

The Romanian Rugby Federation will appeal the decision of the Disputes Committee regarding the points deduction sanction to be applied to the national rugby team, a decision that will affect the ranking of the qualifying tournament for the Rugby World Cup 2019

World Rugby released today the decisions of the Disputes Committee assigned by it to evaluate the problems identified in the RWC 2019 qualification process. Regarding the eligibility issue, Romania (one player), Spain (2 players) and Belgium (5 players) were found guilty of using ineligible players and given a 5 points deduction for each game in which they used them, together with financial sanctions that have been suspended for a period of 5 years. The Committee also ruled that there will be no replay of the Belgium – Spain match and its result stands.

The Romanian Rugby Union disagrees with the decision of the Disputes Committee, as it applies identical points deduction to all countries with eligibility issues, no matter if they followed the mandatory procedures or not.

In order to evaluate the situation, here are the facts as they happened.

In 2015 the Romanian Rugby Union sent to World Rugby the scanned files of multiple foreign players in order to check their eligibility. A World Rugby representative answered stating that the documents have to be sent to them for clarification only if there are uncertainties, otherwise not.

In order to check the eligibility of 2 players, the Romanian Rugby Unions sends e-mails to the union of their native countries, Tonga and Fiji in these particular cases, with no answer from Tonga (Fiji replied that the player we inquired about had been capped, so all actions have been dismissed in his case – Eseria Vueti)

Considering the absence of feedback from the federation of Tonga, the Romanian Rugby Federation addresses World Rugby to find an alternate e-mail address to contact a person in charge from the aforementioned union.

World Rugby sends an e-mail address from the chairman of the Tongan Union, Mr. Fe'ao Vunipola, whom the Romanian Rugby Union addresses in order to check if, from the statistical data the unions has, the player Sione Faka'osilea is eligible or not.

The chairman of the Tonga Rugby Federation confirms that the players is eligible to play for Romania.

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The player signs a declaration on his free will (template from World Rugby) stating that he did not play for his birth country and another declaration where he emphasises the fact that he was never officially announced of being capped for Tonga through any document what-so-ever.

With the above confirmations, in addition to respecting the residency criteria (36 months of living in Romania with less than a 2 months period of absence from the country annually), as mentioned in the World Rugby Regulation 8, the player is considered eligible and capped in the Romanian national team.

At the end of the 2017/2018 edition of the Rugby Europe Championship, the Russian and the Spanish federation send a formal complaint about the use of Sione Faka'osilea, an ineligible player.

Following this complaint, Rugby Europe and World Rugby ask for details regarding the eligibility of all foreign players used in this edition of the Rugby Europe Championship.

The Romanian Rugby Union sends all requested documents.

World Rugby appoints an independent Disputes Committee for the evaluation of the entire case, with the Committee requesting another series of documents and complementary reasons and with the Romanian Rugby Federation answering in due time with all relevant information.

The Romanian Rugby Union asks for an oral hearing with the Committee, whilst seeking for a legal counselor with experience in sports law, capable of representing the best interests of Romanian rugby, given the situation.

On the 10th of May 2018 Alin Petrache, President of the Romanian Rugby Union, Bogdan Muntean, High Performance Manager of the Romanian Rugby Union and Dan Cristea, legal counselor from the „Tuca, Zbarcea and Associates” law firm attend the oral hearing of the Disputes Committee, explaining the procedures followed by the Romanian Rugby Union for the clarification of Sione Faka'osilea's eligibility status.

The Disputes Committee rules today, the 15th of May 2018, that the 3 countries that have used ineligible players, Belgium, Spain and Romania, will suffer the same points deduction sanction – minus 5 points for each match they used an ineligible player for – with no difference connected to the number of players used or to the presence or absence of any mitigating circumstances.

The Romanian Rugby Union followed the procedure of eligibility verification, as it is detailed in the World Rugby Regulation 8, for all foreign players that could have been capped
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for Romania, whilst respecting the specifics of each case and dismissing the process if the criteria from the aforementioned regulation was not met.

We presented proof that our federation addressed in good faith all those directly involved, and, considering the information it got as correct and trustworthy, decided to use the player. All other unions evaluated in this case, the Belgian and Spanish ones, that did not present such proof regarding similar inquiries to the native federations of their players, received an identical sanction to Romania's. More so, there is no difference linked to the number of ineligible players used and the number of points deducted, a fact that confirms that the ruling did not take into consideration the specific circumstances of those involved.

The Romanian Rugby Federation cannot accept a decision in which teams that knowingly violate or ignore the regulations are treated identically to those who comply with all procedural steps required, a decision that denies a right obtained on the pitch, by players who worked hard for it for years. The continuous series of participations in the Rugby World Cup of the Romanian rugby team must not end due to such a decision. The Disputes Committee determined there was no official authorised public data base to check the status of the players in, considering as similar the multiple steps taken by the Romanian Rugby Federation to check the eligibility of Sione Faka'osilea and the absence of no such actions or written proof from the 2 other federations that received the same sanctions as Romania did.

The Romanian Rugby Union will appeal the decision of the Disputes Committee, fighting by all means possible for the best interest of Romanian rugby. Using an ineligible player has to be sanctioned automatically with a fine, according to the 8.5.1. World Rugby Regulation. The points deduction sanction is directly linked to aggravating circumstances identified in the way the union handles the eligibility verification process. The Romanian Rugby Union considers that its conduct has mitigating circumstances, this being the basis of its appeal against the decision of the Disputes Committee.

Your support, of those who love this sport and the solidarity it stands for, is essential in defending our cause and the exceptional circumstances that need to be taken into consideration in the eligibility case of Sione Faka'osilea, for a correct sanction to be ruled. We agree with the financial consequences, but we firmly disagree with the points deduction measure, as it ignores the specifics of Romania's case. We consider this to be our duty, in order to defend all those affected by this decision and as a sign of respect for all those who love this sport and its values.

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