

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Frederic De Smet	
Player's number: 5	
Player's union: Brussels Devils	
Competition: Super Cup	
Host Team (T1): Romanian Wolves	Visiting Team (T2): Brussels Devils
Venue: Bucharest	
Date of match: 28/09/2024	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name: Luis Fernandez (Spain)	
Plea: <input 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 (ENG)	
Other Members of the Disciplinary Panel: - Richard McGhee (SCO) - Val Toma (ROM)	
Hearing date: 1/10/2024	
Hearing venue: Remote via MS Teams	
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):	
Other attendees: David Baird-Smith, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Citing report from citing commissioner 3. Video clip of the incident	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The citing commissioner, Charles Samson, set out the following elements of the 9.13 offence that he had identified:</p> <p>From the restart the Romanian Wolves No.8 gathers the ball and carries it into contact, the Brussels Devils No.5 who had a clear line of sight of the ball carrier coming towards him, in contact drives upwards into the head, in an attempt to make a dominant tackle, his right shoulder makes direct contact with the head/face in a highly dangerous (high force) manner.</p> <p>The video clip was largely consistent with that description although as the Player was to explain the tackle was not as dominant as it might have been</p>	
Essential elements of other evidence (e.g. medical reports)	
Report from Wolves doctor: Cristi Chirica was the payer involved in the video from the Wolves team.	

After the incident the player only reported a minor lip laceration and a tooth(left upper canine contusion) and on the field i only administered a clotting agent for the laceration.

Regarding the high contact incident there where no obvious or secondary concussion signs that led me to consider a HIA intervention on or off the field.

After the game, there was minor bleeding and gum contusion around his upper left canine and he will receive a dental specialist opinion on what is the course of action for his minor dental trauma.

At this moment the laceration is healing well and the tooth pain is at minimum and it does not require any medical pain treatment.

The player will see a dental specialist to examine and give a specialized course of action for his medical issue.

Thank you,

Dr. Vlad Ilie - Wolves Team Doctor

Summary of player's evidence

The Player reported that he was trying to tackle below the height of the ball but accepted that he was not as low as he might have been. He accepted that in fact, his shoulder had made direct contact with the head of the other player and that this amounted to foul play. He asserted, as did the union representative who was present to support him, that he was not trying to make a dominant tackle but rather was, to a degree, on his heels at the point of impact. He suggested that there was a sudden drop in height and also that the degree of force in the collision was low. We were also invited to prefer to assessment of the referee who did not perceive this to a red card incident.

Findings of fact

Even having watched the footage many times we could not discern there to have been any significant drop in height on the part of the tackled player. The Player did have a clear line of sight and whilst he was low he was not low enough to avoid direct contact between his shoulder and the head of the Wolves No.8. The tackle was far from entirely passive and the degree of force involved was significant. The referee did not have the benefit of being able to study the footage whereas the citing commissioner did. The assessment that the tackle passed the red card test was the correct one. Accordingly, we upheld the citing. There was head contact with a high degree of danger and insufficient mitigation to reach any other conclusion.

Decision

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

Assessment of seriousness
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
Assessment of intent:
<input type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless
Reasons for finding as to intend:
We accepted that the Player did not intend to make contact with his opponent's head.
Nature of actions
Tackle that was too high and resulted in contact with the head.
Existence of provocation:
N/A
Whether player retaliated:
N/A
Self-defence:
N/A
Effect on victim:
See medical report above.
Effect on match:
None
Vulnerability of victim:
Vulnerable to the extent that the Wolves No.8 was not expecting head contact.
Level of participation / premeditation:
Not premeditated.
Conduct completed / attempted:
Completed
Other features of player's conduct:

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>	[X]	<input checked="" type="checkbox"/>	[6]	<input type="checkbox"/>	[X]
Reasons for selecting entry point:					
Head contact so mid-range mandatory					

Relevant off-field mitigating factors	
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>	
Acknowledgement of guilt and timing:	Player's disciplinary record / good character:
Accepted foul play.	Clean
Youth and inexperience of player:	Conduct prior to and at hearing:
N/A	exemplary
Remorse and timing of Remorse	Other off-field mitigation:
Did not challenge foul play and expressed remorse.	N/A

Number of weeks deducted: [3]
Summary of reason for number of weeks deducted:
Full mitigation appropriate.

Additional relevant off-field aggravating factors <i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
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: [X]
Summary of reason for number of weeks added:
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: 3 weeks/matches	<input type="checkbox"/> Sending off sufficient
Sanction commences: 01/10/2024	
Sanction concludes: 19/10/2024	
Matches/ tournaments included in sanction: 06/10/2024: Dendermonde-Boitsfort 13/10/2024: Kituro-Dendermonde 19/10/2024: Brussel Devils Game	
Costs:	

Signature
Name of the JO or Chairman: Martin Picton
Date: 01/10/2024
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)