

## EPCR SHORT JUDGMENT FORM

Match	PAU	Vs	STADE FRANCAIS PARIS
Club's Country	France	Competition	European Challenge Cup
Date of match	20/10/2018	Match venue	Stade de Hameau, Pau
Rules to apply	EPCR Disciplinary Rules 2018/19		

### PARTICULARS OF OFFENCE

Player's surname	Fumat	Date of birth	
Forename(s)	Julien	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Pau		
SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/>			
Offence	9.20 Dangerous play at a ruck or maul		
Summary of Sanction	Citing dismissed		

### HEARING DETAILS

Hearing date	24/10/2018	Hearing venue	Sheraton Hotel, CDG Airport, Paris
Chairman/JO	Jennifer Donovan (Ireland)	Panel member 1	Sheriff Kathrine Mackie (Scotland)
Panel member 2	Philippe Cavalieros (France)	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):

Other attendees:

Mr. Simon Mannix – Team Manager

Mr. Mike Hamlin, Head of EPCR Discipline (in observational role only)

List of documents/materials provided to player in advance of hearing:

Notice of Hearing  
Report of Citing Commissioner, Francesco Grillo (Italy)  
Report of Referee, Hamish Smales (RFU)  
Report of AR Simon Harding  
Report of TMO, Stuart Terheege  
Video footage

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

The Report of the Citing Commissioner referred to an incident at 40.00 in the first half of the match. The Citing Commissioner reported that SFP was in possession and a ruck had been created. His report outlines that the player charged into the ruck, that the player did not use his arms and that the player made direct contact with force to the head of SFP 9, the alleged victim player. The report refers to involvement by SFP 12 but it was the opinion of the CC that that involvement was of little consequence. The report indicates that the victim player fell backwards, holding his head. A penalty kick was awarded by the Referee. The Citing Commissioner reported that he reviewed the match footage and was satisfied that the actions of the player warranted a red card. The victim player was attended to on the pitch by the team doctor but on enquiring post-match, the Citing Commissioner was advised that incident did not result in "serious consequences".

A report was received from the referee, Hamish Smales (RFU). This stated that a penalty kick had been awarded against the player for "playing the 9" i.e. the player had been penalised for playing the SFP scrum half who was not in possession of the ball. In the opinion of the referee the player had "...looked to clear the ruck and did clearly wrap his right arm in the action of counter rucking the scrum half".

A report was also received from the TMO, Stuart Terheege. The report stated that the TMO has observed and recorded in his notes that the referee had awarded a penalty against the player for playing the opposition scrum half without the ball. The TMO further reported that the broadcast feed did not immediately indicate any foul play.

The AR, Simon Harding indicated he had not seen the incident and therefore had nothing to add.

Match footage was also available to and was viewed by the committee. Further footage was submitted on behalf of the player which showed the reverse angle of that produced by the CC. The footage showed the passage in play in question and was viewed in real time and in slow motion. Stade Francais Paris ("SFP") are in possession and following a tackle close to the left touchline a ruck is formed. SFP 9 arrives to the ruck and positions himself to pick the ball from the ground. The player, set in a low body position, moves forward towards SFP 9. At the same time SFP 12, who had been on the ground, gets back to his feet and moves sideways into the ruck as the player is driving forwards. The player's left side appears to come into contact with SFP 12. The player then comes into contact with SFP 9 and the player's arm can be seen coming around the body of SFP 9. It does not appear that contact was made with the head of SFP 9. SFP 9 puts his hands to his head as he falls backwards and to the ground. The referee can then be seen awarding a penalty kick.

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

There was no medical evidence available apart from that contained in the Citing Report. The Citing Commissioner reported that the SFP doctor had come on to the pitch after the incident but that the player was able to continue playing. The Citing Commissioner reported that he had spoken to the doctor and that there were "no serious consequences from the impact".

The alleged victim player had been requested by Mr. McTiernan prior to the hearing to provide a statement but did not do so.

Mr. McTiernan presented the case for EPCR in support of the citing. He referred to the relevant sections of the Citing Report and the match footage which, he submitted, supported the CC's belief that the player had made contact with the head of SFP 9. He acknowledged that it was the opinion of the referee that the player had wrapped his right arm in the action of counter rucking and he conceded that the footage did appear to confirm that that was the case. He acknowledged that the referee had awarded a penalty against the player for playing SFP 9 without the ball and not for dangerous play at the ruck. He submitted however that the referee had only a short period of time in order to make his on pitch decision whereas the CC had arrived at his decision to cite with the benefit of time to view the incident repeatedly for all available angles. It was submitted by Mr. McTiernan that the footage conclusively showed that the player had committed the act of foul play complained of and that the player had made contact with the head of SFP 9. He pointed to the immediate reaction of SFP 9 who had put his hands to his head and fallen backwards to the ground.

Mr. McTiernan suggested that the involvement of SFP12 was not significant but had, if anything, resulted in the lessening of the impact between the player and the alleged victim player. Mr. McTiernan also referred the committee to certain guiding principles provided to match officials concerning dangerous play at rucks. This guidance had also been circulated to the clubs prior to the commencement of the competition. It was clear from this guidance, Mr. McTiernan stated, that the arriving player at a ruck had a responsibility for player safety and that ruck charging was unacceptable. It was submitted by Mr. McTiernan that if a player strikes another player with his head that does amount to an act of foul play and that such an act meets the red card test.

## SUMMARY OF PLAYER'S EVIDENCE

The player denied that he was guilty of the act of foul play the subject of the CC's report. The player's intention was, he said, to 'win the space' by rucking over the ball and to do so legitimately. The player accepted that in attempting to do so he had played SFP 9 without the ball, the action for which the referee has awarded a penalty kick.

The player denied that he had charged into the ruck without using his arms as reported by the CC. The player's representative, Mr. Mannix referred the committee to the match footage and to the Referees report. He submitted that both confirmed that the player had wrapped his right arm around SFP 9. Mr. Mannix suggested that the joining of the ruck by SFP 12 had a significant effect as it had changed the line of attack of the counter ruck that the player was trying to effect. The player's evidence was that the positioning of SFP also blocked or prevented the player from moving his left arm as he wished.

The player's evidence was that he had not made contact with the head of the alleged victim player. He accepted that it was possible that there may have been contact with SFP 9 above the line of the shoulders given the low body position of both players. However the player said that he was not aware and had no memory of doing so and that it was his belief that he had not in fact done so. Mr. Mannix submitted that both the referee and the assistant referee were in close proximity to the incident and were well positioned to have seen what occurred yet neither expressed the view that the player had committed an act of dangerous

play at the ruck. Mr. Mannix suggested that if a significant collision had occurred between the player's head and that of SFP then the player would have been aware of it. Asked about the reaction of the alleged victim player, Mr. Mannix expressed the view that "simulation" and exaggeration of injuries was something that he had observed with increasing frequency in French rugby. In his opinion the reaction of SFP 9 to the contact made with him was a "total exaggeration".

Mr. Mannix confirmed that he was familiar with the guidance material referred to by Mr. McTiernan and that same had been circulated to his club. He did not accept that there was anything contained in that material that would alter his opinion in relation to the present incident.

## FINDINGS OF FACT

The committee considered all of the evidence before it and considered the submissions made by both parties.

The committee found that the player was attempting a counter rucking manoeuvre when the incident the subject of the citing complaint occurred. The committee found that the player had wrapped his right arm around SPF 9 during the contact made with that player. This can clearly be seen from the match footage. The committee found that there was an element of blocking of the player's left arm as a result of the presence of SFP 12 and that the positioning of that player did have an impact on the dynamics of the player's actions and the direction in which the player had committed himself to moving. The footage shows the player's legs being knocked off the ground and sideways.

It was submitted by Mr. McTiernan that the player had made contact with his head to the head of the alleged victim player and it was submitted that this was conclusively shown by the match footage. The report of the Citing Commissioner stated that the player had made direct contact, with force, to the head of SPF 9 but was not specific as to what part of the player's body he believed had made that contact. The committee found that the footage was, in fact, inconclusive as to the point of contact with the alleged victim player. The committee considered all other available evidence including the player's own evidence and the reports of the other match officials who were well placed to view the incident during live play. The committee did not have available to it any evidence or statement from the alleged victim player.

The committee accepted the evidence of the player that it had been his intention to execute a legitimate action of counter rucking. In the course of this action the player did tackle the SFP scrum half before the scrum half had picked the ball from the base of the ruck and the player was penalised on the pitch for that action.

## DECISION

Breach admitted ☐ Proven ☐ Not proven ☒ Other disposal (please state below) ☐

The committee was not satisfied, on the balance of probabilities, that an act of foul play contrary to Law 9.20 had been committed by the player and the citing was therefore dismissed. No order was made as to costs and the parties were advised as to the right of each to appeal.

Signature  
(JO or Chairman)

Jennifer Donovan

Date

\_\_26/10/2018\_\_

**NOTE:** YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS