

Decision of the Disciplinary Committee

ERC

Held at the ERC headquarters, St Stephens Green, Dublin

Thursday, 4th November 2010

In respect of

Montpellier (“the Club”)

and

A Misconduct Complaint arising out of an alleged complaint that by omitting (among others) one or more of nine specifically named Players from the squad it registered with the ERC for the Amlin Challenge Cup 2010/2011 the Club did not register its strongest possible squad to compete on its behalf in the tournament which was allegedly in breach of Clause 6.1.12 of the Tournament Rules and that this constituted misconduct under Clauses 3.2 and 3.3.1 of the Disciplinary Rules.

Disciplinary Committee appointed to hear the case (“the Committee”)

H Pat Barriscale, Chairman (Ireland)

Antony M Davies (England)

Jean-Noel Couraud (France)

Decision of the Disciplinary Committee:

- (i) The Club is guilty of misconduct and is fined the sum of €5,000.00 which fine has to be paid within 21 days of the date of this written decision;
- (ii) That the Club do pay the reasonable costs of the ERC in respect of the bringing of this complaint.

Introduction

The Committee was convened by Professor Lauren D. Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the ERC in respect of the misconduct complaints against the Club alleged that by omitting (among others) one or more of nine specifically named Players from the squad it registered with the ERC for the Amlin Challenge Cup 2010/2011 the Club did not register its strongest possible squad to compete on its behalf in the tournament which was allegedly in breach of Clause 6.1.12 of the Tournament Rules and that this constituted misconduct under Clauses 3.2 and 3.3.1 of the Disciplinary Rules

Present at the hearing on the 4th November 2010 in addition to the Members of the Committee were:

Roger O'Connor, Disciplinary Officer, ERC

Max Duthie, Solicitor for ERC

Jean Pierre Massines, President of Montpellier

Gerard Cazottes, Management Committee, Montpellier

Hearing

At the commencement of the hearing, the Chairman confirmed the identities of all present and established that the Club were represented before the Committee in relation to a misconduct complaint. The Chairman outlined the procedures to be adopted by the Committee for the hearing and that the provisions of the ERC Disciplinary Regulations would apply. All present agreed to proceeding on that basis.

The Chairman established that there was no preliminary issues to be argued by any of the parties and narrated the terms of the misconduct complaint. Monsieur Massines on behalf of the Club indicated that they would be pleading guilty to the charges that were before the Committee.

Mr Duthie then took the Committee through the breaches that the Club were guilty of. Under Clause 6.1.12 of the Tournament Rules there was a specific obligation on each Club signing up for the Amlin Challenge Cup to register its strongest possible squad. Contrary to this in breach of the Tournament Rules Mr Duthie produced a schedule of nine players from the Club who were not registered for the Tournament. Of these nine players six were international players and four were currently playing for their national sides. All of the nine players were first team players regularly in the top fourteen competition in France for the Club. Mr Duthie went on to say that a letter had been written to the Club on the 7th October 2010 as part of their investigation and that a full detailed response was received from the Club on the 18th October 2010. He then went on to open Clause 6.7.29 of the Disciplinary Rules which dealt with the powers available to the Committee in relation to sanction. He explained that there was very little by way of guidance available to the Committee in

relation to sanction but gave a number of examples some of which related to other sports. He urged that the sanction would be proportionate in all of the circumstances and that in his view and that of the ERC was that a fine would be appropriate. He was not seeking to restrict the Committee in any way however in respect of the wide powers available to them under Clause 6.7.29. Finally, he stated that the ERC would be looking for their costs and having regard to the fact that there were three misconduct hearings on that particular day those costs would obviously be proportionate in the circumstances.

Mr O'Connor then addressed the Committee as to the queries which had been raised by some members of the French media when the squad had been registered and particularly the strength and depth of that squad. He said that this was a cause of serious concern to the Board of the ERC and he had been charged with the investigation of the situation by them. He said he wished to express his thanks to the Club for the way that they assisted him in his investigation and the early communication to him of the guilty plea.

Mr Massines then addressed the Committee and explained that there was particular turmoil internally within the Club particularly from a management perspective and that as a result of the same over the last 12/15 month period there was a serious problem as far as communications were concerned within the Club. When the matter was brought to his attention by Mr O'Connor of the ERC he investigated the matter in detail and only then became aware of comments which had been made back in August/September 2009 by Jean Pierre Luc the Chairman of the ERC to the Club in relation to the Players who had been registered in the squad at that stage. He explained that he had only been appointed as president of the Club on the 9th July 2010 and that they had also changed their coach during the Summer period. This had led to considerable disruptions in the running of the Club during that period. He explained that there was no intention whatsoever to undermine the Challenge Tournament in any way and the criteria used by coaches and the management was to provide the most appropriate players in the best possible condition to challenge in the competition. He went on to say that they had won their two matches to date and by reason of that he suggested to the Committee that the selection committee were doing something right. He emphasised that it was their intention to go as far as possible in the Amlin Challenge Cup and if possible to secure a home quarter final. He said the results were also showing significant benefits to the Club locally and particularly the fact that at one of their recent matches they had 10,000 spectators at the match.

He went on to emphasise that he personally had a very significant commitment to rugby all his life and that the Club emphasis was entirely rugby orientated. He explained that they had a very strong training centre and academy attached to the Club and a very strong community spirit arising from the same. As a result of the same they had produced some very strong players and indeed had a number of international players from their academy both male and female.

He concluded by saying that it was never their intention to demean the competition in any way and he unreservedly apologised for the same. There were serious political problems adversely affected the Club and there was a very bitter atmosphere as a result. He said that it did not help the exchange of information within the Club and he was now hopeful that because of the changes that had been made that there would be no further recurrence of this or any other issue in relation to their participation.

The Committee then retired to consider their position and returned sometime later with their decisions which are as follows:-

1. The Club is guilty of misconduct and is fined the sum of €5,000.00 which fine has to be paid within 21 days of the date of this written decision;
2. That the Club do pay the reasonable costs of the ERC in respect of the bringing of this complaint;

Right of Appeal

The Club were reminded by the Chairman of the Committee of their right to appeal this decision pursuant to the Disciplinary Rules of the Participation Agreement.

H Pat Barriscale

H Pat Barriscale
Chairman of the Committee

11/11/10

Date