



DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Tom Emery		
Player's Union	Great Britain		
Match	Great Britain x Spain		
Competition	European Games – 7s Olympic Qualifier		
Date of match	27-06-2023		
Match Venue	Municipal Stadium – Henryk Reyman		
Rules to apply	RE Disciplinary Regulation, Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other [insert]		
Referee Name	Gianluca Gnechi	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	9.13 – dangerous Tackle	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	27-06-2023	Hearing venue	Municipal Stadium – Henryk Reyman
Chairperson/JO	Marcello d'Orey		
Other Members of the Disciplinary Panel	None		
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)	None	Other attendees	Bartosz Marczyński – Disciplinary Coordinator
List of documents / materials provided to Player in advance of hearing	<ul style="list-style-type: none"> - Citing Commissioner Report - Team GB Sheet - 7 Video Clips (various angles) - Notice of Hearing (email) 		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The Citing Commissioner stated in his report that «Please see video folder #62. In the second half of the match, SPA 2 is running with the ball on the left part of the pitch. He is tackled at midfield by GB11 and there is head to head contact, The point of impact is between GB11 left part of the head to the opponent left part of the face. No mitigation factors should apply, therefore I believe it is an act of foul play under 9.13 that reaches the RC threshold.»</p>

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

None

SUMMARY OF PLAYER'S EVIDENCE

The player accepted that there was foul play, accepted that there was head contact, but do not accept that the incident was worth of a red card.

After watching the video clips of the incident, the player explained that although he accepted that there was head contact and that there was foul play, as he did a high tackle, that was reckless, he didn't intend to do it, and he believe that that was not worth of a red card, because there were mitigation factors.

First of all, he believed that there was a significant and sudden drop in height from the Spanish player just before the contact.

The player also defended that he was backtracking, going back, and that most of the impact was made with his chest and not his shoulder. And in consequence it was a passive impact.

The player also stated that he didn't intend to make a high tackle, that it was reckless, and that he was sorry for that and didn't want to hurt the Spanish player.

The player also informed that he was never red carded before and that he is 24 years old.

FINDINGS OF FACT

As the manager and the player did not knew how the disciplinary process was run, the JO explained it to them, and explaining that if the player does not accept that the act(s) of foul play which is subject of the disciplinary hearing warranted the player being cited, the burden of proof rests on the player to show that the citing commissioner was wrong.

No preliminary points arose.

The Player did accept that he was the Player involved in the alleged foul play.

The player did accept that there was foul play. The player did not accept that the incident was worth of a red card, because although there was a contact with the head, and in theory that should be enough to consider that incident worth of a red card, the player defended that there were mitigation factors that should downgrade the red card to a yellow card.

He defended that there was a sudden and significant drop in height from the ball carrier just before the contact was made. And also that he acted as a passive tackler, as he was backtracking just before the contact, and that most of the impact was made with his chest and not his shoulder.

The video images were clear and show that the GB player made a dangerous tackle to the Spanish player, more specifically he did a high tackle, that resulted in contact between the Spain player head with the shoulder of the GB player. The GB player was high, went upright in the tackle movement and the contact is clear. The Spain player was running in plain view of the Gb player, the Spain player did not make a sudden or significant drop in his height prior to the contact.

The GB player was going back prior to the incident, but stopped and had both feet on the ground prior to the incident, and made a forward move when making the tackle forward and in an upright motion.

And for those reasons, there was no mitigation factor to be considered. The Spain player did not get injured and was able to keep playing the game without any consequence.

The contact was made with high degree of force. There was no mitigation factor.

The manager and player stated that the player did not have a previous disciplinary record.

The player behaviour was unblemished in the hearing and previous to that, and he showed remorse for his actions.
Therefore, the Citing Complaint was upheld and the Judicial Officer was required to consider what further action should be taken as a result of the player being cited in respect of a contravention of law 9.13.

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

State Reasons

The dangerous Tackle was reckless, not intentional. There was no effect on the match. The Spanish player was able to resume playing after the incident. There was direct contact to the head of the Spanish player, and World Rugby states in regulation 17 that 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.

There was no evidence that the player wanted to harm or hit the Spanish player intentionally. This action was reckless and it carried the very clear risk that there would be contact between the shoulder of the GB player and the head of the Spanish player.

Whilst the Judicial Officer accepted the player did not intend to make a dangerous tackle, and hurt or to intentionally hit the head of the Spanish player, he had acted in a highly dangerous manner in relation to the risk of injury and in relation to potential to cause injury.

Gravity of player's actions

The Spanish player was in full speed, there was a shoulder contact to the head of the Spain player, and the Gb Player went high and upright.

Nature of actions

Dangerous Tackling

Existence of provocation

None

Whether player retaliated

No

Self-defence

No

Effect on victim

None

Effect on match

None

Vulnerability of victim

The Spain player was not in a vulnerable position but was not expecting to be tackled in an upright position.		
Level of participation/premeditation		
No premeditation.		
Conduct completed/attempted		
Conduct completed		
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		
NA		

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
The player accepted that there was head contact and that there was foul play	No previous disciplinary record
Youth and inexperience of player	Conduct prior to and at hearing
The player is 24 years old	Very good conduct prior and during the hearing
Remorse and timing of remorse	Other off-field mitigation
The player showed remorse for his actions	None

Number of weeks deducted: [3]

Summary of reason for number of weeks deducted:
The player had never been sent off before this incident, accepted that there was contact to the head of the Spain player and that his action was foul play, he also showed remorse and behaved himself prior and during the hearing in a very polite and respectful way, and is also a young player.

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: [XX]

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/games	<input type="checkbox"/> Sending off sufficient
Sanction commences:	27-06-2023 – at the conclusion of the hearing	
Sanction concludes	TBC	
Matches/tournaments included in sanction	1 remaining match in the European Games – 7s Olympic Qualifier 2 matches in the 2 nd leg of the Rugby Europe Championship to be played in Hamburg on July 7, 8 and 9 th . (if the player is selected for that tournament.	

Costs	None
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Date	27-06-2023
Signature (JO or Chairman)	

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)