

# DECISION FORM



Particulars of offence	
Player's Name: Marcelin MARCON	
Player's number: 3	
Player's union: Belgium	
Competition: U20 Championship	
Host Team (T1): Belgium	Visiting Team (T2): Romania
Venue: Markéta Stadium, Prague	
Date of match: 24/11/2024	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Saba Makharadze	
Plea: <input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted	
Offence: <input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Gert-Mark Smelt (NED)	
Other Members of the Disciplinary Panel: - Palemia Field (FIN) - Maryia Zhurova (POL)	
Hearing date: 26/11/2024	
Hearing venue: Remote via MS Teams	
Appearance Player: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Player's Representative(s): Thibaut Andre, CEO Belgium Rugby Yves Calomme, coach Rugby Club Soignies	
Other attendees: Antoine Spillman, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Citing Commissioner report 3. Video clip of the incident 4. Disciplinary Statement from the Player, including the Player's disciplinary record. 5. Video clip from the Belgian Union (marcelin excuse pilier 3 roumain)	
Preliminary remarks Player (about panel, procedure, documents): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If "yes", please specify:</i>	
Summary of essential elements of citing / Referee's report / Incident footage	
The Citing Commissioner reports: There is a scrum just outside the Romania 22 metre line. Romania secure possession and the ball is passed away. As the scrum breaks up Romania #3 falls to the ground with his head underneath the Belgian front row players. The Belgian Tight head prop #3 steps forward with his right foot but then lifts his left foot and stamps with downward force on the head of Romania #3.  The video footage supports these findings of the Citing Commissioner.	

It shows the scrum breaking up after the ball is out, with third and second row players leaving the scrum. Just before the incident only the Belgian first row players are still engaged, with the Romanian player on the ground, his head towards the Belgian side. The Belgians still move forward, slowly, with a shuffling motion of the feet. As the Player's right foot is next to the head of the Romanian player on the ground, and his left foot is on the other side of the head, he distinctly lifts up his left lower leg, bending it at the knee. Directly afterwards he puts it down in a short sharp motion. It does not go straight down, vertically, but backwards. It lands where the head of the Romanian player is. At that moment the Player is almost upright.

The reasons for citing, as from the Citing Commissioner report:

The stamping action of Belgium #3 is not a natural movement and I do not believe that this was an effort to step over the Romania player and the action was a breach of the duty of care to the player on the ground. I therefore cite Belgium #3 Marcelin Marcon for a stamp to the head of Romania #3.

He indicates violation of Law 9.12, stamping/trampling.

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

From the medical information from the Romanian union follows that the Romanian player received medical care on field immediately after the incident. The physiotherapist who assisted him wanted to take him off the field but at the player's insistence he stayed a little longer. Then he complained of dizziness and was substituted. On the bench he told that he had been stepped on the head and that he was dizzy and had a feeling of vomiting. Ice was applied to him on field and at the hotel and his condition improved.

The Citing Commissioner reports that he spoke to the Romanian player after the match. He reports that his right eyebrow area showed a lump.

### Summary of player's evidence

The Player accepted the offence in the pre-hearing Disciplinary Statement and also the contact of the Player's boot with the head.

He was not present at the hearing and could not be questioned about the incident. His Disciplinary Statement reads:

"Hello, I apologize for not being here: I'm working at the moment. Basically we're dominating the scrum, so we've got a fairly powerful advance and #3 collapses in front of our whole front row with the advance. I've tried to get over him with one leg, the problem is that we were advancing so I couldn't get over him and my left leg fell back on his left cheek. I didn't mean to do it, and afterwards I apologised to #3 for that. I saw that he was red and slightly scratched. It wasn't a deliberate act following a dominant push, I didn't know how to avoid it at the right moment. My first intention was to go over the top - you can see it with my right leg - and then I tried to go over the top with my left leg but I fell back before I could do so."

### Findings of fact

Having read the reports, seen the footage and given the Player's admission the Panel finds that the Player's foot made contact with the head of the Romanian Player on the ground.

The scrum had broken up, there were no players pushing the Player forward. Be it reckless or intentional, the action constitutes foul play, warranting a red card – as the Union also stipulated at the hearing. It is a violation of Law 9.12, stamping.

### Decision

Proven  Not proven  Other disposal (please state)

# SANCTIONING PROCESS

## Assessment of seriousness

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

### Assessment of intent:

Intentional/deliberate  Reckless

### Reasons for finding as to intent:

The remark of the Citing Commissioner that the movement he saw was not a natural movement goes to intent and does not support the action being merely reckless. His finding of stamping also leaves little room for a finding of recklessness.

Although at first view the action also comes across as intentional, the possibility of it being reckless must be considered, especially given the defense the Player put forward. In that defense specifically the left leg falling back on the cheek of the Romanian player goes to recklessness.

The Panel considers as follows.

In all matters under World Rugby Regulation 17 the standard of proof is the balance of probabilities.

The lifting of the left leg, when so far the Player had been moving in a shuffling motion, is remarkable, especially because it is done so distinctively. If it were lifted so, consciously, to avoid contact with the player on the ground, it would have been put down in a safe way and place. Instead of that it was put down with a short, sharp movement and somewhat backwards. At that moment the drive had long stopped and there was no player behind the Player pushing him forward. The Player was almost upright and was in positive control of his leg. These findings, and especially the way of putting the leg down and the positive control – negating the option of the leg falling back –, leave no room for the action to be just reckless.

The Panel finds the action to be intentional.

### Nature of actions

Stamping is a dangerous action, done with the leg, a very strong part of the body. Being intentional it can be considered quite malicious.

### Existence of provocation:

N/a

### Whether player retaliated:

N/a

### Self-defence:

N/a

### Effect on victim:

The Romanian player received medical treatment on field. He had a lump in the eyebrow area. After initially staying on the pitch, he left soon afterwards. He had symptoms of a concussion.

### Effect on match:

N/a

### Vulnerability of victim:

The head is a vulnerable part of the body. It is even more vulnerable when it, as in this case, is on the ground and cannot avoid contact or move in the direction of the force to possibly mitigate the effects.

### Level of participation / premeditation:

N/a

<b>Conduct completed / attempted:</b>
Completed
<b>Other features of player's conduct:</b>
N/a

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	<b>14</b>

**Reasons for selecting entry point:**

Contact to the head or neck carries a mandatory mid range entry point. Given the intent, the highly dangerous nature of the action and the resulting injuries the Panel finds sufficient reason to apply a top end entry point. In accordance with article 18.2 of Regulation 17 it identifies the Entry Point at 14 weeks, being between 12 and 52 weeks. That entry point sufficiently expresses the seriousness of the offence.

**Relevant off-field mitigating factors**  
*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>
The red card offence was admitted.	The Player has no disciplinary record. He helps with the training of U16 and U14. His coach of old told the action was out of character for him.
<b>Youth and inexperience of player:</b>	<b>Conduct prior to and at hearing:</b>
The player is young, but not an inexperienced player. With intentional offences, youth and inexperience do not weigh heavily in the advantage of a player.	The Player was not present at the hearing. He not only denied himself the opportunity to explain himself and demonstrate his remorse, but also denied the Panel the opportunity to question him and get an impression. Not-appearing is not a mitigating factor.
<b>Remorse and timing of Remorse</b>	<b>Other off-field mitigation:</b>
The video clip the Belgian union submitted shows a brief handshake between the Player and his opposite number.	N/a

**Number of weeks deducted: 6**

**Summary of reason for number of weeks deducted:**

His apologies on field – substantiated by a video –, the admitting of foul play (and the warranting of a red card) and his clean record justify some mitigation, rounded of in his favour. Given his absence at the hearing, there is no ground for the full mitigation of 50 percent.

**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>
N/a
<b>Need for deterrence:</b>
N/a
<b>Any other off-field aggravating factors:</b>

N/a

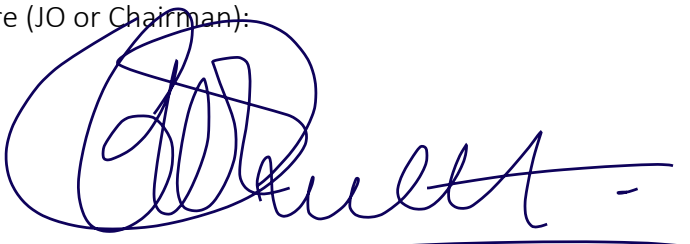
Number of additional weeks: none

Summary of reason for number of weeks added:

## 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)

<b>Total sanction: 8 weeks</b>	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences:</b> with the sending off (provisional suspension)	
<b>Sanction concludes:</b> The Player is directed to supply a more extensive accurate playing schedule – also substantiating the meaningfulness of the matches – to allow calculation of the remaining two meaningful matches.  Until this is supplied and the information provided is deemed sufficient by the Panel to base its decision upon, the Player is not eligible to participate in any on field activities worldwide.	
<b>Matches/ tournaments included in sanction:</b> 8 December 2024 : Soignies – Liège 15 December 2024 : ROC – Soignies 25 January 2025 : Soignies – ROC 09 February 2025 : BRC – Soignies 16 February 2025 : Soignies – COQ 23 February 2025 : Dendermonde – Soignies and two other matches as specified in the above.	
<b>Costs:</b> N/a	

<b>Signature</b>
Name of the Chairman: Gert-Mark Smelt
Date: 26 November 2024
Signature (JO or Chairman): 

**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)