

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Milan van Dongen	
Player's number: 14	
Player's union: Delta	
Competition: Super Cup	
Host Team (T1): Brussels Devils	Visiting Team (T2): Delta
Venue: Municipal Stadium, Soignies	
Date of match: 04/11/2023	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name: Maickel English (Wales)	
Plea: <input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted	
Offence: <input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Martin Picton	
Other Members of the Disciplinary Panel: - Richard McGhee - Brendan Flanagan	
Hearing date: 07/11/2023	
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	
9Player's Representative(s): - Milan van Dongen: Player - Kristof Vanhout: Technical director - Michael Swier: Team manager U20	
Other attendees: David Baird-Smith (RE)	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Yellow card report 3. Citing Commissioner report 4. Audio interview from the tackled player provided by the Citing Commissioner 5. Video clip of the incident	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The Player tackled Delta 22B. In the process of so doing the Player lifted 22B resulting in 22B ending up in a vertical position with his legs in the air. 22B lands on his neck/head area. The citing commissioner comments that the tackle "starts legal ends in foul play". The citing commissioner also records that the contact by 22B with the ground was "with sufficient force to represent a high degree of danger". Although the citing commissioner noted the involvement of 12B in the dynamic of the incident he still considered the action of the Player merited a RC and not just the YC issued by the referee at the time.</p>	

Essential elements of other evidence (e.g. medical reports)

None – 22B was not injured as a result of the impact with the ground.

Summary of player's evidence

The Player stated that he had not expected to produce the result that transpired. He said he went in low to make a legal tackle but from a position where his knees were on the ground he stood up not expecting that he would carry 22B beyond the horizontal in the manner that resulted. He referred to his weight (75kg) in comparison to the much greater weight of 22B and stated that he believed 12B had acted effectively as a fulcrum to the action, thus contributing to the way in which 22B came to have his legs in the air with the result that he landed on the head/neck area. The Player told us he checked on 22B's welfare and offered an immediate apology. He said that having watched the footage he was shocked as to how it came to happen and very remorseful. He emphasised the speed at which the event occurred. He stated that it had never been his intention to raise 22B off the ground and into the position where he ended up.

Findings of fact

We were satisfied that the Player was in breach of R 9.18. He did cause 22B to go beyond the horizontal and then make forceful contact with the ground. The actions merited a RC. We were satisfied however that 12B had to a degree influenced the dynamic of the tackle and that the Player had not intended to cause 22B to impact with the surface in the manner that he did. The event happened at high speed and whilst the responsibility rested on the Player to ensure the safety of 22B he was to a degree a victim of an accident of physics (albeit one that was the product of a reckless action on his part) in the context of high speed event.

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:

Intentional/deliberate Reckless

Reasons for finding as to intend:

See above.

Nature of actions

Started as a legal tackle but segued into foul play, albeit not intentionally.

Existence of provocation:

NA

Whether player retaliated:

NA

Self-defence:

NA

Effect on victim:

None.

Effect on match:

None.

Vulnerability of victim:

Anyone tackled in a manner that brings the action within R 9.18 is vulnerable and the potential consequences are reflected in the entry points.

Level of participation / premeditation:

Not premeditated.

Conduct completed / attempted:

Completed.

Other features of player's conduct:

NA

Entry point					
Low-end <input checked="" type="checkbox"/>	Weeks 6	Mid-range <input type="checkbox"/>	Weeks [XX]	Top end <input type="checkbox"/>	Weeks [XX]
Reasons for selecting entry point:					
See above.					

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.	Exemplary.
Youth and inexperience of player:	Conduct prior to and at hearing:
Although playing for 10 years still a young player and relatively inexperienced.	Exemplary.
Remorse and timing of Remorse	Other off-field mitigation:
Immediate and genuine.	

Number of weeks deducted: 3
Summary of reason for number of weeks deducted:
Player entitled to the full 50% mitigation.

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:
NA
Need for deterrence:
NA
Any other off-field aggravating factors:
NA

Number of additional weeks: 0
Summary of reason for number of weeks added:
NA

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: 7/11/23	
Sanction concludes: 20/11/23	
Matches/ tournaments included in sanction: Rugby Europe Championship U20 - Game 1 (12/11/23) Rugby Europe Championship U20 - Game 2 (15/11/23) Rugby Europe Championship U20 - Game 3 (19/11/23)	
Costs: None	

Signature
Name of the JO or Chairman: Martin Picton
Date: 07/11/2023
Signature (JO or Chairman): <i>M Picton</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)