

## DISCIPLINARY DECISION

PARTICULARS OF OFFENCE			
<b>Player's Name</b>	Fonovai Tangimana		
<b>Player's Union</b>	Romania		
<b>Match</b>	Hungary v Romania		
<b>Competition</b>	RE Men 7s Trophy 2022 – Budapest		
<b>Date of match</b>	19 June 2022		
<b>Match Venue</b>	Budapest Rugby Centre		
<b>Rules to apply</b>	Regulation 17 World Rugby Handbook		
<b>Referee Name</b>	Jonathan Tepler	<b>Plea</b>	<input checked="" type="checkbox"/> Foul Play admitted <input type="checkbox"/> Foul Play not admitted <input checked="" type="checkbox"/> RC/Citing admitted <input type="checkbox"/> RC/Citing not admitted
<b>Offence</b>	9.20 Dangerous play in a ruck or maul. a. A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul.	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	
<b>Summary of Sanction</b>	3 week suspension translated into 2 matches of 7s and one match of 15s. Subject to a further reduction of 1 week on successful completion of Coaching Intervention Programme.		

HEARING DETAILS			
<b>Hearing date</b>	19 June 2022	<b>Hearing venue</b>	Budapest Rugby Centre
<b>Judicial Officer</b>	Valeriu Toma (Romania)		
<b>Appearance Player</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Appearance Union</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Player's Representative(s)</b>	Alexandru Marin – coach Horatiu Bargaunas – team manager	<b>Other attendees</b>	Andre Brand (Hungary) – Designated Disciplinary Officer
<b>List of documents / materials provided to Player in advance of hearing</b>	Citing report		

### SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

1. The Player has been cited by the Citing Commissioner of the men tournament, Mr. Alberto Recaldini, for an alleged breach of Law 9.20 a. The relevant part of the citing report reads: *"Entering in a ruck Romanian player no 5 charged with right shoulder and head on the head of Hungarian player no 1 Gyurcsik Mozes. After a medical assistance on the pitch Hungarian player restart to play."*

2. The footage was available and viewed by the Judicial Officer. Two camera angles were available for the incident. Appendix 1 of this document contains the still sequences of relevance.

3. This is a summary of the footage. Following a collision between the ball carrier (Ro6) and an opponent (Hu6), the latter keeps holding the ball carrier and pulls him down to the ground to complete the tackle. Hu1 is the first player to arrive and bends over Ro6 in a jackler position. The Player arrives shortly from his side and attempts to clean out Hu1. In doing so, the Player crouches and brings his both arms in front of his body in a low position, apparently preparing a grasp of the jackler from underneath. Before being able to bind onto Hu1's body, it appears that the Player's right shoulder makes contact with Hu1 back of the head. The Player's right knee trips over Hu6 body who had failed to roll away after the tackle completion and now starts to raise his body by placing his right elbow in support on the ground. The Player's body falls further down and forward such that Hu1 is dislodged and removed from the breakdown. While Hu1 body is driven back it appears that the Player has a brief contact with his left palm on Hu1 back of the head. Hu1 falls back to the ground and rubs his back of the head with his hand. The referee blows his whistle and penalises Hu6 for not rolling away. Hu1 goes back 10 metres continuing to rub his back of the head.

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

4. The Disciplinary Officer collected a statement from the victim player, Gyurcsik Mozes, who declared that, at the time of the incident, felt a blow to his back of the head followed by additional pressure. He felt some pain for a while but continued to play with no other issues. He did not need further medical treatment or assessment.

#### SUMMARY OF PLAYER'S EVIDENCE

5. The Player and his representatives admitted that, under the provisions of the Head Contact Process Guideline, the citing is justified. However, they pointed out that there was no malicious intent whatsoever on the part of the Player and that the offence was merely the result of his negligence. The Player further explained that he wanted to grasp his opponent from underneath and unfortunately failed to do so before his shoulder came into contact with his opponent's head. The Player mentioned that he did not charge at high speed and he did not lead with his shoulder. The player also said that when entering into the tackle area he had turned his head and didn't see where he had made contact and at first wasn't aware he made contact with the Hu1 head.

#### FINDINGS OF FACT

6. On balance of probabilities, and notwithstanding the admission by the Player, the Judicial Officer found that:

- The Player entered the breakdown in order to clean out the jackler;
- In doing so, he failed to bind to his opponent body and his right shoulder made direct contact with Hu1 head; In terms of the Laws of the Game this constitutes foul play contrary to Law 9.20 a.;
- Although the Player's action was not at high speed and he did not lead with his shoulder, given the fact that the Player has a considerable body weight which carries a high amount

of momentum, the contact was forceful, which means that the contact involved a high degree of danger;  
 - There are no clear and obvious mitigating factors; the Player’s tripping over Hu6 body is of little importance in this regard, as it occurs after the contact to the head; It is however the likely cause of the “additional pressure” reported by Hu6.

7. As such the citing is upheld.

**DECISION**

Breach admitted       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**

Intentional/deliberate    Reckless

**State Reasons**

The position of Player’s body and arms indicate his genuine intention to legally clean out the jackler.

**Nature of actions**

As described above.

**Existence of provocation**

n/a

**Whether player retaliated**

n/a

**Self-defence**

n/a

**Effect on victim**

Minor. No injury.

**Effect on match**

No effect. The act of foul play was not spotted at the time.

**Vulnerability of victim**

The victim was vulnerable as he was jackling for the ball and unable to visualise the charge in and to protect himself.

**Level of participation/premeditation**

Full participation but no premeditation.

**Conduct completed/attempted**

Completed.

**Other features of player’s conduct**

n/a

**Entry point**

Top end [XX] Weeks       Mid-range 6 Weeks       Low-end [XX] Weeks

<b>Reasons for selecting Entry Point</b>
Although the overall level of seriousness of the Player’s act of foul play is rather low, per first Note of the Appendix 1 of WR Regulation 17, 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.

<b>RELEVANT OFF-FIELD MITIGATING FACTORS</b>	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
<b>Acknowledgement of guilt and timing</b>	<b>Player’s disciplinary record/good character</b>
At the first occasion.	The Player has received 2 RCs for high tackles, one in EPCR in 2017 and one in the domestic championship in 2018, for which he spent a total of five weeks suspension.
<b>Youth and inexperience of player</b>	<b>Conduct prior to and at hearing</b>
The Player is 32 and is experienced. However, his 7s experience is very limited.	Excellent.
<b>Remorse and timing of remorse</b>	<b>Other off-field mitigation</b>
Shown during the hearing, as he was not aware of his offence on the field of play.	n/a

Number of weeks deducted: [3]

<b>Summary of reason for number of weeks deducted:</b>
<p>8. The only issue in terms of mitigation is the Player’s record which, ordinarily, would make difficult for the Judicial Officer to award a maximum 50% reduction.</p> <p>However, in the Appeal decision of Paul Gabrillagues (29 August 2019) chaired by World Rugby’s Judicial Panel Chairman, Christopher Quinlan QC, (in which the Panel awarded the Player a full 50% mitigation in spite of the previous Player record) there is a careful analysis on the issue of mitigation:</p> <p><i>“... Therefore, the remaining issue is his disciplinary record, which is not perfect. However, R17.19.5(b) does not refer to a perfect or clean disciplinary record. He has one serious matter recorded against him.</i></p> <p><i>But he was young and it was (effectively) four seasons ago. That fact is not such as to deprive him of some credit by way of mitigation for his disciplinary record. The question is how much? Anything less than 50% and he serves a suspension of four weeks, not three. There is no room for 40% discount in this case as the arithmetic does not work so as to leave a round number of weeks. On these facts it is either 33% or 50%.</i></p> <p><i>Ultimately, it is not a matter of arithmetic. It is a matter of judgement, exercised to arrive at a just sanction for the ‘offending’ giving appropriate weight to the relevant factors.”</i></p> <p>(Paragraphs 74 – 75)</p> <p>Similarly, in this case the Judicial Officer notes that the Player’s last RC was received four years ago and that both his past RCs were for the same type of foul play (high tackle), however different than the foul play in the present case. The Player acknowledged at the time that he has a serious problem with his tackling technique and worked hard to correct it. Apart from this problem that appears to have been solved for a long time already, the</p>

Player had a distinguished career, including more than 20 caps for Romania.

As every case is ultimately a matter of judgement, it is the Judicial Officer's view that a 50% reduction is just and appropriate in this case.

**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:**


[Insert]

**SANCTION**

<b>Total sanction</b>	3 week suspension translated into 2 matches of 7s and one match of 15s.	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences</b>	Immediately.	
<b>Sanction concludes</b>	4 <sup>th</sup> July 2022, 00:00 (subject to completing the Coaching Intervention Programme)	
<b>Matches/tournaments included in sanction</b>	The 2 remaining 7s matches of this tournament; Romania – Italy on 1 <sup>st</sup> July 2022.	

9. The Judicial Officer approved the Player's request to apply for the Coaching Intervention Programme, per second Note of Appendix 1 of WR Regulation 17.

<b>Costs</b>	n/a
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<b>Date</b>	21 June 2022
<b>JO Signature</b>	

**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)

Appendix 1 – Still sequence of the YC1 incident.  
Angle 1 :











Angle 2:









