



## DECISION FORM

Vlad Neculau (Romania)

PARTICULARS OF OFFENCE			
Player's Name	Vlad Neculau ROM#7		
Player's Union	Romania Rugby Union (FRR)		
Match	Romania v Spain		
Competition	2021 Rugby Europe Men XV Championship		
Date of match	March 20 <sup>th</sup> 2021 – KO 13:45 CET		
Match Venue	Ghencea Complex - Romania		
Rules to apply	Rugby Europe Disciplinary Regulations and World Rugby Regulations		
Referee Name	Nika Amashukeli (GRU – Georgia)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	<p>Romania 7 was cited for an offence contrary to Law 9.12.</p> <p>The Panel considered the apparent offence described by the citing commissioner to be contrary to Law 9.20(a) (Dangerous play, charging into ruck or maul). The Panel suggested the charge be amended. The Player agreed and said he had intended to raise this if the Panel had not.</p>	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	March 24 <sup>th</sup> 2021 at 18:30 CET	Hearing venue	Video Conference Teams
Chairperson/JO	Matthew O'Grady (England)		
Other Members of the Disciplinary Panel	Sarah Smith (Scotland) Dany Roelands (Belgium)		
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)	Horatiu Bargaunas (Romania High Performance Manager)	Other attendees	
List of documents / materials provided to	1. Citing report dated 20 March 2021 2. Video recordings		

<p><b>Player in advance of hearing</b></p>	<p>3. Fixture list. 4. Disciplinary record 5. Email from Dr Alex Sorribes (Spain Team doctor)</p>
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**SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE’S REPORT/INCIDENT FOOTAGE**

The citing report reads:

“The 4R player carrying the ball after leaving the maul, is tackled and falls to the ground. Following this tackle situation, a ruck is formed. Player 7R, with a clear line of sight, joined the ruck with strength and speed and made contact with player 8E. He didn't use his arms to surround player 8E's body on the ground (sic). His right shoulder made direct contact to 8E's neck and head.

This is clearly an act of foul play made with force and speed with a high degree of dangerousity (sic) with no mitigating factor.

Based on the video evidence available to me, I consider this alleged act of serious foul play breach the red card threshold.

Therefore I cite Romanian player Vlad NECULAU for shoulder charge direct to the head.”

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

Dr Alex Sorribes (Spain Team Doctor) informed the Panel that Spain 8 did not receive any treatment as a result of the foul play, he was not removed from the match, he was not subject to a Head Injury Assessment, did not receive any injuries and is not subject to the Return to Play Protocol.

The Panel reviewed the footage in detail before and during the hearing.

Andy Robinson (Romania Head Coach) provided the following remarks in writing, “Vlad is of good character who works hard to improve his game (sic). In the 18 months that I have known Vlad he has not been a dirty player, however he is a very committed player who is passionate about rugby and playing for Romania.”

**SUMMARY OF PLAYER’S EVIDENCE**

Romania 7 told the Panel that he remembered being a part of a maul and he transferred to a ruck. He said that he saw a player slowing the speed of his team’s possession and wanted to clear the area. He accepted that he had charged into the ruck, but said he wanted to clear Spain 8’s body and did not mean to do so dangerously. In transitioning to the breakdown Romania 7 said he was at “full speed” and does not remember seeing Spain 8’s head. Romania 7 did not accept he made contact with Spain 8’s head, but accepted he made contact with his neck.

Romania 7 was impressive in his candour. He said his actions were dangerous play and he could have hurt someone. Romania 7 said he had been unable to communicate his regret and apology to Spain 8, but did want to apologise.

FINDINGS OF FACT

1. A Romania player carried the ball into contact.
2. The Romania player was tackled by Spain 3 and Spain 13.
3. Spain 8 entered the tackle to jackal for possession of the ball.
4. Romania 3 and Romania 9 made contact with Spain 8.
5. Spain 8 was cleared out to a sideways direction by Romania 3.



6. Spain 8 was on his side on top of Romania 9. Romania 3 was on top of Spain 8.



7. Romania 7 was approximately 5m from Spain 8 whilst Spain 8 was in the breakdown being cleared out.



8. Romania 7 moved at pace from where he was to the breakdown.

9. As Romania 7 approached the breakdown Spain 8 lifted his head upwards.

11. Romania 7 entered the breakdown and made no attempt to grasp.

12. Romania 7 threw his bodyweight into the breakdown in a downwards direction.

12. Romania 7 went off his feet as he threw himself into the breakdown. His right knee went to the ground.



13. Romania 7's shoulder made direct contact with the neck of Spain 8. There was force in the contact and a high level of dangerousness.



14. Romania 7's actions in charging dangerously were intentional, but he was reckless as to where he made contact.

15. The actions had a high degree of danger.

16. Spain 8 was not injured by the foul play and was able to continue playing.

#### DECISION

Proven  Not proven  Other disposal (please state)

## SANCTIONING PROCESS

<b>ASSESSMENT OF SERIOUSNESS</b>		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
<b>Assessment of Intent</b>		
<input type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless		
<b>State Reasons</b>		
Romania 7 moved to the breakdown at pace. The situation was dynamic. Spain 8 lifted his head at the last moment. The Panel accepted Romania 7's evidence that he wanted to clear the breakdown rather than deliberately target Spain 8's head or neck.		
<b>Gravity of player's actions</b>		
All foul play to the neck area is dangerous because serious injury can result. This foul play was at speed, with force and was dangerous.		
<b>Nature of actions</b>		
See findings, above.		
<b>Existence of provocation</b>		
Not applicable.		
<b>Whether player retaliated</b>		
Not applicable.		
<b>Self-defence</b>		
Not applicable.		
<b>Effect on victim</b>		
Fortunately, Spain 8 was not injured and he was able to continue playing in the match.		
<b>Effect on match</b>		
Nil besides some reaction from Spanish players.		
<b>Vulnerability of victim</b>		
Spain 8 was in a vulnerable position. Players were on top of him and underneath him. His freedom of movement was restricted. He could not protect himself from the foul play.		
<b>Level of participation/premeditation</b>		
Romania 7 ran at pace from a distance of about 5m. He had time to make adjustments, but failed to do so and entered the breakdown dangerously.		
<b>Conduct completed/attempted</b>		
Completed		
<b>Other features of player's conduct</b>		
Not applicable		
<b>Entry point</b>		
<input type="checkbox"/> Top end <input type="checkbox"/> Weeks	<input checked="" type="checkbox"/> <b>Mid-range 6 Weeks</b>	<input type="checkbox"/> Low-end <input type="checkbox"/> 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.		
<b>Reasons for selecting Entry Point</b>		
This was a dangerous act of foul play that involved speed and force against the neck of a vulnerable player. However, the contact with the neck occurred recklessly and Spain 8 was not injured in any way.		

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby



<b>Player's status as an offender of the Laws of the Game</b>
28.09.19 – 3 weeks (9.12, strike with forearm)
<b>Need for deterrence</b>
Not applicable
<b>Any other off-field aggravating factors</b>
Not applicable

Number of additional weeks: 0

<b>Summary of reason for number of weeks added:</b>
Not applicable

<b>RELEVANT OFF-FIELD MITIGATING FACTORS</b>	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
<b>Acknowledgement of guilt and timing</b>	<b>Player's disciplinary record/good character</b>
Romania 7 promptly and sincerely accepted responsibility for his actions.	See record above. A second citing within 2 years and all the more recent given how little rugby has been played since September 2019 due to the COVID-19 global pandemic.
<b>Youth and inexperience of player</b>	<b>Conduct prior to and at hearing</b>
Romania 7 is 23 years old and has played rugby since he was 14 years old. He is a professional player. He has earned 4 caps for Romania at senior level. He played for Romania U18 and U20 (captain of U20 side).	Befitting a professional player.
<b>Remorse and timing of remorse</b>	<b>Other off-field mitigation</b>
Romania 7 showed insight into his foul play. He understood that his actions were dangerous and could lead to serious injury.	Nil offered by Romania 7.

Number of weeks deducted: 2

<b>Summary of reason for number of weeks deducted:</b>
Romania 7 was candid and forthcoming in his evidence. The Panel judged his remorse was genuine. The Panel was aware that it had the discretion to apply a full 50% discount but decided against that because Romania 7 had an upheld foul play citing in the last 18 months.



## SANCTION

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**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)

<b>Total sanction</b>	<b>4 weeks</b>
<b>Sanction commences:</b>	Saturday 20 March 2021
<b>Sanction concludes:</b>	Sunday 24 April 2021
<b>Matches/tournaments included in sanction</b>	Week 1: 28/03/21 – Georgia v Romania  Week 2: 03/04/21 – SCM Timisoara v CSU Cluj  Week 3: 10/04/21 – CSM Baia Mare v SCM Timisoara  Week 4: 24/04/21 - SCM Timisoara v Tomitanii

<b>Costs:</b>	Nil
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<b>Date</b>	24/03/21
<b>Signature</b> (JO or Chairman)	/s/ M O'Grady

**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)