

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Pablo Mateos Asensio	
Player's number: 14	
Player's union: Spain	
Competition: U18 Championship	
Host Team (T1): Portugal	Visiting Team (T2): Spain
Venue: Marketa Rugby Stadium, Prague	
Date of match: 14/11/2023	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Papuna CHIQABERIDZE	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Jennifer Donovan	
Other Members of the Disciplinary Panel: - Bartek Marczyński - Dany Roelands	
Hearing date: 16/11/2023	
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	
Player's Representative(s): - Eliseo Patron Costas (General Secretary of the Union) - Eric Jara (Legal conseil) - Luis Benito (Manager) - Alejandro Hortas (observer)	
Other attendees: David Baird-Smith (Rugby Europe)	
List of documents/ materials considered by the Panel: 1- Notice of Disciplinary Hearing 2- Game Sheet 3- Video clip prepared by Rugby Europe 4- Playing schedule 5- Disciplinary record 6- Statement from the Union 7- 3 video clips submitted by the Union	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The Referee's report outlined that the player had been sent off for a punch in the 14th minute of the first half. The Referee reported that he had not seen the incident but that his assistant had flagged it and told him that the player had punched another player to the side of the head. On that basis the referee issued a red card.</p> <p>The Assistant Referee reported that the player had punched the opposition No. 14 on the side of the head.</p>	

The footage furnished to the committee by the organiser showed one angle of the incident. The ball was brought into contact by Spain No. 12 and a ruck formed. The player fell backwards over the side of the ruck then regained his feet and joined the side of the ruck where he drove forwards into contact with the Portugal No. 14 ("P14"). Both players went to ground where there was a brief tussle. P14 then got up, appearing to lean on the head area of the player who is on the ground. The player got up, holding on to P14's jersey with his left hand. The players were facing away from the camera. It can be seen that the player raised his right arm and moved it forward towards the head of P14 from whom there was no reaction.

The player submitted 3 video clips. The first was the same footage as described above, slowed down and zoomed in. The second was from a camera angle on the opposite side from which a clearer view of the incident was available. It could be seen from that footage that the player did not make contact with the head of P14 but rather with the top of his back in a pushing motion. The third clip submitted was in relation to alleged foul play by P14 and was not relevant to the correctness of otherwise of the red card issued to the player.

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

None

Summary of player's evidence

The preliminary matters were raised. The first related to the boxes ticked by the match officials in relation to the nature of the offence. It was accepted by all parties that the correct and intended applicable Law was 9.12 and not 9.8.

The second point related to the description of the offence in the report of the AR. It was submitted that it was unclear as to whether the word "pushed" or "punched" was used. It appeared from the handwritten report that the word "hit" had been crossed out and the word "punshed" (sic.) written below. It was agreed that the reference was to "punched".

The player did not admit foul play and submitted that there was no kind of physical abuse, only a push on his opponent with the player's open hands. The player submitted that P14 had committed two acts of foul play on him prior to the incident.

It was argued in submissions that the incident was not fully seen by the AR as the action was hidden from him by the body of P14.

The player's position was that the action was a push to the back, not a punch to the head and that the red card was improperly awarded. The video evidence was relied on to support this position. It was submitted that the additional footage supplied to the committee on behalf of the player clearly showed that the contact was not to the head of P14 and that the contact was not with the clenched fist of the player, but with his open hand.

Findings of fact

It was found that the video evidence submitted by the player supported his contention that he did not punch P14 to the head. It was found, with the benefit of the additional footage, that the player pushed P14 and that the contact was to the top of the back of P14. It was found that the player did not punch the head of P14. The committee fully appreciated that the actions of the player may have appeared to constitute a punch from the angle at which the AR would have viewed the incident.

A player however is not entitled to push another player in the manner in which the player pushed his opponent and that the push did amount to foul play. That act of foul play fell significantly short of the red card threshold and the red card is therefore rescinded.

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:

Nature of actions

Existence of provocation:

Whether player retaliated:

Self-defence:

Effect on victim:

Effect on match:

Vulnerability of victim:

Level of participation / premeditation:

Conduct completed / attempted:

Other features of player's conduct:

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

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:
Youth and inexperience of player:	Conduct prior to and at hearing:
Remorse and timing of Remorse	Other off-field mitigation:

Number of weeks deducted: [XX]
Summary of reason for number of weeks deducted:

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:

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Need for deterrence:

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Any other off-field aggravating factors:

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Number of additional weeks: [XX]

Summary of reason for number of weeks added:

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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: Nil. Red card rescinded	<input type="checkbox"/> Sending off sufficient
Sanction commences:	
Sanction concludes:	
Matches/ tournaments included in sanction:	
Costs:Nil	
Signature	
Name of the JO or Chairman:	
Date: 16/11/2023	
Signature (JO or Chairman): Jennifer Donovan	

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)