

**RUGBY EUROPE**  
**MISCONDUCT: IN THE MATTER OF ALLEGED BREACHES OF WORLD RUGBY REGULATION 18**  
**AND WORLD RUGBY CODE OF CONDUCT**

<b>CHARGES BROUGHT BY:</b>	Rugby Europe
<b>AGAINST:</b>	Soren Bjerre Fremming Denmark Women Team Manager
<b>HEARING:</b>	08 July 2024
<b>DISCIPLINARY PANEL:</b>	Marcello d'Orey, Chair (Por) Carlos García-Trevijano, Wing (SPA) Daniel Gore, Wing (ENG)
<b>ATTENDEES</b>	Mr. Fremming;
<b>SECRETARIAT:</b>	David Baird-Smith (Rugby Europe)

**DECISION OF THE DISCIPLINARY COMMITTEE**

**A. INTRODUCTION**

1. These Misconduct complaints arise out of events which occurred during the Zagreb 7's Trophy, 1<sup>st</sup> Leg, played between 13-16 June 2024, in Zagreb.
2. By Misconduct Complaint form dated 21 June 2024 sent by Maria Gyolcsos, Tournament Director of the Women's 7s Trophy 2024, in Zagreb ('the Misconduct Complaint') the following complaints of Misconduct were raised:

*"The Misconduct complaint alleged against Mr Fremming is that, he disregarded, in several orders, the decision of the Tournament Directors regarding the authorisation of a non WR approved facemask to be worn by a player with nasal fracture.*

*Mr Flemming allegedly committed professional defamation of Rugby Europe administrators, tournament officials (directors and referee manager) and the medical director by distorting the true and accurate events of the decision-making process when speaking or writing to each*

*party (including World Rugby), making them seem incompetent and/or as if they were abandoning their professional duty. »*

*Specifically, the Women's Tournament Director described the alleged misconduct as follows:*

- (1) 13th June Thursday*
- (2) cc 20:40 Mr Fremming approached me after the manager's meeting to submit their passports and to ask for the authorisation of a custom-made facemask. I asked him if he had World Rugby approval, and he said no, but the mask was made according to the World Rugby guidelines, and he has a letter from the manufacturer. I checked the mask and told him that I would need to speak to my colleagues, particularly the referee manager, to assess and make a final decision, and I would come back to him later in the evening. I took a photo of the mask (1. Photo1 Mask) and the letter from the manufacturer (2. Photo2 Letter from Manufacturer), and we parted ways.*
- (3) From 20:40 to 21:00, I discussed the facemask authorisation (to seek for a second opinion) with Mr Mysak (TD) and Mr van der Plas (ATD) and Mr Coelho (referee manager). They all confirmed that my decision is correct, the facemask cannot be used as it is not approved by WR.*
- (4) From 21:17 I texted Mr Fremming via WhatsApp to communicate the decision. First, he did not understand and asked for reasoning, which I provided, including a reference to Regulation 12. It was quite late, so I offered further clarification, support and discussion for the next day. In his response, he did not understand the decision and said that he can't open the link for the Regulation 12, and that he did not have an opportunity to seek for approval of the mask prior to the tournament and asked for further clarification. (3. Fremming WhatsApp conversation)*
- (5) 14th June Friday*
- (6) 7:59 – 9:00 I have had a WhatsApp conversation with Agathe Montocchio, who has brought to my attention that she has been in touch with the Danish Rugby Union about this facemask, provided the guidelines and regulations 12 and all*

*the necessary information beforehand. She also apologised that she did not have the chance to pass on the information earlier, but regardless of that, our separate messages to the Danish Team were in alignment and according to the Regulation 12. (4. Montocchio WhatsApp conversation).*

- (7) 8:00 I wrote to Mr Fremming and offered an opportunity again to provide a face-to-face explanation of the decision.*
- (8) Cc 9:00 The Denmark delegation has approached our FOP office. Mr Mysak, Mr Coelho and I were present, and Mr Fremming, the player and their head coach, was also there. I explained again that, unfortunately, the facemask is non-compliant; they should have had the WR approval beforehand and in any event, there is a metal part on the mask, which makes it impossible to use due to Player Welfare reasons. I delivered this message in the most empathetic way possible, emphasising that I feel with the player's emotions referring to myself as a former player. I did this because the player was present at the conversation. Mr Mysak offered assistance (above and beyond his role) to help the Danish delegation to seek forms for approval with his Union's experience and potentially event to purchase a mask locally, if possible, or to be used for the next leg.*
- (9) Cc 16:00 The Tournament Medical Director arrived on site (there was a rota on the medical staffing). Mr Fremming approached him and asked him to approve the mask. At the time I was not aware of this.*
- (10) 15th June Saturday*
- (11) In the morning Mr Fremming on his way to the FOP office, next to the medical seat approached me to ask whether the mask is authorised now. I told him that he had our decision yesterday, and the answer is no. Mr Fremming said that he has asked the tournament medical director, who has approved the mask, and he needs to know if the player can play. The tournament medical director, Dominic Drazenovic, overheard this conversation and stepped in to say that he was approached yesterday afternoon by Mr Fremming.*
- (12) I told Dr Drazenovic, that we have already made a decision according to the WR guidelines not to authorize the facemask. He said he was not aware at all about that, and we had a sidebar where I explained the chain of events. Dr*

*Drazenovic agreed that in this case, he agrees with our decision, and he made his decision without understanding the circumstances as Mr Fremming failed to mention this to him. We told Mr Fremming together this: the facemask cannot be used. He asked again if the player can or cannot play (with the Teamsheet in his hand) and I repeated that the facemask is not authorised, the selection is up to him. He said 'this is harassment and this is shit'. I left him to submit the team sheet to Mr Mysak (this was our role separation and standard process during the whole tournament).*

- (13) 14:00 Mr Tuccelli has responded to Mr Mysak and I, to further support our decision based on the confirmation of the guidelines by World Rugby. (Mr Tuccelli was not working that weekend.)*
- (14) 18:04 I officially became aware of a conversation between World Rugby, Rugby Europe and Mr Fremming where he made several accusations against me and how I made my decision, including distorting the reality and not disclosing the full truth. This email chain was started by Mr Nielsen, the World Rugby European Partnership Manager, also former President of the Danish Rugby Union. Mr Mysak copied me into this email chain, to also indicate to all parties that the behaviour of Mr Fremming is not acceptable and there might be a misconduct.*
- (15) 16th June Sunday*
- (16) 10:01 I responded to the email chain above to second Mr Mysak's points and to also indicate that Mr Fremming has not disclosed the full truth when speaking to the tournament medical director and that he did not want to respect our decision. I also indicate that I will provide a full written report with evidence after the tournament. (5. Emails World Rugby)*
- (17) Later in the morning, Mr Fremming approached me to apologise. He said something like this, I cannot remember his exact words: 'I apologise if my actions have offended you'. I said: 'Ok. Apology noted and accepted'. Before that, I have seen he approached Mr Mysak as well, probably for the same reason.*

(18) *There was no other conversation about the matter during the tournament. Mr Fremming was cooperating with us and the HU during the bronze match and award ceremony.*

(19) *The Danish delegation agreed, thanked us and left.*

3. Attached to the misconduct complaint, the tournament director also sent the following pieces of evidence:

- Photo 1 Mask.
- Photo 2 Letter from manufacturer.
- Fremming WhatsApp conversation.
- Montocchio WhatsApp conversation.
- Emails World Rugby.

## **B. HISTORY OF PROCEEDINGS**

4. Following the issuing of the Misconduct Complaint (dated 21 June 2024), the RE Disciplinary Committee decided that the alleged breach and the documentation submitted are solid enough to proceed with a proper Misconduct Disciplinary case.

5. Following that decision, the Disciplinary Committee appointed the following Disciplinary panel, Marcello d'Orey, Chair (Por), Carlos García-Trevijano, Wing (SPA), Daniel Gore, Wing (ENG).

6. On the 02 July 2024 a Notice of Hearing was sent to Mr. Fremming.

7. On the 04 July 2024, Mr. Fremming returned the Notice of Hearing signed.

8. Mr. Fremming also sent a response to the notice of hearing and an email sent by him on the 15<sup>th</sup> June 2024, to Mrs. Maria Gyolcsos and Mr. Pavel Mysak (men's tournament director), apologising to them for his behaviour on the Zagreb tournament.

## **C. EVIDENCE & SUBMISSIONS**

9. In his response Mr. Fremming *«accepted the offense as stated in the notice of hearing, but reinforced that he believes there was mitigating circumstances:*

- *He found very unclear who was the overall responsible person for assessment and for approving or disapproving the use of the mask.*
- *He was presented with several reasons for disapproval of the mask which added to my confusion, see email correspondence.*
- *It was in my view never clearly communicated to me when the decision was final, why I persisted in my efforts to get the mask approved.*
- *When he was notified that his behaviours could have been perceived as inappropriate/aggressive I promptly wrote an email to both Maria and Pavel to extend my apology, e-mail attached. In addition, I contacted them both the day after to extend my apologies in person.*

10. Mr. Fremming also accepted the composition of the Disciplinary Panel

11. Mr. Fremming informed the Disciplinary panel that he did not have any previous disciplinary record.

12. Mr. Fremming also indicated his rugby related schedule for the next few weeks.

13. The Hearing took place on the 8<sup>th</sup> July 2024, remotely via Teams, and Mr. Fremming represented himself at the hearing.

14. He restated his previous acceptance of the Disciplinary Panel.

15. Mr. Fremming also accepted the offence as stated in the Disciplinary complaint, in particular the full description of events as set out by the complaint.

16. During the hearing, Mr. Fremming explained that he never understood that the decision from the tournament director was a final decision.

17. He confessed that he used all his contacts to try to change that decision.

18. He accepted that he had approach the Tournament Medical Director trying to obtain a different opinion on the mask and without providing them with the full background of his discussions with the Tournament Director. He admitted that he '*had no excuse*' for why he did that other than his primary focus of obtaining a positive decision that the mask was acceptable for use.

19. He explained that it was never his intention to misrepresent or distort the true and accurate events of the decision-making process when speaking or writing to each party (including World Rugby), making the Tournament Director seem incompetent and/or as if they were abandoning their professional duty.

20. When asked by the panel if he didn't know that the tournament director had the last decision regarding that matter, Mr. Fremming said that he didn't know, maybe due to his lack of judgment or knowledge, or his «*ignorance*» of the proper way to act.
21. Mr. Fremming also said that he never intended to act aggressively or to insult anybody.
22. The panel then highlighted to Mr. Fremming that the first reply from Rugby Europe in the email dated 25<sup>th</sup> May 2024, regarding that matter, prior to the tournament, informed him that «*it would be on the match officials or tournament director on the day of the event to flag if they thought the mask was non-compliant with regulation 12*».
23. The decision was duly made by the Tournament Director on Thursday 13<sup>th</sup> June 2024 after physical inspection and communicated to Mr. Fremming that same day at 21:17 via WhatsApp. This decision was reinforced in another communication that took place the same day at 23:07, again via WhatsApp.
24. Also, on the email dated Friday, 14<sup>th</sup> June, at 1.54 PM, Neale Lees from World Rugby also inform him that «*it is the responsibility of the match officials and the tournament director to ensure only compliant devices are worn in games*».
25. Mr. Fremming also informed the panel that he has been working as the Manager of the Danish Women's 7'S team for the last 6 years, and that he had been involved with rugby for at least 15 years.
26. His behaviour in the whole hearing was very respectful and showed remorse for his actions.

#### **D. DECISION**

27. Mr. Fremming admitted the Misconduct. Therefore, the issues to be decided were the appropriate sanction for the Misconduct admitted and/or found proved.

#### **(1) Regulations**

28. World Rugby Regulation 18 stated that« **18.1** *The provisions of this Regulation including the World Rugby Code of Conduct (Appendix 1) apply to all Unions and Associations*

*within their respective jurisdictions at all levels and it is their responsibility to advise their Players, Persons and Rugby Bodies of this Regulation. Unions and Associations shall ensure that they have in place disciplinary regulations compatible and not in conflict with this Regulation 18 and such regulations are applied to and complied with by all Players, Persons and Rugby Bodies within their jurisdiction.*

29. **18.2** *Any act of Misconduct shall constitute an offence under this Regulation and may result in disciplinary proceedings being brought against and sanctions being imposed upon the Player, Person, Union, Association and/or Rugby Body involved.*

30. **18.3** *For the purposes of these Regulations Relating to the Game, “Misconduct” shall mean any conduct, behaviour, statements and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is unsporting and/or cheating and/or insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game and/or any of its constituent bodies, World Rugby and/or its appointed personnel or commercial partners and/or Match Officials and/or judicial personnel into disrepute. Misconduct shall only exclude Foul Play during a Match which has been the subject of consideration and a finding under the regime prescribed for Ordering Off and/or Citing in Regulation 17.*

31. **18.4** *Whilst it is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under these Regulations, by way of illustration, each of the following types of conduct, behaviour, statements or practices however or wheresoever undertaken are examples of and constitute Misconduct:*

32. (i) *making any comments (including to the media) that attack, disparage or denigrate the Game and/or any of its constituent bodies, World Rugby and/or its associated entities and its or their appointed personnel or commercial partners and/or Match Officials and/or disciplinary personnel (including Disciplinary Tribunals and Citing Commissioners).»*

33. *Pursuant to regulation 5 of the Rugby Europe Disciplinary Regulation, «Misconduct means any conduct, behaviour, statement and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is in breach of the Code of Ethics, World Rugby Regulation 20 and/or that brings or has the potential to bring the game and/or any of its constituent bodies, Rugby Europe and/or its appointed*



*personnel or commercial partners and/or Match Officials and/or judicial personnel into disrepute.»*

34. Pursuant to regulation 5.1.1 c) of the Rugby Europe Disciplinary Regulation, a Misconduct Disciplinary Case can be initiated by any match official designated by Rugby Europe.
35. The misconducted complain was submitted in written to rugby Europe Disciplinary Committee and it contained the elements specified in regulation 5.1.2 of the Rugby Europe Disciplinary Regulation.
36. Clause 3.1 of the Disciplinary Rules, disciplinary proceedings may be brought against a Person and/or Club who commits an act of Misconduct. Specifically, pursuant to clause 4.1(c) of the Disciplinary Rules, disciplinary proceedings may be brought: *“when the Disciplinary Officer considers a Club, Player, and/or any of a Club's other Persons [...] might have committed an act or acts of Misconduct”*.
37. No procedural, jurisdictional or preliminary issues were taken.
38. Rugby Europe has the burden of establishing Misconduct. The standard of proof on all questions to be determined by us is the balance of probabilities. Where we express ourselves satisfied of any fact it is to that standard.

## **(2) Factual Findings**

39. The Misconduct Complaint is very clear, and the documents attached to it, corroborate everything that is in the complaint.
40. Mr. Fremming accepted the charges against him, and did not want to challenge them.
41. He showed remorse for his actions.
42. The Panel accepted the remorse shown but believe that his primarily motivation throughout this incident was to use whatever means and contacts he could to obtain a positive decision from someone that the mask was acceptable, which he could then use to overrule the Tournament Director's decision already made and communicated both verbally and written to him. The Panel believe that a manager with 6 years' experience with a national team, should have known better that a decision made the Tournament Director is a final decision and that such a decision should be respected in the spirit of the sport.

43. The Panel also believe that Mr. Fremming should never have acted like he did, and that he knew or should have known that his actions were not acceptable.
44. The Panel also believe that it is unacceptable that Mr. Fremming distorted the true and accurate events of the decision-making process when speaking or writing to each party (including World Rugby), making the Tournament Director seem incompetent and/or as if She was abandoning her professional duty.

### **(3) Misconduct**

45. We are satisfied Mr. Fremming committed Misconduct. He admitted doing so.
46. We therefore uphold the Misconduct Complaint against him.

### **(4) Sanction**

#### **(a) Approach**

47. Sanction for Misconduct is at large.
48. As to the seriousness of such conduct it is obvious and well-known. We need do no more than simply state the obvious: match officials and organisers are integral to the game and entitled to, and must receive, appropriate respect, particularly from participants such as players, coaches, directors and managers of rugby.
49. We approached sanction by application of standard principles: assessed the seriousness of the conduct by reference to our factual findings and then considered any aggravating features as well as mitigation.
50. We sanction, as we must, on the basis of our factual findings as explained above.
51. There is a good deal of genuine mitigation:
- a. His early admission of Misconduct.
  - b. His disciplinary record is excellent.
  - c. He apologised to the Tournament Director on person (in the last day of the tournament) and also by email.
  - d. We do accept he feels what is properly characterised as remorse and that is it genuine.

- e. The content of the character references to which we had appropriate regard.
  - f. His conduct prior and at the hearing.
52. The Misconduct is serious that the appropriate and proportionate sanction is an immediate suspension.
53. As for the length of that suspension, we have regard to all the relevant features summarised here and that we have read and heard.
54. The Panel considered that a suspension covering one 7's tournament is appropriate in the circumstances to cover all the matches in which Denmark Women's 7's team is participating (or any other team for which he is operating as team manager). .
55. Taking into consideration the disciplinary record of Mr. Fremming, and his behaviour in and previous to the hearing where he has shown his remorse and that he understood his actions were wrong, the panel decided to suspend that sanction for a period of 12 months.
56. If during that period, Mr. Fremming commits another act of Misconduct before the end of the 2024/25 season, he will be suspended for one 7'S Tournament in addition to any sanction which is applied by a Disciplinary Committee hearing a further charge of Misconduct.

**(5) Appeal**

57. The parties have a right of appeal as provide by Regulation 5.5 of the Rugby Europe Disciplinary Regulations.

Marcello d'Orey, Judicial Panel Chair

Carlos García-Trevijano, Wing (SPA)

Daniel Gore, Wing (ENG)

Signed on behalf of the Judicial Committee

08 July 2024