

## DECISION FORM (APPEAL)

To be sent to [discipline@rugbyeurope.eu](mailto:discipline@rugbyeurope.eu).



Particulars of Offence	
Player's Name: Igor Misin	
Player's Union: Moldova	
Home Team (T1): Türkiye	Visiting Team (T2): Moldova
Competition: Rugby Europe Conference	
Match Venue: Ataturk Olimpiyat Stadi, Istanbul	
Date of match: 30/09/2023	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name:	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other	
If "Other" selected, please specify:	

Appeal procedure in foul play cases is described in paragraph 4.6 of Rugby Europe Disciplinary Regulations (available on [Rugby Europe Website](#)).

As a reminder, for this appeal form to be receivable, the appealing union must make a payment of 100 EUR to Rugby Europe which may or may not be returned. Please provide the Proof of Payment when sending this Appeal Form.

Particulars of the first instance procedure
Date of issuance of the Disciplinary Notice: NA
Members of the Panel: Achille Reali, Dany Roelands, Eric Jara
Date of the hearing: NA
Date of issuance of the Decision Form: October 3, 2023

Particulars of the appeal procedure
Date of receipt of the Disciplinary Notice: October 3, 2023
Members of the Appeal Panel: Chair: Antony Davies Wing: Palemia Field Wing: Rose-Alice Murphy
Date of the appeal meeting: NA
Organisation of a hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Hearing date: October 5, 2023
Hearing venue: On remote
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): Alexandru Bejan
Other attendees: NA
Summary of the hearing:

## Summary of the grounds for appeal

### Ground 1

Yellow card awarded for repeated infringements on 43 minutes – the Player received the yellow card for entering a ruck from the side. This was disputed. The yellow card should not have been awarded.

### Ground 2

Second yellow card awarded 71 minutes, Law 9.13 dangerous tackling. The Player did not intend to execute a high tackle, the opponent suddenly bending over at the moment of contact. There was no malicious intent. Accordingly, there was no act of foul play and the yellow card was wrongly awarded.

## Appeal Decision

Appeal is accepted

Appeal is partially accepted

Appeal is rejected

[Insert here the details about the Appeal Decision]

The Appeal Panel considered the following :

- Rugby Europe Disciplinary Regulations (November 2022)
- World Rugby Head Contact Process effective 01.03.23
- World Rugby Regulation 17 Appendix 4 Sanctions Guidance for accumulation of temporary suspensions 1.1.21
- Two yellow card reports
- Ordering off report
- Match footage
- Appeal forms x 2
- E-mail Rugby Moldova dated 03.10.23
- Player's playing schedule
- Team list

### **Preliminary Matters**

The Referee's report on ordering off presented us with some difficulty. The initial handwritten yellow card report referred to indirect head contact at a medium level with mitigation. As this was the Player's second yellow card in the game, he was ordered off the field. The Referee later completed a report on an ordering off which was factually at odds with his previous temporary suspension report. That report appeared to have been written after the Referee had watched the match footage. The factual findings appear to have changed to a material degree. The report recorded the following :

- Head contact – yes
- Foul play – yes
- Degree – medium (indirect head contact)
- Mitigation – no.

- Decision – Second YC turn to RC

The report concluded with the following statement :

“Upon watching the video the degree of danger is high as there is direct head contact, but there is a mitigation due to the change of height of red player. Decision yellow card turned to red card.”

We resolved this issue by electing to treat the case as one of a red card awarded for two on field yellow cards. A Referee cannot, in our view, retrospectively seek to up-grade a yellow card to a red card when after the match he has watched the footage. That would be a matter for the Citing Commissioner or for the Club or Union if a Citing Commissioner is not appointed. We therefore treated the matter as one of a red card resulting from two yellow cards.

### **Finding in respect of Ground 1**

Irrespective of the merits of the Player’s arguments, Rugby Europe Disciplinary Regulation 4.1.5 deals with the specific procedure in case of combined temporary suspensions. It states specifically “A yellow card for a technical offence may not be challenged”.

### **Evidence heard and considered in relation to Ground 2**

We explained to the Player that he could challenge the yellow card awarded for foul play on the grounds that no act of foul play had been committed at all or if there were an act of foul play it was so minor that it would not have warranted even a yellow card. The burden of proof would be on the Player to establish the case on the balance of probabilities. We reminded him that we would be looking at the nature of the incident and contact on the field, not the character or status of the Player or his record.

### **The Match footage**

We viewed the match footage together. It depicted the incident clearly, red win the ball 8 metres out from their own line and pass it to the left towards the posts. A slow high looping pass is caught by a Turkish player who is standing between the posts and 1 metre into the field of play. It is caught by him with his arms outstretched above his head and is brought down to his chest. The Player (B12) is on or about the 5 metre line, some 3 to 4 metres away, and runs towards the ball carrier in an upright fashion and continues to close the gap until there is contact between B12 and the ball carrier. B12 does not appear to bend or dip as he goes into contact, but remains upright whilst using both arms to wrap around the ball carrier. Just before the point of contact, B12 appears to pull his head back. Whilst this mitigates the force of the collision, nonetheless there is head contact between the Player’s shoulder and the head/neck of the opponent. There is no injury.



### **The Player's Evidence**

The Player said that his intention was not to execute a high tackle. He saw the high looping pass and thought that he had a chance to catch the ball. His upright position was maintained to increase his chances of intercepting the ball, but at the last minute he realised that he was not going to be able to achieve that. He said the opponent suddenly bent over before the moment of contact and that is why there was contact with the head. He maintained that when he knew a collision was unavoidable, he tried to retract his head and made contact with the opponent with a hugging action. He maintained there was no malicious intent and in retracting his head he had attempted to ensure the safety of the opponent.

When questioned by members of the Appeal Panel, the Player confirmed that at all times he had a clear line of sight of the ball and the opponent who would catch it. He chose to go into contact upright to increase his chances of an interception. He accepted that he accelerated into contact and, as the match footage showed, there was no evidence of him dipping his body or bending at the waist. He also accepted that he was 3 to 4 metres away from the opponent with a clear and unobstructed line of sight. He took at least 2 to 3 steps towards the opponent without changing his body position. In this position, head contact was inevitable, though he did do what he could to mitigate the force of that contact.

## **Finding in respect of Ground 2**

We made the following findings :

- There was head contact
- It was foul play because the Player never dipped his body into contact and chose to engage in an upright position
- The Player was at fault because he had a clear line of sight and time to adjust his body position. He chose to go into contact in an upright position
- The contact was avoidable, found by the Referee as a medium level of danger. We found that the Player's failure to alter his body position when he had the time and space to do so made this a higher level of danger
- At the very last minute, the Player did try to retract his head and there was a marginal reduction in the height of the opponent
- The Player's actions warranted a yellow card as a minimum sanction.

The Player's body position whilst closing into contact is shown in the attached photographs 1, 2 and 3 and the point of contact shown in photograph 4.

## **Summary of appeal decision**

1. Ground 1 is dismissed.
2. Ground 2 is dismissed.
3. The Player will be suspended for the match Moldova v Serbia on 7<sup>th</sup> October 2023.
4. The appeal fee will be retained by Rugby Europe.

## DECISION

Particulars of the first instance sanction	
Total Sanction: 1 match	<input type="checkbox"/> Sending off sufficient
Sanction concludes: 08/10/23	
Matches/tournaments included in sanction: Moldova v Serbia 07/10/23	
Costs:	
Date of the Decision: 03/10/23	

The appeal sanction:
See below

Summary of the appeal sanction:	
Total Sanction: 1 match	<input type="checkbox"/> Sending off sufficient
Sanction commences: 30/09/23	
Sanction concludes: 08/10/23	
Matches/tournaments included in sanction: Moldova v Serbia 07/10/23	
Costs: €100.	

Signature
Name of the JO or Chairman: A.M. Davies
Date: 13 <sup>th</sup> October 2023
Signature (JO or Chairman): 