

## DISCIPLINARY DECISION



Match	France v Scotland		
Player's Union	FFR	Competition	2019 Summer Internationals
Date of match	17 August 2019	Match venue	Allianz Stadium, Nice, France
Rules to apply	World Rugby Regulation 17 and 2019 Summer International Rules		

### PARTICULARS OF OFFENCE

Player's surname	Gabrillagues	Age	26
Forename(s)	Paul		
Referee Name	Nigel Owens (Wales)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	<p>Law 9.20 - Dangerous play in a ruck or maul.</p> <p>a. A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul.</p>	<p>SELECT:    Red card <input type="checkbox"/>    Citing <input checked="" type="checkbox"/>    Other <input type="checkbox"/></p> <p>If "Other" selected, please specify:</p>	
Summary of Sanction	Six weeks suspension (i.e. up to and including 6 October 2019)		

### HEARING DETAILS

Hearing date	20 August 2019	Hearing venue	Sofitel, Heathrow, London and Bucharest (via video link)
Chairman/JO	Simon Thomas (Wales)		
Other Members of Disciplinary Committee	Donal Courtney (Ireland) (former international referee and World Rugby disciplinary panel member) Valeriu Toma (Romania) (former referee and World Rugby disciplinary panel member)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Louis Weston – Counsel Ben Rees – Solicitor (Northridge LLP) Jenny Collier (Interpreter – French/English) M. Serge Simon, Vice President FFR	Disciplinary Officer and/or other attendees	Jon Davis – Disciplinary Officer, Six Nations Sarah Nelson – Senior Executive Assistant, Six Nations
List of documents/materials provided to Player in advance of hearing	Citing Commissioner Report – Shaun Gallagher (Eng) Referee Report – Nigel Owens (Wal) AR1 Report – Wayne Barnes (Eng) AR2 Report – Federico Anselmi (UAR) TMO Report – Graham Hughes (Eng) Written statement of the Scotland player, No.6, John Barclay		

	<p>Written statement of the Scotland team doctor, James Robson</p> <p>Player's response to standing directions</p> <p>Statement of Player</p> <p>Copy of text messages between the Player and John Barclay</p> <p>Player's disciplinary record</p> <p>Match footage as provided by the Citing Commissioner</p>
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## INTRODUCTION AND SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

### Introduction

The Disciplinary Committee (The Committee) had been appointed by World Rugby's independent Judicial Panel Chairman, Christopher Quinlan QC, to hear the case relating to Paul Gabrillagues of France ("the Player"), following a citing of the Player for an alleged act of foul play during the match played between France and Scotland on 17 August 2019 in Nice, France ("the Match").

The rules applicable to the 2019 Summer Internationals ("the Rules") and World Rugby Regulations 17 and 18 ("the Regulations") applied to the hearing.

Pursuant to the Regulations, at a disciplinary hearing following a citing, a cited player is required to confirm whether they accept they committed the alleged act of foul play specified in the citing complaint and whether they accept that the foul play warranted the issuing of a red card. If they so accept, the Committee then hears the evidence in the case and decides what sanction, if any, ought to be imposed in accordance with the three-stage sanctioning process as prescribed by Regulations 17.19. 2 to 17.19.13 and the table of sanctions found at Appendix 1 to Regulation 17.

In the event a Player denies the alleged act of foul play or denies that the act of foul play warranted a red card, the Committee's function is firstly to determine whether an act of foul play occurred which warranted a red card. If this is not proven, the citing complaint is dismissed, and that is the end to the matter. Alternatively, if the citing is upheld, the Committee moves to consider sanction, as above.

In accordance with the Regulation 17.7, all factual determinations are made by disciplinary committees on the balance of probabilities.

This written judgment is the unanimous decision of the Committee following consideration of all the evidence it had seen and heard and following oral submissions by the Player's legal representative at a hearing on 20 August 2019. It is not intended to be an exhaustive record of all the evidence presented at the hearing and the absence of a reference to some evidence or submission is not to suggest that such evidence or submission was not taken into account by the Committee at the hearing.

### Citing Report

The Citing Commissioner, Shaun Gallagher (England), had cited the Player for an act of foul play alleged to have occurred after the elapse of 16 minutes 28 seconds of the first half of the Match, when the scores were France 10 Scotland 0.

The citing report alleged the Player had acted contrary to Law 9.20 of the Laws of the Game of rugby union, namely "Dangerous play in a ruck or maul" and specifically the subcategory of offence which prescribes "A player must not charge into a ruck or maul"

Law 9.20 states that "charging includes any contact made without binding onto another player in the ruck or maul"

The narrative of the citing report read as follows:

*France recycle the ball from a ruck, and move it infield into the possession of their No 13. He is immediately tackled by the Scotland No 13 and both go to floor as a ruck situation begins to develop. The Scotland No 6, John BARCLAY, enters the breakdown area and begins to legitimately compete for the ball on the floor, adopting a crouched body position over the tackled player. The France No 4, Paul GABRILLAGUES, approaches the developing ruck situation at pace and lowers his body position just before impact into the breakdown. GABRILLAGUES makes direct contact to the head of the Scotland No 6, John BARCLAY, with his right shoulder with force and with his right shoulder tucked in, in a 'sling' position. He makes no attempt to wrap or use his*

*arm/s and the body position of BARCLAY does not lower immediately prior to contact. BARCLAY falls to the ground on impact and receives on field treatment as play continues without match official intervention. The referee is approximately 5 metres away with an obstructed view of the incident. Following treatment, BARCLAY resumes into the game.*

*Having reviewed all the available footage of the incident, I consider this to be an act of foul play. There was a high level of danger in the actions of Paul GABRILLAGUES, in that he made direct contact to the head of John BARCLAY with force, using his right shoulder and with his right arm tucked in. BARCLAY was in no position to defend himself or take evasive action and was therefore in a vulnerable position. I consider the actions of the France No 4 to have posed a significant risk to the welfare of BARCLAY and as such passes the red card threshold. I therefore cite Paul GABRILLAGUES for an offence of dangerous charging into a ruck, contrary to law 9.20 of World Rugby's International laws of the game."*

#### Match Official Evidence

Neither the referee nor the assistant referees had observed the incident during live play and so their written evidence was of no relevance to the issues to be determined at the hearing.

Mr Graham Hughes, the Television Match Official, (England) had observed and examined the incident at the time via the Hawkeye system on two "front on" camera angles and had attempted to draw the attention of the referee as he believed the Player's actions merited a red card. However, due to a regrettable failure of the telecommunications system the referee was unable to hear him. Mr Hughes' statement confirmed that play had continued as a result, and due to the protocol affecting TMO referrals, he and the match officials were subsequently unable to deal with the incident during the match.

#### Match Footage

The footage was of good quality and depicted the incident clearly from several angles both in real time and slow motion.

The start of the footage showed France number 13 in possession of the ball moving upfield.

France 13 is tackled on his 10-metre line inside his own half by Scotland 13, who wraps both arms around F13's abdomen area where the ball is held. F13's momentum takes both him and S13 two or three metres closer to the halfway line until F13 falls to the ground. As he does so he turns so that he can present the ball to his side.

S13 also momentarily falls to ground onto his knees but immediately raises and manages to place his right foot on the ground whilst still holding F13. S13's left knee remains on the ground.

Within a split second of F13 going to ground, Scotland 6 (John Barclay) arrives from an "on-side" position and moves towards and over F13 in an obvious attempt to place his hands on the ball.

As this happens, the Player (who is the closest France player to S13 and F13) can be seen running towards the tackle area. As he approaches, he lowers his body position and charges towards S6 with considerable force. As he does so his right arm is bent at the elbow and his right hand is carried at or around the height of his right hip. His right shoulder is dipped and leads into contact. The Player drives his shoulder directly with force into the head of S6 who is knocked backwards, initially remaining in a crouched position, before falling backwards onto the ground as a result of the blow. At no stage had the Player attempted to bind onto either Scotland player as required by Law 15.7 of the Laws of Rugby Union.

The footage ended at this stage and no footage was presented showing the treatment of S6 or how long it took him to recover.

### **ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. witness evidence and medical reports)**

#### Statement of John Barclay Scotland No 6

John Barclay was the Scotland player involved in the breakdown who had been the alleged victim of the Player's illegal charge. His statement had been provided through his team management and read as follows:

*"My memory of the event was going in for an attempted Jackal. As I arrived, I felt a heavy blow to the back of my neck and head. Took me a while to get over the knock which left me with constant pain and discomfort in my neck".*

#### Medical Evidence

A statement from Dr James Robson SRU Team Doctor had been provided and this read as follows:

*"I, and my colleague Stuart Paterson attended John, on field, at approximately 16 minutes after kick off. He reported that he had sustained a blow to the back of his neck and head. He reported that he had had very transient "pins and needles" (paraesthesia) down both arms. He was at all times alert and orientated. He expressed a desire and ability to continue after a few moments to recover.*

*At half time he reported that his "neck was tight and sore". Our head coach was informed that in my opinion he was unlikely to be able to continue for the remainder of the match and may need (sic) replaced early in the second half.*

*After the game, John reported having a painful and stiff neck. On return to the team hotel he required analgesia (cocodamol 30/500) and muscle relaxants (Diazepam 5mg).*

*This morning (18/08/19), examination reveals global restriction of all cervical (neck) movements with most restriction in cervical rotation to the left. In addition, he has marked increase in tone of his trapezius muscles (neck muscle spasm) with no mid-line tenderness. He continues to report generalised neck pain.*

*He is currently continuing to take analgesia (cocodamol 30/500, 2 tablets up to 4 times in 24 hours).*

## **PLAYER'S RESPONSE TO STANDING DIRECTIONS, PRELIMINARY MATTERS AND EVIDENCE**

### Player's Response to Standing Directions

Prior to the hearing, and in accordance with the directions issued by the Chairman, the Player had set out his position in response to the citing complaint. This had been prepared by his legal representatives on his behalf. It confirmed that the Player admitted committing an act of foul play as alleged in the Citing Complaint and that his conduct had merited a red card. The Player's description of what transpired in the incident was as follows:

- (i) Mr Gabrillagues approached the ruck with a view to cleaning out the first defensive support, Scotland number 6.
- (ii) Mr Gabrillagues opened his arms in order to bind Scotland number 6. As he approached the ruck, the head of Scotland number 13 came into his line of movement.
- (iii) In order to avoid contact with the head of Scotland number 13, Mr Gabrillagues sought to change his trajectory. In doing so, he lost his balance and it was not possible to avoid contact with Scotland number 6.
- (iv) Mr Gabrillagues is aware that, whilst inadvertent, the contact with the Scottish number 6 resulted in a big impact. Mr Gabrillagues apologises for this (and he contacted the Scottish number 6 by text message over the weekend to apologise to him personally).
- (v) The Disciplinary Committee will of course be in a position to hear from Mr Gabrillagues further on these matters at the hearing tomorrow with the benefit of a translator present.

### Player's further statement

Shortly before the hearing, the Player produced the following written statement providing more detail about the incident. It stated:

*"I am in the thick of the action, following the ball. In play and at high speed, I see my teammate has been tackled.*

*I am the first support and I run towards the play, ready for an offload or to clear out. Then as I approach, I see that my teammate has been blocked and tackled to the ground. I try to move in as quickly as I can to help him by clearing out number 6, who is jackalling for the ball, using both of my arms to clear number 6.*

*I see the number 13 is now getting up. I move my right arm down to avoid hitting the head of number 13 and I twist round my body to avoid a collision with him. In doing so, my footing is not secure because I am coming around to join the ruck and not moving in a straight line. In trying to clear out number 6 and trying to avoid number 13, as I go into contact my head has moved down and I do not see number 6 and then there is the collision. I did not realise that I had made contact with the head of number 6.*

*It was not my intention to hurt number 6 in any way. When I heard about the injury to number 6, I wrote him a text to apologise".*

### The Hearing and Preliminary Matters

At the outset of the hearing the Chairman introduced all present and explained the procedure to be followed in accordance with the Regulations. He then confirmed what evidential material had been circulated to ensure that everyone had received the same in good time.

The Chairman then raised an issue with the Player's representative that whilst in his initial response to the standing directions the Player had admitted the act of foul play as alleged in the citing complaint and, further, that it had merited a red card, the Player's explanation gave the impression that his actions had been accidental and had not involved any intent on his part to commit foul play or that he had been reckless (i.e. that either he knew that by his actions there was a risk he would commit an act of foul play or he ought to have known there was a risk of this happening).

The Chairman explained that if the Player's case was that his conduct was accidental and had not involved either recklessness or intent, then no act of foul play would have occurred.

Mr. Weston, on behalf of the Player, acknowledged the point but stated that the Player accepted his actions were reckless and explained that the initial written response was imperfect as the document had been prepared at short notice and without the benefit of an English/French interpreter.

The Chairman then asked that the match footage be played in silence. Following this, the Chairman then read the evidence referred to above.

### Player's Evidence

The Player then gave his explanation as to the facts. He did so by reference to the match footage and stood at the screen used at the hearing to illustrate some of the points. He also physically demonstrated some of his actions.

He explained that immediately prior to the incident, he was following the ball and that he had seen that his teammate (F13) was being held by S13.

He could see that his teammate had been tackled and would not be able to offload the ball.

The Player realised that a ruck would form, and he would need to use both arms to "clear out" the Scotland player. He illustrated to the Committee how he would have turned the Scotland player by placing his arms around the torso and rolling him away. He also said that he had another option which was to approach the ruck lower down than the jackling player (to drive him off).

He pointed out to the Committee that initially, as he was approaching the ruck, his target was S6, not S13. However, as he approached, he began to see S13 beginning to stand up and get in the way.

He explained how initially his left arm could be seen slightly "out" (i.e. extended), but he moved his right arm in to his side as S13 was getting up. He explained that if he had not done so as he continued, S13 would have been hit by him.

He was asked what his head was doing as he approached the ruck. He said that at the last minute he dipped his head.

He was asked what his torso was doing. He said that his torso was crouching down "to get low".

The Player said that he did not see or know the point of his collision upon S6. He said that he had turned slightly and had partially lost his footing with his left foot as he drove into the ruck.

He described how the match footage showed that he had tried to avoid S13 and he had tried altering his angle of running to "come around" S13 to get to the ruck.

He was asked by Mr Weston what speed he had been travelling at, he described his speed as being "support speed" and that his goal had been to get to the breakdown before S6.

Upon questioning by the Committee, the Player did not accept that he had sufficient time to avoid charging into S6 in the manner that he had leading with his shoulder. He described how his actions were a "reflex" as a consequence of S13 beginning to stand up.

The Player was then asked about what had happened following the Match. He said that he had not spoken to or seen John Barclay after the Match, although John Barclay had given his match jersey to another France player, but had subsequently heard that he was suffering from the effects of the incident and so he sent him an apology the next day by text.

This text message was produced to the Committee as was the reply from John Barclay accepting the apology.

This concluded the Player's evidence.

### **Sanctioning Process**

As the Player had admitted the act of foul play alleged in the citing complaint, in accordance with Regulations 17.19.2 to 17.19.6, the Disciplinary Committee is obliged to follow a three-stage process to determine the resultant sanction. Firstly, it must consider its factual conclusions against the "entry point criteria" (Regulation 17.19.2) which is an assessment of seriousness of the foul play in terms of the "on-field" factors.

Once it has decided the appropriate entry point, it then has to consider the existence of any "off-field" aggravating factors as prescribed under Regulation 17.19.4 which might increase the sanction before considering the existence of any off-field mitigating factors under Regulation 17.19.5 which could reduce the sanction.

Regulation 17.19.6 provides that the maximum reduction from the entry point suspension is limited to 50% but that Committees must start at zero and work its way up depending on the circumstances of the case.

Appendix 1 of Regulation 17 provides the following entry point suspensions for acts of foul play contrary to Law 9.20

Low end – 2 weeks

Midrange – 6 weeks

Top end range – 10 + weeks with a maximum of 52 weeks

Appendix 1 also prescribes that any act of foul play which results in contact with the head and/or neck shall result in at least a mid-range sanction.

### **Player's Submissions as to Sanction**

Mr Weston submitted on behalf of the Player that the incident was unusual because S13 had got up quickly and unexpectedly. He submitted that three things could be observed which put the Player's actions into context:

Firstly, S13 gets up quickly and unexpectedly. Secondly, the Player switches his attention to avoiding S13. Thirdly, the Player's right leg changes angle which evidences his attempt to avoid S13 and go around him.

He asked the Committee to accept that the incident had unfolded very quickly.

He submitted that the Player acknowledged his conduct had been reckless because he had failed to try and wrap his arms around S6, but that the intervening actions of S13 had made this extremely difficult.

In accordance with the entry point, Mr Weston's submissions were that the Player's conduct had not been intentional or deliberate, but rather, were reckless. He said that the Player's recklessness was at the lowest end of the scale. In terms of the gravity of the Player's actions, he pointed out that it was only the Player who was involved in the offending. None of the parts of the body referred to in 17.19.2 (i.e. fist, elbow, knee or boot) were present in this case and this was not a case involving provocation, retaliation or self-defence.

As to the effect of the Player's actions on the victim, there appeared to be no significant trauma caused to the victim player who continued playing after the incident.

As to the effect of the Player's actions on the Match, there was none.

Mr Weston accepted that Mr Barclay had been vulnerable. There was, however, no premeditation, the conduct was completed rather than attempted and there were no other relevant features present.

Mr Weston accepted that the Committee was obliged, in accordance with Appendix 1 to Regulation 17, to start at a minimum of the mid-range entry point but that this was not a "top end" case.

As far as off-field aggravating factors were concerned, he submitted that there were none.

As to off-field mitigating factors, he relied upon the Player's immediate acknowledgement of culpability. He said that the Player had an overall good disciplinary record, notwithstanding a previous suspension of eight weeks for making contact with the eye or eye area of an opponent. The Player was not young and inexperienced, but his conduct prior to and at the hearing had been exemplary. Additionally, the Player had demonstrated remorse for his conduct to the victim player immediately he became aware of the effect his conduct had had upon Mr Barclay.

Mr Weston submitted that the Player was entitled to the maximum mitigation permitted under the regulations, i.e. a 50% reduction from the entry point and so, therefore, if the Committee concluded this was a mid-range case requiring a six week entry point, he ought to have no more than a three-week sanction..

In terms of how to apply that sanction, Mr Weston submitted that the Player was presently within the thirty-one players selected to represent France at the Rugby World Cup 2019 in Japan. The Player was not expected to play for his club whilst he was in the world cup squad. He further submitted, however, that if the Player was to receive any significant suspension, there was a risk that he would be deselected from the national squad which meant that he would be released back to his club team, Stade Français Paris and, therefore, the number of weeks' suspension could properly be applied to both the France national team matches and to his club matches.

The Chairman clarified the position with Mr Weston regarding this which led M. Serge Simon to confirm that there was a significant risk that if the Player received a suspension of three or four weeks, he may well be deselected from the national squad.

This concluded the Player's submissions as to sanction

## **FINDINGS OF FACT AND DECISION AS TO SANCTION**

The Committee retired in private to review the evidence it had seen and heard and to consider the match footage. It also considered the Player's representative's submissions.

The Committee also recognised that watching footage in slow motion can give the false impression that a person has more time to think, calculate and form intentions than is the case.

Furthermore, the Committee reminded itself that its findings of fact were to be determined on the balance of probabilities. The Committee's factual conclusions were as follows:

1. Following a tackle by S13 upon F13 both players go to ground with F13 turning to his own side in an attempt to place the ball.
2. S13 immediately begins to partially get up from the ground by raising his right leg and planting his right foot on the ground with his left knee remaining on the ground. At this time F13, who is partially held down by the weight of S13 remains on the ground.
3. John Barclay (S6) is the first player on either side to arrive at the tackle area and approaches F13 with a view to "jackal" for the ball.
4. At the same time, the Player can be seen running quickly towards the tackle area from behind his own player, F13.
5. As the Player approaches, he keeps his right hand near the level of his right hip with a bent arm.
6. He then moves forward by dipping and leading with his right shoulder and charges forcefully into S6 causing his shoulder to impact with considerable force upon S6's head.
7. S6 is knocked backwards from the impact to his head and then he falls to the floor.
8. During the passage of play, the Player makes no attempt to avoid contact with S6 and makes no attempt to slow his speed before impact.
9. The Player had also made no attempt to bind onto another player when entering the tackle area.
10. The Player's shoulder's impact upon S6's head was with considerable force and was very dangerous.
11. The Committee rejected the Player's explanation that whilst he had sufficient time to adjust his footwork and right arm to prevent a collision with S13, he had insufficient time to avoid contact with S6.
12. The Committee also rejected the Player's evidence that he partially lost his footing immediately before he charged into the tackle area which affected how he came into contact with S6.
13. Due to the Player's dangerous charge into a tackle area, S6 had suffered considerable pain and discomfort which had not subsided the following day when the Scotland team doctor had provided a written statement outlining the injury.
14. The Committee concluded that notwithstanding the speed of the incident, the Player had the opportunity to avoid contact with S6's head but did not do so.

## DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
Th Committee found on the balance of probabilities that the Player had acted intentionally in charging into John Barclay rather than in a reckless manner. It rejected the Player’s evidence that he had insufficient time to avoid contact with Barclay. In coming to this conclusion, the Committee took into account the match footage and fact that the Player had accepted he had time to lower his right arm and his angle of running to avoid contact with S13 who was closer to him. The Committee found that if the Player had time to avoid S13, he had sufficient time to avoid charging into S6 leading with his right shoulder. Further, the footage was not consistent with any attempt by the Player to slow down as he entered the tackle area which he could have done in light of his admitted ability to adjust other aspects of his movement.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
The Committee concluded that the Player’s actions were grave/serious in that the charging into the tackle area was with considerable force, at high speed and resulted in a direct impact to the head of S6.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The foul play had involved the Player’s shoulder.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Not applicable
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Not applicable
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not applicable
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
The Committee took into account the medical evidence as referred to on page 3, above.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
There was no significant effect upon the Match and it was unclear whether Barclay had been substituted due to his injury.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
The Committee found that Barclay’s head and neck were particularly vulnerable in the “jackal” position. He had no ability to defend himself from a dangerous charge of the type that had occurred.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
The Committee concluded that the Player had fully participated in the offending and that no other player had contributed to it. The Committee also found that whilst the Player had intended to commit the act of foul play it did not find that his actions were pre-meditated or planned.

Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The Committee found that the Player’s actions had been completed.
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
There were no other features of relevance not appearing above.

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input checked="" type="checkbox"/>	10	<input type="checkbox"/>		<input type="checkbox"/>	

\*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.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point within Top End range
The Committee determined that in the absence of evidence of a serious injury to John Barclay, the appropriate sanction within the top end range was a suspension of 10 weeks.

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Not Applicable.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
World Rugby has not determined sanctions for offences of dangerous play in a ruck should be aggravated due to a need for deterrence to curb a pattern of offending and it is not the place of individual disciplinary committees to impose their own views on such matters.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
There were none.

Number of additional weeks:

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player had admitted at the outset that his conduct had constituted foul play and had warranted a red card. This was to his credit.	The Player had one relevant previous disciplinary transgression for serious foul play (contact with the eye or eye area) in season 2014/2015 for which he had served an eight-week suspension.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)

The Player was neither young nor inexperienced	The Player had shown good conduct throughout the disciplinary process and at the hearing.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
The Player had shown remorse at a very early stage by sending a personal message of apology to John Barclay which had been accepted.	There were none.

Number of weeks deducted:

4

Summary of reason for number of weeks deducted:

The Player was not entitled to full mitigation due to his previous disciplinary record and whilst he had indicated a guilty plea at the outset, contrary to his evidence, the Committee had found against him on the question of intent.

After careful consideration, the Committee concluded a 40% reduction from the entry point was appropriate in the circumstances.

## SANCTION

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	6 weeks
Sanction commences	17 August 2019
Sanction concludes	23:59h Sunday 6 October 2019
Matches/tournaments included in sanction	<p>24 August 2019 – LOU Rugby v Stade Francais Paris  31 August 2019 – Stade Rochelais v Stade Francais Paris  7 September 2019 – Stade Français Paris v Aviron Bayonnais  14 September 2019 – Bordeaux Begles v Stade Francais Paris  28 September 2019 - Stade Francais Paris v ASM Clermont Auvergne  5 October 2019 – Castres Olympique v Stade Francais Paris</p> <p>In applying the six weeks to the matches above, the Committee concluded that based upon the evidence from M Serge Simon and submissions from Mr Weston, it was more likely than not that the Player would be withdrawn from the France national team for RWC Japan 2019 as a six week suspension would mean that he would be ineligible for all France national team matches until the quarter final stages of the tournament. Accordingly, the panel unanimously concluded that it was appropriate to apply the six-week suspension to the matches of his club team, Stade Francais Paris.<sup>1</sup></p>

Costs	No order
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Signature (JO or Chairman)	Simon Thomas	Date	20 August 2019
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<sup>1</sup> Regulation 17.19.10 provides that “weeks” represents matches in which the Player would be expected to play, and the matches listed above satisfied this criteria, in the view of the Committee

**NOTE:** YOU HAVE **48 HOURS** (15s)/**24 HOURS** (7s) FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)