




Asser Sports Law Lecture and Book Launch “Anti-doping in the wake of the Meldonium cases: How to balance scientific complexity and legal fairness”

On 6 July 2016, the Asser International Sports Law Centre and T.M.C. Asser Press, hosted the combined Lecture and Book Launch entitled “Anti-doping in the wake of the Meldonium cases: How to balance scientific complexity and legal fairness”. The lecture was held by Dr Marjolaine Viret, an attorney admitted to the Geneva bar who specialises in sports and life sciences. Her interests focus on interdisciplinary approaches as a way of designing effective solutions in the field of anti-doping and other science-based domains. She also participates as a Swiss National Science Foundation post-doctoral researcher in the World Anti-Doping Code (WADC) Commentary Project at the University of Neuchâtel, under the direction of Prof. Antonio Rigozzi, with the goal of producing the first comprehensive legal commentary of the 2015 World Anti-Doping Code.

At the start of the event, Mr Frank Bakker, on behalf of T.M.C. Asser Press, ceremoniously presented Dr Viret the first copy of her book “Evidence in Anti-Doping at the Intersection of Science & Law”, a book which provides a comprehensive, practice-oriented guide to the evidentiary regime under the 2015 WADC including the functioning of the Athlete Biological Passport. It gives lawyers involved in anti-doping the keys to a better understanding of the science underlying the WADC regime, while providing anti-doping scientists with the first reference material to understand the legal framework in which their activities are embedded.

In continuation, Dr Viret held a presentation that explored, among others: the scientific foundations underlying the legal regime, the manner in which proof on scientific issues is regulated within that legal regime, and the use of scientific evidence in the assessment of doping disputes. Marjolaine Viret showed that the challenges inherent to “science-based law” may gradually command adjustments to the system, putting forward three such challenges. Firstly, there can be no solid scientific foundation without a clear mission. Secondly, proof on scientific issues is about who is to bear scientific uncertainty. Thirdly, the value of scientific evidence is what we make of it.

Headlines about Meldonium may only barely have revealed the tip of the iceberg. Recent events, such as the leaks of blood data in athletics and the debacle surrounding the Russian doping control system, as well as the unprecedented number of cases reported after Meldonium was added to the 2016 WADA prohibited list, have highlighted a fundamental difficulty of modern anti-doping: how to build a coherent and fair system of law in a context of growing scientific complexity.



The difficulty is exacerbated when the system also needs to be effectively explained to the athlete community and to the public. In that regard, media exposure over the past months has opened a Pandora's Box that may prove difficult to close again without thorough debate.

Following the presentation, the participants had the opportunity to present their questions to Dr Viret on these challenging, yet thought-provoking topics. If you wish to find out more about the upcoming lectures organised by the Asser International Sports Law Centre, we encourage you to visit our [website](#) and [blog](#), subscribe to our [newsletter](#) or follow us on [Twitter](#) and [Facebook](#).