

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Mihael Daniel Nita	
Player's number: 5	
Player's union: Romania	
Competition: U18 Championship	
Host Team (T1): Romania	Visiting Team (T2): Czech
Venue: Marketa Rugby Stadium, Prague	
Date of match: 14/11/2023	
Rules to apply: Regulation 17 World Rugby Handbook;	
Referee Name: Robert McDowell	
Plea: <input checked="" type="checkbox"/> Admitted <input 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): - Daniel Mitrea	
Other attendees: David Baird-Smith (Rugby Europe)	
List of documents/ materials considered by the Panel: 1- Notice of Disciplinary Hearing 2- Game Sheet 3- 2 video clips prepared by Rugby Europe 4- Statement from the Union 5- Player's replies to directions. 6- Email from Dominik Vanek, Czech No. 15.	
Summary of essential elements of citing / Referee's report / Incident footage	
The Referee reported as follows: "On the breakdown phase 5 red kicked 15 blue directly on the head, 15 blue was lying down as part of the breakdown".	
The incident could not be seen on the match footage provided which was a single angle. The referee can be seen blowing the whistle and speaking to the player but the kick referred to was not visible on the footage.	

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

An email was received from the victim player who stated the following:

“I don’t remember much, there was a chaotic situation in the ruck. I just felt that something hit me in my head. But I was not able to say from which side the hit came. I just thought it was nothing more than a usual contact. I did not sustain an injury. Yes, my head hurt for a few moments after. But that won’t influence me for next training sessions or matches. I would also like to mention that the player, who received a red card during the game, came to our locker room to apologize after the game”.

Summary of player’s evidence

The player fully accepted that he had committed an act of foul play that warranted a red card. He explained that his foot was being held by one of the players on the ground and that he had swung his leg in order to free himself and to get back on side. He said that he did not intend to kick the player on the ground but accepted that his actions were reckless and dangerous and were likely to result in contact with a player on the ground.

It was submitted on behalf of the player that the appropriate entry point for sanction should be mid-range, (acknowledging that mid-range would be the mandatory minimum entry point for offending involving contact to the head) on the basis that the offending had not been intentional and that there was no injury to the victim player. In relation to mitigation, it suggested that the player should be entitled to full mitigation given his age, admission of wrongdoing and apology to the victim player.

Findings of fact

It was found, and that player admitted, that he had carried out an act of foul play contrary to Law 9.12. The player admitted that head contact had occurred and that the awarding of the red card was the correct sanction. The committee was not therefore required to consider separately each step under the Head Contact Process as each of the relevant points were admitted by the player.

It was found that the offending was reckless and dangerous but not intentional.

Decision

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

Entry point					
Low-end <input type="checkbox"/>	Weeks	Mid-range <input checked="" type="checkbox"/>	Weeks 6	Top end <input type="checkbox"/>	Weeks
Reasons for selecting entry point:					
A mid range entry point was the mandatory minimum given the head contact. The committee found that to be the appropriate entry point given the lack of intent, lack of injury and other factors outlined above.					
Nature of actions					
Contact between the boot of the player and the head of the victim player. Not with high force according to the victim player's evidence.					
Existence of provocation:					
N/a					
Whether player retaliated:					
N/a					
Self-defence:					
N/a					
Effect on victim:					
The victim player indicated that his head hurt for a few moments but that he was otherwise uninjured and played on.					
Effect on match:					
Nil					
Vulnerability of victim:					
Victim was in a vulnerable position as he was on the ground.					
Level of participation / premeditation:					
Not premediated.					
Conduct completed / attempted:					
Conduct completed.					
Other features of player's conduct:					
Nil					

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:
Acknowledged at earliest opportunity.	The player has a clean disciplinary record.
Youth and inexperience of player:	Conduct prior to and at hearing:
The player is 16 years old and this was his first match at this level. He has been playing rugby for 7 years.	Excellent. The player was forthright in his admissions and was co-operative throughout.
Remorse and timing of Remorse	Other off-field mitigation:
The player apologies immediately after the match	Nil

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The player fulfilled all of the criteria for full mitigation resulting in a 50% reduction of the sanction.

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:

Nil

Need for deterrence:

Nil

Any other off-field aggravating factors:

Nil

Number of additional weeks: 0

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: 3 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences: 14/11/2023	
Sanction concludes: Midnight 03/12/2023	
Matches/ tournaments included in sanction: 18/11/2023 Romania v Belgium, European U18 Championships. 26/11/2023 Soimii v Dinicu Golescu, Romanian U18 Championships 03/12/2023 Soimii v Pantelimon, Romanian U18 Championships	
Costs:	

Signature
Name of the JO or Chairman: Jennifer Donovan
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)