



[C-519/04 P - David Meca-Medina, Igor Maicen v Commission, judgment of 18.7.2006](#)

Competition - Rules adopted by the International Olympic Committee concerning doping control and Community rules on competition

Two professional swimmers who tested positive for Nandrolone during a World Cup competition were suspended by the International Swimming Federation (FINA) under the Olympic Movement's doping control rules. They then filed a complaint with the Commission challenging the compatibility of certain doping control regulations adopted by the IOC with the Community rules on competition and freedom to provide services. The Commission rejected the complaint and an action was brought before the Court of First Instance to have the Commission's decision set aside. The action was dismissed. The case in question constituted an appeal against the judgment of the Court of First Instance.

The Court of Justice confirmed that rules on sport are subject to Community law in so far as it constitutes an economic activity. If those rules do not constitute restrictions on freedom of movement of persons and freedom to provide services because they concern questions of purely sporting interest, that fact does not mean that the sporting activity in question necessarily falls outside the scope of the Community rules on competition. The Court of Justice consequently set aside the judgment of the Court of First Instance.

The Court then continued its examination of the application to set aside the Commission decision. It underlined first that the general objective of the rules is to combat doping in order for competitive sport to be conducted fairly and that it includes the need to safeguard equal chances for athletes, athletes' health, the integrity and objectivity of competitive sport and ethical values in sport. Even if the anti-doping rules at issue are to be regarded as a decision of an association of undertakings limiting the appellants' freedom of action, they do not, for all that, necessarily constitute a restriction of competition incompatible with the common market since they are justified by a legitimate objective. Even if rules of that kind could prove excessive by virtue of, first, the conditions laid down for establishing the dividing line between circumstances which amount to doping in respect of which penalties may be imposed and those which do not, and second, the severity of those penalties, the Court concluded that the restrictions which that threshold imposes on professional sportsmen do not go beyond what is necessary in order to ensure that sporting events take place and function properly. Since it was not established that the anti-doping rules at issue were disproportionate, the action to set aside the decision was dismissed.