

**EUROPEAN RUGBY CHAMPIONS CUP 2015/16**  
**DECISION OF THE DISCIPLINE COMMITTEE**  
Committee convened by telephone conference  
Thursday, 18<sup>th</sup> February 2016

In respect of:

**SCARLETS (“the Club”)**

and

an allegation of misconduct (“the Complaint”) arising out of the European Rugby Champions Cup match between the Club and Racing 92 (“the Match”) played on 17<sup>th</sup> January 2016 whereby it is alleged that the Club selected and named a replacement/substitute – Jacob Cowley (“the Player”) – who was not at the relevant time registered with EPCR under the Tournament Rules applicable to the European Rugby Champions Cup 2015/16 (“the Tournament Rules” and “TR” in the singular)

Members of the Disciplinary Committee (“the Committee”)

Antony M. Davies (Chairman)  
Jeremy Summers  
Roddy Dunlop Q.C.

**Decision of the Committee**

1. **(a) That the misconduct complaint be upheld.**
- (b) That the result of the Match shall stand**
- (c) That the Club pay a fine of €10,000 suspended from 18<sup>th</sup> February 2016 to 31<sup>st</sup> May 2018.**
- (d) The terms of the suspension shall be that the fine shall fall due and immediately become payable in the event that, in that period, the Club is found to have committed any further act or acts of Misconduct as such may be defined in the relevant Participation Agreements in EPCR Competitions and for the avoidance of doubt shall be paid separately from and in addition to any sanction imposed in respect of such further act or acts of Misconduct.**
- (e) No order for costs.**

**Introduction**

2. The Committee was appointed by Prof. Lorne D. Crear, Chairman of the EPCR’s Independent Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the European Rugby Champions Cup 2015/16. The Committee was appointed to consider the Complaint and adjudicate upon it.

3. All parties agreed that there was no need for an oral hearing and that the Committee’s determination should be based on its consideration of written submissions from the parties. The Committee considered the following:

- A letter from Liam McTiernan, Disciplinary Officer, EPCR, to the Club dated 21<sup>st</sup> January 2016.
- The response of the Club through Garan Evans, Scarlets’ Team Manager, dated 25<sup>th</sup> January 2016.
- A letter from Liam McTiernan to Prof. Lorne D. Crear, Chairman, EPCR Disciplinary Panel, dated 11<sup>th</sup> February 2016 (c.c. Garan Evans, Team Manager, Scarlets).

- Response to directions by the Club dated 17<sup>th</sup> February 2016.
- Response to directions from Liam McTiernan dated 17<sup>th</sup> February 2016.

### **Agreed Facts**

4. None of the facts appeared to be in dispute. Following a late injury to another player in the pre-match warm-up, the Player was named by the Club as a replacement/substitute for the Match. He was not however registered with EPCR under the Tournament Rules.

5. This came to EPCR's attention during the first half of the Match when the Disciplinary Officer was notified by EPCR's data providers that the Club had named an unregistered player in its Match squad. The Club's Team Manager was informed of the position at half time, following which the Player (who had at no point taken to the pitch) was immediately withdrawn from the Match squad. Racing 92 went on to win the Match 64-14.

6. The Disciplinary Officer commenced an investigation and wrote to the Club on 21<sup>st</sup> January 2016. A written statement was requested dealing with four specific areas raised by the Disciplinary Officer and a fulsome response was given by Garan Evans on behalf of the Club by letter of 25<sup>th</sup> January 2016.

7. The Club's response can be summarised as follows:

(i) The Player was travelling with the squad as an unofficial "25<sup>th</sup> man". He was only named in the Match squad of 23 as a result of a late injury to another player in the pre-match warm-up.

(ii) The Player is a registered Scarlets player and is also named in the Club's Pro12 squad for the 2015/16 season. However, due to an administrative error the Club did not realise that the Player was not registered with EPCR.

(iii) The incident had highlighted a failure in the Club's internal processes which had subsequently been addressed. This was said to be the first incident of this nature that had occurred in 20 years of the Club's involvement in European rugby.

### **The Relevant Rules**

8. The relevant rules were set out in detail in the Disciplinary Officer's letter of 11<sup>th</sup> February 2016. They were not in dispute and so are not set out here. The Club conceded that only players who were properly registered may play in the Tournament. The Player was not properly registered and that was a failure on the part of the Club which amounted to misconduct ("breaching the Tournament Rules relating to player registration and/or eligibility").

### **Submissions by the Club**

9. Whilst the Player was a Scarlets registered player and named in their Pro 12 squad for the current season, due to an administrative error his inclusion in the Match squad for the game was not recognised and addressed under the current process used by Scarlets. The Player was brought in as a travelling reserve and then subsequently named in the Match squad due to a late injury in the pre-match warm-up to George Earle. Scarlets accepted a failure of their internal process, which was said to have been addressed and the procedure has now been changed.

10. The Player joined Scarlets after the start of the season. The Player is a full time member of the squad and trains full time with the team. This season was the first time that registered Pro 12 squad numbers have differed from the EPCR squad. Previously they had been the same to avoid issues with the registration of players. The Player was the only player included in the Pro 12 squad who was not in the registered EPCR squad for 2015/16.

11. The Player is a young player in his first season of professional rugby and relatively inexperienced. For this reason, Scarlets supplemented their squad with a player with more experience. Consequently, the Player was omitted from the EPCR squad as it was not anticipated that he would need to be used. He remained registered as part of the Pro 12 squad. As the Club unfortunately used the same internal squad template for both Pro 12 and EPCR games, his status as

a registered player was accepted and his non-EPCR registration was overlooked.

12. The Club accepted the failure in its internal process, which had clearly not been robust enough on this occasion. By way of explanation, Mr. Evans pointed to the differing squad numbers between the Pro 12 and EPCR squads this season, a large amount of movement in the Pro 12 squad caused by a significant number of injuries (some in the World Cup) and the inclusion of three new signings after the season had started. Their letter set out in detail the process which had been in place which involved a colour coding system. The Player was colour coded in "red" in the internal administrative team selection process to signify his Scarlets registration. As the same squad template is used to select the team for both competitions, this caused the error whereby it was not realised that the Player was ineligible for EPCR selection.

13. In conclusion, the Club wholeheartedly and unreservedly apologised for the events which resulted in the misconduct which had caused a substantial amount of embarrassment and distress internally to all parties involved. There had been no intent to deceive the Tournament organisers. It was the first incident of this nature that had occurred in 20 years of the Club's involvement in European Club rugby. Immediately the Club had been notified of the issue at half time and before the Player had played any rugby in the Match, they had removed him from the substitutes bench so there was no possibility of him entering the field of play.

#### **Submissions on behalf of EPCR**

14. The Disciplinary Officer referred to the circumstances of the matter and particularly that the Player did not take to the pitch during the match and was immediately withdrawn from the Match squad once the Club became aware that he was not registered with EPCR. The Disciplinary Officer made submissions as to an appropriate sanction. Based on previous decided cases, it was felt that a financial penalty of €10,000 should be imposed, such fine to be suspended for a period of five years.

#### **Decision of the Committee**

15. The Committee carefully considered and discussed all of the papers and written submissions and in particular:

(i) That the proximate cause of the failure to register the Player was inadvertent human error compounded by a change to the arrangements which had hitherto been in place.

(ii) The Club has been involved in registering players for European rugby for 20 years and that errors like the one in question committed as a consequence of administrative shortcomings should not occur in well resourced professional Clubs.

(iii) Such errors impinge upon the integrity of the Tournament and reflect badly on all the Tournament's stakeholders. Registration of players with sporting authorities is a crucial component of participation in professional sport and that Club's are expected to have in place procedures to ensure registration of players is regularly and properly effected.

(iv) The result of the Match was a 64-14 win for Racing 92. The Club did not profit at all from having an unregistered player on the bench. Accordingly, the Disciplinary Committee did not have to consider imposing a 28-0 loss on the Club as it had lost by a significantly higher margin. Had the result been the other way round, and the Club received any playing benefit from the Match, the Committee would not have hesitated in declaring the result of the Match void and imposing a 28-0 loss on the Club.

(v) The Player did not enter the field of play. He was removed from the bench at half time and immediately the Club became aware of the error.

(vi) Though there are substantial mitigating factors in this case, nonetheless in recognition of the seriousness of the offending and the inadequacy of the Club's processes as regards player registration, a firm punishment is required and the appropriate level of financial penalty is one of €10,000. The Committee then considered whether that should be suspended in whole or in part and the period of the suspension.

(vii) Such were the mitigating factors that the Committee felt it appropriate to suspend the whole of the financial penalty. As to the period of suspension, the Committee's view

was that the period of suspension should be proximate to the season in which the offending occurred. Rather than the five year period suggested by the Disciplinary Officer, the Committee felt it appropriate to suspend the penalty for two full European seasons.

16. For all the above reasons, the Committee felt that the appropriate sanction was the one referred to at paragraph 1 above.

**Right of Appeal**

17. The parties are reminded of their right to appeal against this decision.

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A.M. Davies,  
Chairman

Jeremy Summers  
Roddy Dunlop Q.C.

Date: 19<sup>th</sup> February 2016