



DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Alvar GIMENO SORIA	
Player's Union	Spain Rugby Union	
Match	Netherlands v Spain	
Competition	Rugby Europe Championship 2021	
Date of match	18/12/2021	
Match Venue	Amsterdam	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	Eoghan Cross	Plea Charge Accepted
Offence	9.13 Dangerous tackle	<input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:

HEARING DETAILS		
Hearing date	21/12/2021	Hearing venue: On remote
Chairperson/JO	Martin Picton	
Other Members of the Disciplinary Panel	Chris Morgan Roddy Macleod	
Appearance Player	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Player's Representative(s)		Other attendees Eric Jara (FER's representative) Eliseo Patron Costas (FER's representative) Jose Manuel Perez Corchado (team manager)
List of documents / materials provided to Player in advance of hearing	1. Red Card Report (R) 2. Match Sheet 3. Video Clips * 8	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The referee's report states:</p> <p><i>On a referral from the TMO, the Spain number 12 went into a tackle out of control and late whereby made direct contact with the back of the head of the Holland player with the upper arm who had passed the ball. The tackle was reckless and dangerous and there was no clear mitigating factors to take into account. Following review of the incident, I issued the player with a red card.</i></p> <p>The report is consistent with the footage made available to the panel at the hearing.</p>

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

None.

SUMMARY OF PLAYER'S EVIDENCE

In a statement submitted in advance of the hearing the Player stated:

I recognised that the player may receive a pass so I accelerated to make the tackle on time and effectively. As you can see, my head stays down when the player passed the ball, not seeing what was happening in front of me, so I couldn't do anything to avoid the tackle. Instead of stopping dead in my tracks I followed through, and with the bad luck of going in his direction, we collided. The player turns to pass the ball, then I hit with my right arm in the upper area of his back and following the inertia of the movement I hit the back of the opponent's head indirectly and accidentally. Thankfully I was running slowly, however my body height was high which caused the accident. I recognize that it was a reckless action, but my intention was never to hurt the opponent.

In the course of the hearing the Player reiterated that position. He emphasised that his arm had struck the top of the shoulders before riding up and impacting with the head. He asserted that his action had not been deliberate and said he regretted the fact that his reckless action had resulted in a breach of the laws of the game. The Player also referred to his immediate acceptance of fault and apology to the opposing player. He also referred to the fact that the opposing player was able to continue playing.

On behalf of the Player the following submissions were helpfully submitted in advance of the hearing:

The action is not in any case intentional. It is a fast action in which the orange player number 21 (Netherlands) received the ball and immediately turned on his back passing the ball a little crouched. At the same time, the yellow player number 12 from Spain (Álvar Gimeno), seeing the reception of the pass by the orange player number 21, tries to accelerate to tackle him while he has the ball, but given the speed of the action, unfortunately he hits slightly late. It is a reckless action, but due to the speed and the fact that the player keeps his head down until the moment of impact, not being able to see what is happening in front of him, and consequently not being able to avoid the contact, we consider that in no case this can be considered an intentional action.

Indirectly head impact. Although there is contact with the opponent's head, viewing the clips, we consider that the contact is indirect, which reduces the speed and strength of it. As you could see in Clip 7 and the following picture, due to the fact that the opponent was slightly crouched (otherwise the tackle could be correct or less dangerous), the impact was initially produced on the upper part of the opponent's back (below the shoulders line), ending up impacting, due to the inertia of the movement, on the back of his head.

Apart from the action, this party would like to bring to your attention the following mitigation factors to be recognized: 1) Disciplinary Record: the player has never been sent off with a red card. Furthermore, the player has only been punished with five yellow cards in his career of almost more than 7 years as a professional player. 2) Consequence of the action: the opponent was not injured or required medical attention as a result of the action. As proof of this, the opponent was not substituted after the action (see game sheet). 3) The player's conduct: The player accepted the red card shown sportily. Also, he had a good attitude

previous and during the hearing. He even showed apology on social media right after the game.

For all the above, accepting that it is a foul play, but that, taking into account the mitigation factors, even knowing that according to Appendix 1 of Regulation 17 of WR, any act of foul play which results in contact with the head and/or the neck shall result in at least a mid-range sanction, we consider that the sanction could be low-end, or if the panel does not accept it that way, it could be half of a mid-range sanction.

FINDINGS OF FACT

This is the reasoned decision of the Panel. Each member contributed to it and it represents our unanimous conclusions. It is reached after due consideration of all the evidence, submissions and the other material placed before us.

The Player's effort at a tackle was late and the positioning of his arm reckless as to the potential for contact with the head. It was not, however, a deliberate act on the part of the Player and although he had time to adjust so as to avoid what occurred we accept that it was an event that took place in the context of a fast moving period of play. We are satisfied that this was a dangerous tackle in contravention of 9.13 and that it was one that involved contact with the head of the player who was tackled. The red card issued by the referee was the correct sanction and we note that the Player accepted that he was at fault and was at pains to apologise for his actions in the aftermath and later on social media.

DECISION

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Assessment of Intent		
<input type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless		
State Reasons		
Hig speed attempt at tackle that was misjudged.		
Gravity of player’s actions		
They carried a degree of risk to the player being tackled.		
Nature of actions		
Misjudged tackle.		
Existence of provocation		
N/A		
Whether player retaliated		
N/A		
Self-defence		
N/A		
Effect on victim		
Able to continue playing.		
Effect on match		
None		
Vulnerability of victim		
N/A		
Level of participation/premeditation		
Not premeditated.		
Conduct completed/attempted		
Attempt at a tackle completed but late and dangerously.		
Other features of player’s conduct		
none		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input checked="" type="checkbox"/> Mid-range [6] Weeks	<input type="checkbox"/> Low-end [XX] Weeks
*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.		
Reasons for selecting Entry Point above Top End		
N/A		

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Player’s status as an offender of the Laws of the Game		
N/A		
Need for deterrence		
Incorporated in the mid-range entry point by reference to contact with the ehad.		
Any other off-field aggravating factors		
None		

Number of additional weeks: None

Summary of reason for number of weeks added:

N/A

RELEVANT OFF-FIELD MITIGATING FACTORS

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

Acknowledgement of guilt and timing	Player's disciplinary record/good character
Immediate and genuine,	Yellow cards only.
Youth and inexperience of player	Conduct prior to and at hearing
N/A	Exemplary as was that of the Player's Union.
Remorse and timing of remorse	Other off-field mitigation
Immediate and fulsome.	N/A

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

It was a reckless rather than deliberate action on the part of the Player who was fully accepting of fault. He accepted the offence and both he and his Union behaved in an exemplary fashion both prior to the hearing in terms of material submitted but also in the hearing itself.

SANCTION

NOTE: Players ordered off or cited by a citing commissioner are provisionally suspended pending the hearing of their case, such suspension should be taken into consideration when sanctioning – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

Total sanction	3 weeks / Matches	<input type="checkbox"/> Sending off sufficient
Sanction commences	21/12/21	
Sanction concludes	16/01/22	
Matches/tournaments included in sanction	Iberian CUP 30/12/21: VRAC / Técnico Rugby División de Honor (Spanish competition) 09/01/22: CP Les Abelles / VRAC 16/01/22: Ciencias Sevilla / VRAC	

Costs	
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Date	21/12/21
Signature (JO or Chairman)	M Pícton

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)