

RWC 2019 DISCIPLINARY DECISION



Match	South Africa v Italy		
Player's Union	Italy	Competition	RWC 2019
Date of match	Friday 4 October 2019	Match venue	Shizuoka Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	(1) Lovotti (2) Quaglio	Date of birth	(1) 28 July 1989 (player 1) (2) 9 March 1991 (player 2)
Forename(s)	(1) Andrea (2) Nicola		
Referee Name	Wayne Barnes	Plea	<input checked="" type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted (1) Player 1 admitted (2) Player 2 admitted foul play admitted but disputed breach of law 9.18 or that red card test had been met.
Offence	9.18 A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Red card for Andrea Lovotti (player 1); Citing for Nicola Quaglio (player 2).
Summary of Sanction	3 games for player 1. 3 games for player 2.		

HEARING DETAILS

Hearing date	6 October 2019	Hearing venue	Offices of Atsumi & Sakai, Uchisaiwaicho, Chiyoda-Ku, Tokyo
Chairman/JO	Sir James Dingemans (England)		
Other Members of Disciplinary Committee	Frank Hadden (former Scotland coach) Ollie Kohn (former Wales international)		
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)	Andrea Rinaldo, FIR Board Member and counsel for players 1 and 2. Luigi Troiani, Team Manager of the FIR.	Disciplinary Officer and/or other attendees	Yvonne Nolan (DDO for World Rugby). Alastair Maclean, General Counsel for World Rugby.
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> 1. The video footage; 2. The video footage seen by the TMO; 3. The statement from South Africa number 8; 4. The referee's report; 5. The First Assistant Referee's report; 6. The Second Assistant Referee's report; 7. The Citing Commissioner's report; 8. The medical officer's report on South Africa number 8; 9. The notice of the hearing; 10. The Directions of the Judicial Committee; 11. The Response by the players to the Directions; 12. The Response by the DDO to the Directions; 		

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

1. The South Africa number 8 said: "... I played in the position of Eightman for the South African national rugby team against the Italian national rugby team at the Shizuoka Stadium Ecopa, Shizuoka, Japan. During the 42nd minute of the game I was standing still and bending down to gain possession of the ball. After I gained possession of the ball and retained my posture and after the whistle was blown to stop play, I felt two players were bound to me, one around my left leg and the other around my right leg. These players proceed to lift my feet off the ground and into the air and then tilted my upper body forward causing it to fall to the ground. As a result I fell forward with my head, shoulder and neck area making impact to the ground first."
2. Wayne Barnes, the Referee, who noted that he had prepared his statement without reviewing the incident on video, said "in the 42nd minute of the match, I blew my whistle to award a penalty to Italy. As I blew my whistle, I noticed the legs of SA 8 in the air. He had been contesting the ball on approximately his own 5 metre line. I blew my whistle again and separated the players. The SA 8 was lying on the floor. I decided to review the incident on the big screen along with the TMO. I then saw the SA 8 with the ball standing on his feet. He was then lifted by both [player 1] and [player 2]. He was taken beyond the horizontal and almost to the vertical. He was then dropped and not brought to ground safely. His head made contact with the ground. I decided that [player 1] was more culpable for the foul play and therefore issued him a red card. The SA 8 continued after treatment. After the match, whilst I was still on the pitch, [player 1] approached me and apologised for his actions. I then witnessed him apologise to SA 8 who was standing very close by."
3. Roman Poite, the First Assistant Referee said: "After Wayne blew his whistle for an off side at ruck by 9SA, I saw 8SA holding by 2 players with feet above the head. We agreed to check that as TMO call. I agreed with Wayne explanation and saw [player 1] just holding the SA player and never drove him to drop him on the floor. I clearly see [player 1] doing the driving and dropping the player on floor with danger. Anyway I follow the TMO process and went through Wayne decision."
4. Alex Ruiz, the Second Assistant Referee said: "After Wayne blew his whistle for an off side at ruck by 9SA, I was far away (face side) but I saw 8SA being lifted up by 2 players with his feet above horizontal and his head made contact with the ground. I agreed with Wayne explanation when I review this action on big screen. I follow the TMO process and agreed with Wayne's decision."
5. Rowan Kitt, the Television Match Official said "As TMO, I saw the foul play incident involving SA8 live; I waited for the referee to ensure the safety of the players and separate the two teams and then speak to his AR1. The referee asked me to show the clearout on SA 8 and I said I would highlight the actions of two Italian players – [player 2] and one other whose number I could only identify as we watched the footage during the review [player 1]. I agreed with the referee's decision that I1 was the greater offender of the two, the offence being lifting SA8 virtually vertically in the air and dropping him on his head. The match officials agreed the red card sanction."
6. The citing commissioner said: "In the 42nd minute of the match, Italy were attacking about 5 metres from the South African line. South Africa No. 8 had possession of the ball in a tussle with Italy No.1 (Andrea Lovotti) and Italy No. 17 (Nicola Quaglio). The referee blew his whistle to award a penalty for offside to Italy. After the whistle was blown, both of the Italian players (No.1 and 17) had a hold of South Africa 8 who was standing upright. Italy 17 had both hands clasped together between the legs of South Africa 8, and Italy 1 had his right hand on the front collar of South Africa 8 and his left hand in the groin area of South Africa 8. The Italian players then lifted the South African

player up through the horizontal to the vertical before driving him into the ground with force without taking due consideration to the safety of the player. The South African player retained possession of the ball in his right hand throughout this action and, as he was forced to the ground, put out his left arm in an attempt to break the fall. As he reached the ground his left hand came down first, but this did not prevent his left shoulder and head striking the ground with force. It was only due to the actions of South Africa 8 that prevented potential serious injury. Following a review of the incident by the referee and the TMO, the on-field decision was to issue a red card to Italy No.1. Having carefully reviewed all of the additional available video angles, it is my opinion that both Italian players were culpable for this act of foul play. South Africa 8 received on-field medical attention and continued to participate in the game. At the conclusion of the game I arranged for the Citing Commissioner Liaison Officer to obtain a statement from the South African Team Doctor in relation to any injury pertaining to South Africa 8 as a consequence of this incident. The Medical Report is attached. Having considered all of the additional available video and medical evidence, I deem that the actions of Italy 17 breach the red card threshold and therefore cite Nicola Quaglio for a contravention of Law 9.18.”

7. We saw a number of different angles of the incident from the footage. The footage shows that after a line break by Italy, South Africa were defending their try line and the referee had indicated that a penalty would be awarded against South Africa for an infringement by South Africa number 9, and advantage was being played to Italy. By that time South Africa number 8 was over the ball. Player 1 was on the right hand side of South Africa 8 and player 2 was on the left hand side of South Africa number 8 and both were attempting to remove him from the ball. Player 1 had his hand on the shirt and leg of South Africa number 8. Player 2 had his hand on the leg of South Africa number 8 and missed his grip, attempted to grab again, and after a period secured both hands around the leg of South Africa number 8. After the whistle was blown, both player 1 and player 2 had a hold of South Africa number 8 who was at that stage standing upright. Player 2 had his hands around the legs of South Africa 8, and player 1 had his right hand on the front collar of South Africa number 8 and his left hand in the leg area of South Africa number 8. Both players 1 and 2 then lifted the South African number 8 up through the horizontal to the vertical and then dropped South Africa number 8 so that he landed on his head and shoulder, with player 1 collapsing with South Africa number 8 and player 2 appearing to move South Africa number 8 towards the ground.
8. It is apparent that although player 1 had attempted to lift the South Africa number 8 first, it was the actions of both players which contributed to the lift of South Africa number 8, and both players 1 and 2 lifted South Africa number 8. The South African number 8 retained possession of the ball in his right hand and put out his left arm in an attempt to break the fall. As he reached the ground his left hand came down first, but his left shoulder and head hit the ground. The players reacted but the referee immediately blew his whistle and cautioned the players to be careful. After treatment the South Africa number 8 continued to play in the game.

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

9. The medical evidence on South Africa number 8 showed that he suffered a “stinger on the left shoulder” which was described as a traction type injury. The South Africa number 8 continued to play after treatment and it is believed that there will be no long term complications.

SUMMARY OF PLAYER'S EVIDENCE

10. Player number 1 (Andrea Lovotti) said "... I accept that that the Match Official Reports are a true and accurate account of the incident that resulted in my red card & the facts surrounding the argument."
11. In further evidence at the hearing player 1's evidence was to the effect that he was trying to clear South Africa number 8 at the breakdown and his intention was to move aside the player. Unfortunately as he was trying to clear out the player, there was an intervening event namely the advent of player 2. Player 1 did not hear the referee's whistle when the South Africa number 8 was still standing because he was already in the air and unfortunately he felt the player was coming on top of him and he could not control the fall of the player to the ground. What he could say was that he was extremely sorry about the action because this affects player safety and should not be seen on the pitch. In answer to further questioning player 1 said he was aware South Africa number 8 had stolen the ball but player number 1 said unfortunately he could not see if South Africa number 8 had the ball. Player 1 said he could not remember the exact sequence of where his arms were at any one time. When asked about the effect of the actions of player 2 on the lift player 1 said he intended to lift South Africa number 8 laterally but with the intervening effect of player 2 the player lifted vertically and then they could not control him because player 1 said he felt he had the weight of South Africa number 8 on his arm.
12. Player number 2 (Nicola Quaglio) said "... I believe that the reconstruction of the incident made in the citing complaint (on my position [player 2] compared to that of [player 1] is debatable and the [Judicial Committee] should consider my position differently ... At the beginning of the tackle, my position in the act of foul play was secondary and aiming to support the tackle of my teammate [player 1]. The dynamics of the action was totally unintentional. Although I am very sorry about what happened, I will defend my position at the hearing, in view of the totally unintentional dynamics and – luckily –the complete lack of consequences on SA8."
13. In further evidence at the hearing player 2's evidence was to the effect that he had seen the footage and that showed that he had to enter the ruck in a certain way because of the position of South Africa number 2. Player 2 had wanted to push South Africa number 8 straight, but he arrived laterally and opposite player number 1, which caused the lifting. Player 2 said that he felt himself with the leg of South Africa number 8 on his hand, and he saw South Africa number 8 and tried to avoid him dropping on to his head. He said his hands had made contact and then no contact with the leg of South Africa number 8, and then his hands had gone underneath the leg of South Africa number 8. When asked whether he had carried out any lifting of South African number 8, player 2 emphasised that he had entered to the side because of the position of South Africa number 2 and he had found South Africa number 8 on his (player 2's) shoulders and tried to avoid him falling on his head. Player 2 said he had not lifted the South Africa number 8 but he had felt force on his left shoulder and tried to grab South Africa number 8 when he was in the air from the push on the other side. When asked whether he had bent and lifted South Africa number 8 by reference to some of the footage, player 2 said that South Africa number 8 had already been lifted and he had tried to push straight. Player 2 had not heard the whistle and player 1 had started the lift but player 2 did not join in. When player 2 realised what was happening, he tried to control the movement of South Africa number 8 but it was very difficult to support the weight of such a player. He said that the footage showed that it was the player's right leg which was lifted, and he did not accept that the footage showed that he had lifted the left leg. He said he was in a stiff or rigid position because South Africa number 8 was tilting. He

was pushing the player forward and had not seen player 1 and the South Africa number 8 was already in the air. Player 2 said he was sorry for his actions.

FINDINGS OF FACT

14. Both player number 1 (Andrea Lovotti) and player number 2 (Nicola Quaglio) appeared before the Disciplinary Committee together in respect of the tackle on South Africa number 8 because of the possibility that the actions of each player might have impacted on the other player. However it is essential as a matter of fairness to both players to consider their actions and responsibilities separately and we do so, while conscious of the fact that the actions of the other player may have adversely affected what the player whose case we are considering did. We note that this is the approach which has been taken in a number of other cases, see *Ford & Gray* (Rugby World Cup 2015). This means that we must, among other matters, assess separately whether the red card test has been met for each player.
15. Player number 1 has accepted that he committed an act of foul play contrary to law 9.18 and that the foul play crossed the red card threshold. We agree that player 1 committed an act of foul play contrary to law 9.18 and that the foul play crossed the red card threshold. This was because player 1 lifted the right leg of South Africa number 8, turned him through 90 degrees in conjunction with player 2, and dropped South Africa number 8 while player 1 collapsed to the ground. As a matter of fairness to player 1 we should record that it appears that he was attempting to move South Africa number 8 who was secured in a "jackal position" over the ball but the dynamics changed when player 2 came from the other side and player 2 also attempted to move South Africa number 8. We therefore do not find that there was an intentional breach of law 9.18 but that the actions of player 1 were reckless because he should have been aware of player 2 and of the effect of player 2's actions. Player 1 should have controlled the descent of South Africa number 8 given his role in lifting him.
16. Player 2's case, which was advanced on his behalf by Mr Andrea Rinaldo in succinct and helpful submissions, was that he had not infringed law 9.18 because he had not been involved in the lift of South Africa number 8. Although he accepted that he had committed an act of foul play by not returning the South Africa number 8 to the ground his actions did not pass the red card test. Although player number 2 did not accept that he lifted the South Africa number 8, and although it is right to note that player number 2 did miss his handhold on South Africa number 8's leg on a couple of occasions, it is plain from our analysis of all of the footage and all of the evidence before us and we find that player number 2 did secure his hands around South Africa number 8 and player 2 did lift South Africa number 8. Player 2 did turn South Africa number 8 through 90 degrees in conjunction with player 1, and player 2 did drop him. It is right to note that player number 2 was also attempting to clear out South Africa number 8 by driving him off the ball and did not intend to lift and drop South Africa number 8. It was apparent from his evidence that the event happened very quickly and player 2 did not have a clear understanding of what actions he had carried out. However although not intending the result, player 2 was reckless in his actions because he had no regard to the presence of player number 1 or the effect of the actions of player number 1 on South Africa number 8. Player number 2 did not control the way in which South Africa number 8 came to the ground.
17. Although player number 2 can point to the fact that the referee and assistant referees considered that the actions of player number 1 were responsible for the lifting, which was why a red card was issued only against player number 1, we have had the advantage of seeing more footage, the advantage of time, and the opportunity to consider the oral evidence of players 1 and 2. In the light of all of the evidence we find that the citing

against player 2 should be upheld. This is because we find that he did contravene law 9.18 by lifting and dropping South Africa number 8 and because we consider that the red card test was met. This was because player number 2 lifted South Africa number 8, turned him upside down in conjunction with player 1, and dropped him to the ground.

DECISION

Breach admitted <input checked="" type="checkbox"/> For player 1 (Andrea Lovotti)	Proven <input checked="" type="checkbox"/> For player 2 (Nicola Quaglio)
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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 type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
This was reckless and not intentional for the detailed reasons given above. Both players were attempting to clear out South Africa number 8 but neither player had any regard for the actions of the other.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
South Africa number 8 was dropped onto the ground.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
South Africa number 8 was turned upside down and dropped to the ground.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
There was no provocation for either player.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
There was no retaliation from either player.
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
There was no self defence for either player.
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
South Africa number 8 suffered a stinger but was able to continue to play.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Player 1 received a red card. Player 2 and South Africa number 8 continued to play.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
South Africa 8 was vulnerable when upended and dropped to the ground.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
This was not premeditated by player 1 or player 2. The action came about because players 1 and 2 did not have regard to what the other was doing and lifted and dropped South Africa number 8.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The conduct was completed.
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
None for either player 1 or 2.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	6 weeks
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" 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
<p>A low end entry point was taken because the dynamics of the tackle were affected by the actions of the other player for both player 1 and player 2 and because there was no lasting injury to South Africa number 8 who was able to continue to play.</p> <p>It might be noted that a low-end entry point for a "tip tackle" contrary to law 9.18 (6 weeks) is equivalent to a mid-range entry point for a high tackle, which is the required entry point where there has been contact with the head. Although the requirement in regulation 17 to take a mid-range starting point where there has been contact with the head might literally be read to require a mid-range starting point in this case, because there was contact between the head of South Africa number 8 and the ground, this is not the approach which has been taken to the requirement in other cases. The requirement has been interpreted to apply to contact between the tackler and the head of the tackled player. We agree with that approach and follow it because the starting points for other offences such as tip tackles have already been increased to reflect the danger to players.</p>

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)
Both player 1 and player 2 had not received a red card before this incident.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not applicable.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
None for player 1 or player 2.

Number of additional weeks:

0

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)
Player 1 apologised to the referee and South Africa number 8 immediately after the match. Player 2 apologised for his actions at the hearing.	Both player 1 and player 2 have clean records.

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)
Not applicable to either player 1 or player 2.	Both player 1 and player 2 complied with directions for the hearing and attended the hearing, gave evidence and answered questions.
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)
It was apparent that both player 1 and player 2 were genuinely sorry for their actions.	None

Number of weeks deducted:

Summary of reason for number of weeks deducted:

Full mitigation of 3 weeks was applied to player 1 because he accepted that the red card had been properly awarded and he had a clean record.

Full mitigation of 3 weeks was applied to player 2 because of the player's clean record and acceptance that he had committed an act of foul play. Although he had disputed the fact that the red card test had been met, the approach taken (for this tournament alone) has been to treat that as full mitigation.

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	3 weeks for player 1. 3 weeks for player 2. This sanction is part converted into matches for RWC 2019.	Sending off sufficient <input type="checkbox"/>
Sanction commences	The first match for which both players are suspended is RWC 2019 match v New Zealand on 12 October 2019. Should Italy qualify for the RWC quarter finals on 19 October or 20 October 2019 the quarter final (and any other further matches in the tournament) will count as part of the suspension. In the event that Italy do not progress either to the quarter finals or beyond in the tournament the 2 nd and/or 3 rd games of the player's suspension shall be served in the Pro 14 tournament in Europe.	
Sanction concludes	Either at this tournament or in the Pro 14 tournament in Europe as appears above.	
Matches/tournaments included in sanction	RWC 2019 and Pro 14 tournament.	

Costs	None
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Signature (JO or Chairman)	Sir James Dingemans	Date	7 October 2019
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NOTE: YOU HAVE **48 HOURS** 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)