

## DISCIPLINARY DECISION



|                  |                                                                              |             |                                                    |
|------------------|------------------------------------------------------------------------------|-------------|----------------------------------------------------|
| Match            | Argentina v Uruguay                                                          |             |                                                    |
| Competition      | July Internationals 2025                                                     |             |                                                    |
| Date of match    | 19/07/2025                                                                   | Match venue | Estadio Padre Ernesto Martearena, Salta, Argentina |
| Applicable rules | July Internationals Disciplinary Manual / Regulation 17 World Rugby Handbook |             |                                                    |

| PARTICULARS OF OFFENCE |                                                                                                                                                   |                                                                         |                            |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------|
| Player's surname       | Rubiolo                                                                                                                                           | Player's forename(s)                                                    | Pedro                      |
| Player's Union         | Argentina (UAR)                                                                                                                                   | Date of birth                                                           | 21/12/2002                 |
| Referee's name         | Gianluca Gnechi                                                                                                                                   |                                                                         |                            |
| Foul Play              | Admitted X<br>Not admitted                                                                                                                        | Red card warranted                                                      | Admitted<br>Not admitted X |
| Offence                | 9.20(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. | SELECT: Red card X Citing Other<br>If "Other" selected, please specify: |                            |
| Summary of Sanction    | Red card rescinded.                                                                                                                               |                                                                         |                            |

| HEARING DETAILS                         |                                                                                                            |                                             |                                                                                                                                           |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Hearing date                            | 22/07/2025                                                                                                 | Hearing venue                               | Remote                                                                                                                                    |
| Chairman/JO                             | Jennifer Donovan (Ireland)                                                                                 |                                             |                                                                                                                                           |
| Other Members of Disciplinary Committee | Becky Essex, Former International Player (England)<br>Bogdan Zebega, Former International Player (Romania) |                                             |                                                                                                                                           |
| Appearance Player                       | Yes <input checked="" type="checkbox"/> X No                                                               | Appearance Union                            | Yes <input type="checkbox"/> X No                                                                                                         |
| Player's Representative(s)              | Mr. Aaron Lloyd, Legal Representative.<br>Felipe Contepomi, Head Coach.<br>Juan Passano, Team Manager.     | Disciplinary Officer and/or other attendees | Mr. Brian Hammond, World Rugby Legal Counsel.<br>Ms. Joyce Hayes, World Rugby Disciplinary Co-ordinator.<br>Mr. Hugo Spellman (observing) |

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| List of documents/materials provided to Player in advance of hearing | <p>Report of Referee, Gianluca Gnechi</p> <p>Report of TMO, Mike Adamson</p> <p>Statement of Manuel Ardao, Uruguay No. 6 ("U6")</p> <p>Statement of Dr. Marcelo Santurio, URU</p> <p>Match Footage.</p> <p>Received from Player:</p> <p>Player's Playing Schedule</p> <p>Submissions of Aaron Lloyd, Counsel for the Player.</p> <p>Received From Mr. Hammond:</p> <p>Response to Preliminary Issue.</p> |
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| SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
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| <p>The report of the TMO outlined that the player had committed an offence contrary to Law 9.20(a) in the 53<sup>rd</sup> minute of the match and stated the following:</p> <p><i>"Arg 5 entered the breakdown to clearout the Uruguan (sic) player. HE made contact to the head of the player. His left arm was in an always illegal position, with a high degree of danger. Therefore I upgraded to a 20 min RC."</i></p> <p>The report of the referee provided the following detail:</p> <p><i>"After try scored the TMO called me at the screen to review a dangerous clearout by Arg No. 5. After two replays the facts considered were; Head Contact "Yes" and Foul Play "Yes", so it met the YC threshold. Player has been sent off for off field review".</i></p> <p>There was footage of the incident available from several angles and footage was also available from which the discussions between the match officials could be heard. This written decision will not deal with the dynamics of the clearout itself as the matter was decided on a preliminary point raised on behalf of the player relating to the upgrading of the yellow card.</p> <p>It can be heard from the footage that the TMO drew the referee's attention to an act of potential foul play by the player. The referee and assistant referees went to view the passage of play on the screens at the pitch side. After watching replays of the incident, the referee confirmed that there was head contact and that there was foul play which the referee said met the yellow card threshold because the player "was not wrapping". The player was shown a yellow card and advised that the matter had been referred for off field review.</p> <p>On the resumption of play, Uruguay was awarded a penalty kick. As the kicker was lining up the kick at goal the TMO can be heard to say <i>"Hey Gianluca, I've got an outcome on the yellow card. It will be upgraded to a 20 minute red card because the action is always illegal"</i>, to which the referee replies <i>"Perfect. Thanks Michael"</i>.</p> |  |

Following the taking of the penalty, the referee calls the Argentinian captain to him and says that *"The TMO...the bunker reviewed the action. It will be a red card because a high degree of danger, no mitigation. So 20 minute red card"*.

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

The following statement was received from U6

*"After a restart, number 6 from Argentina comes with the ball. Our number 13 tackles him, I go to ground with him and when I'm getting up I feel a contact in the shoulder, neck, face area. I have no symptoms after the match"*.

The team doctor reported that U6 was examined after the match and showed no symptoms or signs of concussion.

#### SUMMARY OF PLAYER'S EVIDENCE

In replies to standing directions, the player confirmed that he was the player shown the red card. It was accepted by the player that there was an act of foul play contrary to Law 9.20(a) but it was not accepted that the offending met the red card threshold. The submissions of Mr. Lloyd also raised a preliminary issue which required adjudication in advance of any consideration of the offence itself or the red card threshold.

The following summary of the preliminary issue raised is taken from the written submissions of Mr. Lloyd:

*"It is submitted that the TMO in this case did not have the power to upgrade the Yellow Card issued by the Referee to a Red Card. World Rugby has approved a global law trial of the 20-Minute Red Card, but that trial does not expressly permit a TMO to issue or cause to have issued upgraded Red Cards. World Rugby training indicates that a Foul Play Review Officer (FPRO) is permitted to do so, but no FPRO was appointed for the Match. It is submitted that it is not appropriate for a TMO, who already has a role, which is clearly defined under the TMO Protocol Document issued by World Rugby, to go further than that document and upgrade incidents to Red Cards. The default position under the Laws of the Game is that the "referee is the sole judge of fact and law during a match" (Law 6.5(a)), and it is submitted that derogation from this can only be where expressly provided (for example, by a law variation). The TMO Protocol does not vary Law 6.5(a) in respect of Red Cards, and the global law variation similarly does not appear to permit TMO's to issue Red Cards. Accordingly, the decision of the TMO to issue a Red Card here is ultra vires"*.

Mr. Lloyd and Mr. Contepomi said that it had not been indicated to the teams at any stage that the TMO would also be acting as the FPRO for the match. Concern was expressed by both at the speed in which the decision to upgrade the yellow card was made (a matter of 2 or 3 minutes) in circumstances where the TMO was also required to continue to carry out his duties as TMO as the match was ongoing. It was suggested that the carrying out of those two roles simultaneously would compromise both.

The essence of the preliminary point raised was that the TMO, and not the referee, had made the decision to upgrade the yellow card and that the TMO was not entitled to do so. Reference was

made to the language used in the TMO report in which the TMO stated that he had upgraded the yellow card to a 20 min red card.

A replying submission was made by Mr. Hammond. This stated that there were *“a vast array of competitions which do not have the logistical resources to utilise both a TMO and an FPRO and in those circumstances, the TMO by necessity undertakes the role of FPRO”*.

It was submitted that, as no separate FPRO was appointed to the match in question, the TMO performed the review and the TMO had *“recommended – not issued – a red card”*.

Included in Mr. Hammond’s submission was the slide below which had been presented to World Rugby Council when it made its decision to recommend the 20 minute red card protocol to go to Global Law Trials from 1 July 2025

## FUTURE PROOFING – ON FIELD SANCTION

| INFRASTRUCTURE<br>IN PLACE      | YC                  | REFERRAL/ 20 MIN RC                         | RC                  |
|---------------------------------|---------------------|---------------------------------------------|---------------------|
| Referee, 2 ARs, TMO & FPRO<br>5 | Direct from Referee | Via referral which FPRO advises Referee on. | Direct from Referee |
| Referee, 2 ARs & TMO only<br>4  | Direct from Referee | Via referral which TMO advises Referee on.  | Direct from Referee |
| Referee & ARs<br>3              | Direct from Referee | Direct from Referee                         | Direct from Referee |

WORLD RUGBY PRESENTATION TITLE

7

Mr. Hammond’s submission made reference to Law 6.15 which states that a match organiser may appoint a television match official who uses technological devices to clarify situations relating to (amongst other things) foul play, including sanctions.

The submission of Mr. Hammond concluded by asserting that *“the referee remains the sole decision maker as to whether a red card is issued, and in this case, ultimately made the decision”*.

### FINDINGS OF FACT

At the outset of the hearing it was explained to the player by the Chair that there was a preliminary issue to be considered and so submissions would be heard on that issue and considered by the Committee before the incident itself would be dealt with (if necessary).

Submissions, as outlined above were made by the parties. The chair directed that the TMO match footage be viewed, with audio, so that the discussions between the match officials could be heard. What was audible has been outlined above. Having listened to the submissions on behalf of the player and World Rugby and reviewed the footage, the Committee then broke from the hearing to discuss and to make a determination in respect of the preliminary issue.

Having carefully considered the matter the Committee found that the infrastructure in place in respect of referral of yellow cards for review do allow a TMO to carry out that review in circumstances where an FPRO is not appointed. It is clear however, as outlined in the slide referred to by Mr. Hammond, that the role of the TMO in such cases is to advise the referee as to a suggested or recommended sanction. The referee remains the sole decision maker and decision is one for him/her to make, having received such advice from the TMO.

The committee considered the language used by the TMO in his report in which he says that he upgraded the yellow card to a red card, along with what could be heard during the discussions ("I've got an outcome on the yellow card. It will be upgraded..."). There was no reference to a recommended or suggested sanction, no advice was given to the referee as to what sanction the referee might impose. No discussions took place between the TMO and the referee in that regard. The TMO reported to the referee that he (the TMO) had decided to upgrade the yellow card.

It was found that the decision to upgrade the yellow card in this case was made by the TMO and not by the referee. It was also found that the TMO had acted *ultra vires* of his permitted role in reaching that decision, there being nothing in the Laws of the game permitting him to do so. That being the case, it was found that the red card was incorrectly awarded.

The red card was rescinded by the committee.

This matter was initially referred to a Foul Play Review Committee under the expedited procedures permitted under Regulation 17.25. The matter was then referred to the Disciplinary Committee for hearing by the Foul Play Review Committee. This Committee heard the matter as a first instance hearing body and accordingly a right of appeal exists.

The parties were advised of the right of appeal.

## 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 – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

|                                          |                          |                        |
|------------------------------------------|--------------------------|------------------------|
| Total sanction                           | Nil – red card rescinded | Sending off sufficient |
| Sanction commences                       | N/A                      |                        |
| Sanction concludes                       | N/A                      |                        |
| Matches/tournaments included in sanction |                          |                        |
| Costs                                    | Nil                      |                        |

|                               |                  |      |            |
|-------------------------------|------------------|------|------------|
| Signature<br>(JO or Chairman) | Jennifer Donovan | Date | 23/07/2025 |
|-------------------------------|------------------|------|------------|

**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 17.24.2(a) / R 17.38.1 (or equivalent Tournament rule)