the failure of the UCI ProTour in order to take its share of the power in cycling. ASO wants to get rid of the UCI, whose authority it does not recognise. This situation is dangerous and immediately leads to a state of anarchy. Any

party, whether it is the organiser of the biggest race in the world, cannot substitute itself as the governing authority of the International Federation.

It is sad to see that the biggest event in cycling is being used by a private party, for private interests, to blackmail the rest of the cycling movement. ASO is using the historic appeal of the race that it organises and the efforts of generations of riders, so that its demands appear to be justified by history.

ASO's objective is to continue to dominate the cycling market, which it dominates by a market share of nearly 70%. To maintain this privileged position, ASO does not hesitate to oppose cycling's development when it believes that it is against its own interests, stating that it is against the general interest. That again is unjust. This measure involves a deliberate weakening of teams, for example by excluding them (ASO wants to exclude 2 teams from the UCI ProTour) and by reducing the duration of their right to take part in the UCI ProTour (3 years instead of 4). It is strange that ASO accuses the UCI ProTour of being a commercial circuit. It cannot be denied that organisers who enter their races on the calendar have a commercial interest. Why then is ASO, a pure profit-making company so afraid of this aspect?

ASO's attitude is understandable in a pure profit-making sense, but irresponsible vis-à-vis the sport from which it wants to make money from.

### **RCS and Unipublic: a disconcerting attitude**

It is difficult to understand why the organisers of the Giro d'Italia and the Vuelta a España have joined forces with ASO, when the UCI ProTour has made a great contribution to solving the repeated participation problems that both of them have experienced. We know that before the start of the UCI ProTour, the participation levels of their races were going down at an alarming rate. The UCI ProTour ensures them the participation of the 20 best world teams and these two organisers are fighting against that!

Why have RCS and Unipublic created a cartel with ASO, when the situation of their race is totally different from that of the Tour de France?

It is regrettable that the organisers of these two races are supporting ASO's fight to defend its dominant position in the cycling market. These two organisers also have serious challenges themselves to face. The Giro needs to improve the quality of its organisation after the riders and teams complained to the UCI in 2006 and especially the TV coverage of their races.

### **'L'Equipe': what independence?**

Although the ethics of L'Equipe journalists (the biggest French sports daily newspaper) are not being questioned, the constraints that are placed on the employees of a publication owned by the same company as the Tour de France, must be called into question.

This situation is not healthy. L'Equipe tends to give more importance to the views of its owner than to those of the persons which the owner is in conflict with.

The same group owns L'Equipe TV. Recently, journalists from this channel had planned to interview, Mr Jacques Hanegraaf, Manager of the Unibet.com team which ASO had refused from taking part in its races. The journalists were then ordered to cancel the planned feature...was this just a simple matter of programming?

## **When negotiations fail**

The UCI must now accept that all attempts to negotiate have failed.

We cannot imagine a situation where an organiser could choose to accept or not accept the rules of an International Federation. It should be reminded that the UCI is the association of National Federations and through its bodies - Congress, Management Committee, UCI ProTour Council –, all parties involved in cycling can express their views. To oppose the UCI is the same as opposing the outcome of a democratic debate of all parties involved in cycling. Nobody is allowed to do this, unless they advocate anarchy, where each one decides to follow the rules which serve its interests (even if that has consequences which are harmful for everyone).

ASO is currently using all the means it has available to undermine the UCI's authority. The last one to date involves taking legal action. To defend the higher interests of cycling, the UCI has been obliged to use its financial reserves, which are normally used for the development of cycling and solidarity programmes.

For two years, ASO has been threatening to take action against the UCI with the European Commission. It has not carried out its threat but has managed, thanks to the important place that it holds, to make the International Association of Cycling Race Organisers (AIOCC) do it for it.

ASO has now taken legal action to protect its trademark, claiming that the UCI ProTour has harmed it, when in 2006 ASO stated that it was willing to rejoin the UCI ProTour if the number of teams was reduced to 18 and the duration of licences to 3 years. And as for damage to its trademark? There isn't any!

It therefore appears that ASO's objective is to destroy the UCI using all possible means, and by producing a new argument each time that the previous one has not been effective.

## **The UCI has to react**

The arguments publicly stated by ASO in opposition to the UCI ProTour are totally different from the real reasons that are pushing them to oppose it. Is ASO leading a campaign of warfare against the UCI ProTour and the UCI simply to ensure that the number of teams holding a UCI ProTour licence is 18 and not 20?

Since ASO has now used up all its arguments, it has decided to stop respecting the rules and even to try to escape from them. In view of this fact, the UCI can no longer hope to have a successful outcome from its talks with ASO. Furthermore, it cannot tolerate that ASO is violating the rules of cycling and is against reforms democratically agreed upon by all parties in cycling. Accepting this would mean that the UCI would give up its mission as the governing body of cycling and ignore the wishes of the great majority of the cycling movement.

The UCI could therefore be forced to take drastic measures. Two years after the launch of the UCI ProTour, no organiser holding a licence nor any other UCI ProTeam has complained using the excuse that their trademark has been damaged. National Federations, apart from a handful of European Federations, all support the UCI ProTour. At the same time, continental calendars are continuing to develop. All indications show that the reform of Road cycling is a success. Only ASO and a few of its allies are against it.