



DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Valeriy Morozov		
Player's Union	Russia Rugby Union		
Match	Spain v Russia		
Competition	Rugby Europe Championship		
Date of match	14/11/2021		
Match Venue	Complutense Stadium, Madrid		
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program		
Referee Name	Ben Breakspear	Plea	<input type="checkbox"/> <input checked="" type="checkbox"/> Not admitted
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	16/11/2021	Hearing venue	Microsoft Teams
Chairperson/JO	Mike Hamlin		
Other Members of the Disciplinary Panel	Dany Roelands Donal Courtney		
Appearance Player	<input type="checkbox"/> Yes <input checked="" type="checkbox"/>	Appearance Union	<input type="checkbox"/> Yes <input checked="" type="checkbox"/>
Player's Representative(s)	Sergey Markhov - Technical Director Pavel Federov - CEO Ksenia Getmanova - Team Manager Interpreter	Other attendees	
List of documents / materials provided to Player in advance of hearing	1. Red Card Report 2. Match Sheet 3. Video Clips (*9 clips)		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The Disciplinary Committee ("the DC") considered this case on the 16th and 18th November via Teams. On the 16th November it was necessary to clarify the Player's admission or denial of the red card. After discussion and further consideration by the Player and the representatives from Russia, it was confirmed that the Player had committed an act of foul play, contrary to Law 9.13, but that the Referee was wrong to award a red card given the</p>

nature of the offending. The Player submitted, therefore that the Referee was wrong to award a red card as there were mitigating factors present under the Head Contact Process which should have resulted in the Player receiving a yellow card. In these circumstances, the DC determined that it was necessary in the interests of fairness to the Player and the Referee that the Referee should be available to give evidence to the DC. The hearing on 16th November was therefore adjourned to 18th November, when Ben Breakspear (Wales RFU) was available to give oral evidence.

The Referee's report stated as follows:

"10 minutes into the game, Russia 1 committed a high tackle which I penalised on the field and then officially review with my Television Match Official. On

review R1 made an upright tackle with a swinging arm. The tackle was always high and the arm made direct contact to the throat of the Spanish player at force. There were no mitigating factors to apply in this situation. Me and my team agreed with all the facts noted above and agreed to issue R1 with a red card.

The game continued with no further incidents to report other than 2 yellow cards one for both of the teams."

The Referee gave oral evidence to the DC. He was familiar with World Rugby's Head Contact Process. He had also had the opportunity to review the incident post match and with his performance reviewer; their joint decision was that he was correct in issuing a red card. Having reviewed the incident he would not have downgraded the red card to a yellow card. His report stated that the tackle was always high, upright and with a swinging arm. Furthermore, R1's arm made direct contact with the throat of Spain No 15 and that there were no mitigating factors to apply. He politely declined to agree with a member of the DC that the tackle from the footage did not always appear to be high. It was suggested to him that the direct contact was initially by way of a bind or attempted bind to the bicep of Spain 15 left arm and then R1's arm moved upwards to the neck of Spain 15. He opined that the images were not very clear and maintained his decision was still correct.

He was asked whether he had considered the tackling actions from behind Spain 15 by R8 amounted to mitigation, as it appeared from the Player's case and the footage that there was a late change in dynamics due to R8's tackle, which caused Spain 15 to drop suddenly in height immediately before the Player made contact with Spain 15. He stated that if the DC listened to the exchange between the TMO and himself, this was discussed but their conclusion was that the mitigation action was not significant enough to downgrade the red card to a yellow card. The DC were not able to hear the exchange between the Referee and the TMO. He also stated that the Russian Head Coach, Lynn Jones after the match, had agreed R1's actions merited a red card. The DC did not hear from Mr Jones.

Spain No 15 did not sustain any injury and continued to play.

The DC viewed the footage in private and with the Player and his representative present. The footage comprised 9 clips from different angles, the final clip being a composite clip. The DC

viewed the clips in real time and also slowed down, and where appropriate, frame by frame. This is a summary of all the clips. Prior to contact the Player can be seen approaching S15 in a semi crouched position. He is facing S15 and is moving towards him with his arms raised to his side. He is not upright but nor is he in a 90 degree crouched position to effect a tackle in the area of S15's midriff. As the Player approaches contact with S15 his right arm can be seen coming forward at the height of S 15's chest area. His first point of contact with his right hand/arm is the upper bicep of S15. Immediately before this contact S15 moves slightly to his left and the footage shows Russia 8 coming into tackle S15 from behind and slightly to the right of S15. R8 moves into tackle S15 from below his waist and does tackle S15 low down from behind; as R8 connects with S15, S15's legs change height. S15's left leg bends and his right leg lowers, causing his torso and head to drop in height. It is difficult to determine the exact distance dropped in height but it appears to be no more than 9 inches (or 200mm). The height of the drop is not significant in itself but it is sudden and occurs as the Player is making contact with S15 from the front. The Player's right arm then moves upward onto S15's neck. The collision is at speed. The contact between the Player and S15 and the tackle by R8 is nearly simultaneous.

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

N/A

SUMMARY OF PLAYER'S EVIDENCE

In response to Rugby Europe's directions, Russia on behalf of the Player filed a statement in response which set out his case and included 6 screen shots of the incident which were taken from the clips numbered 1, 3 and 4 supplied by Rugby Europe. The screen shots are reproduced below. In summary, the Player submitted as follows:-

1. As he approached to tackle S15, he was half crouched.
2. He did not rise from the semi crouched position immediately before contact and kept his hands and arms below the level of S15's shoulders and his hand attempts to wrap/grasp S15.
3. His right hand/arm contacts S15's upper left bicep and below S15's shoulder.
4. Immediately after contact with his right arm it moves up to S15's neck as a result of R8 tackling S15 and causing S15 to suddenly drop in height.
5. In screen shot 5 and 6 he moves his arm away from the neck of S15 and does not maintain contact as he realises he has made contact with S15's neck.

The Player gave evidence with the assistance of the interpreter. He confirmed that he had committed an act of foul play, but not one which justified a red card. He intended to bend low to tackle S15. He was not aware that R8 was about to tackle S15 from behind. He maintained that if S15 had not suddenly dropped in height his arm would not have come into contact with S15's neck or throat. As soon as he realised his arm was in contact with S15's neck his first reaction was to relax his arm and hands. He denied he was always high or that his arm made direct contact.

FINDINGS OF FACT

The DC's findings and ultimate decision are unanimous. Each of the members of the DC contributed to the findings and decision. As a short form judgment it is necessarily a summary of all the evidence, footage and submissions placed before us. The DC have considered all the evidence and have given appropriate weight to all the evidence (whether written or oral), footage and submissions and have made appropriate findings where we are required to do so. Accordingly, nothing should be read into the absence of any specific aspect or detail of the evidence, material or submissions which was placed before the DC and which is not specifically mentioned in this judgment.

This was not an easy case, either for the officials on the day or the DC reviewing all the evidence. We make no criticism of the match officials. We have the luxury and time of hearing and considering the totality of all the evidence, which includes the detailed footage from various angles, screen shots plus the evidence of the Player. The match officials have to make difficult decisions in a very short period of time.

As the offending involved foul play relating the neck of S15, World Rugby's Head Contact Process (the HCP) updated March 2021 is engaged. It is a guideline, not law. But it is applied by match officials and DCs worldwide. This case involves specifically the application of mitigation, foul play having been committed and admitted by the Player. His submission was that this conduct merited a penalty or yellow card. A penalty or yellow card is justified where there is low danger:- indirect contact; low force; low speed; passive and no leading head/shoulder/forearm. A red card is justified where there is high danger which includes:- direct contact; lack of control; high speed; upright and dynamic; leading head/shoulder/elbow/forearm; swinging arm; and crucially there is no mitigation for intentional or highly reckless act of foul play. Permitted mitigation which may reduce a red card to a yellow card may occur where:-

- (i) There is a sudden/significant drop in height or change in direction from ball carrier

- (ii) A late change in dynamics due to another player in the contact

- (iii) An effort to wrap/bind and having no time to adjust.

In the judgment of the DC, this case involves the consideration, to a certain extent all 3 factors. We make the following findings. We reminded ourselves that the burden in this case is on the Player to show that the Referee was wrong to issue a red card on the balance of probabilities, that is based on the facts as we find them, is it more likely than not that the Referee was wrong to issue the red card or correct? :-

1. This was not an intentional or highly reckless act, therefore the consideration of the mitigating factors under the HCP applies to the offending in this case.
2. The Player was not upright immediately before contact. He was in a semi crouched position.
3. We accept the Player was in the process of attempting to wrap or grasp the upper torso/arms of S15 whilst attempting to tackle. The screenshots and footage support this finding.
4. We accept that the Player's right hand/arm contacts S15's left arm first, before moving upward to S15's neck.
5. The Player attempted a chest high tackle which in itself was reckless, as he knew or should have known there was a risk that if S15 did drop in height or change direction his arm may strike the neck or head of S15. He should have attempted to tackle lower than the level of S15's chest/upper bicep.
6. We do not find that there is evidence of a swinging arm not that the Player was always upright.
7. We do not find there was direct contact to the neck of S15, but forceful indirect contact. The Player's right arm initially connects with S15's left upper bicep.
8. R8, immediately before or nearly simultaneous with the Player's contact with S15, tackles S15 from behind causing his left leg to bend forwards and his right leg to drop, thereby causing S15's torso and head to suddenly drop in height by approximately no more than 9 inches (or 200 mm) and slightly change direction. It is not a significant drop in height but it is sudden and at the last second. In our judgment the Player had no time adjust. The HCP does not say that there should be a sudden "and" significant drop in height, but a sudden "or" significant drop in height.

DECISION

Proven Not proven Other disposal (please state)

In summary whilst the starting point was a correctly awarded red card, we disagree with the referee when he states in his report "that there was no mitigating factors to apply in this situation". We find that there was a sudden (but not significant) drop in height, a slight change in direction of S15 to the right of the Player, caused by the tackle by R8. In addition the Player, did make an effort to wrap/bind with his right arm onto the upper left bicep of

S15 and indeed made contact initially with S15's right arm/bicep. All relevant mitigating factors being present to the extent specified above, we conclude that the red card should be reduced to a yellow card. Therefore the red card will be extinguished from the Player's record and replaced with a yellow card for foul play contrary to Law 9.13.

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 type="checkbox"/> Reckless		
State Reasons		
N/A		
Gravity of player's actions		
N/A		
Nature of actions		
N/A		
Existence of provocation		
N/A		
Whether player retaliated		
N/A		
Self-defence		
N/A		
Effect on victim		
N/A		
Effect on match		
N/A		
Vulnerability of victim		
N/A		
Level of participation/premeditation		
N/A		
Conduct completed/attempted		
N/A		
Other features of player's conduct		
N/A		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input type="checkbox"/> Mid-range [XX] 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		
N/A		
Any other off-field aggravating factors		
N/A		

Number of additional weeks: [XX]

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
N/A	N/A
Youth and inexperience of player	Conduct prior to and at hearing
N/A	N/A
Remorse and timing of remorse	Other off-field mitigation
N/A	N/A

Number of weeks deducted: [XX]

Summary of reason for number of weeks deducted:
N/A

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	The red card is extinguished and replaced by a yellow card	<input type="checkbox"/> Sending off sufficient
Sanction commences		
Sanction concludes		
Matches/tournaments included in sanction		

Costs	
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Date	25/11/2021
Signature (JO or Chairman)	<i>Mike Hamlin</i>

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)