



Information on new BAT Rules

The Basketball Arbitral Tribunal (“BAT”) would like to inform its users about its new Arbitration Rules (“BAT Rules”), which will come into effect as from 1 January 2017. They will replace the currently valid 2014 edition. The most important amendments are summarized in the following.

1) New table on non-reimbursable handling fee

The table setting out the non-reimbursable handling fees to be paid when filing a Request for Arbitration (or a counterclaim) is amended by the new BAT Rules as follow:

2017 BAT Rules

Sum in Dispute (in Euros)	Handling Fee (in Euros)
up to 50,000	1,500
from 50,001 to 200,000	3,000
from 200,001 to 500,000	5,000
over 500,000	7,000

2014 BAT Rules

Sum in Dispute (in Euros)	Handling Fee (in Euros)
up to 30,000	1,500
from 30,001 to 100,000	2,000
from 100,001 to 200,000	3,000
from 200,001 to 500,000	4,000
from 500,001 to 1,000,000	5,000
over 1,000,000	7,000

Apart from simplifying the table by reducing it to four categories, this amendment extends the lowest handling fee of EUR 1,500 to cases of up to EUR 50,000 (previously EUR 30,000). As a result, parties with relatively low claims will have to invest less to bring their dispute before the BAT. In turn, the new table results in slightly higher handling fees for some cases of higher value.

2) Awards without reasons

The 2014 BAT Rules distinguished between two categories of disputes in which parties could obtain an award without reasons:

- Disputes up to EUR 30,000: Award without reasons as the default position (but each party could request reasons subject to payment of an additional Advance on Costs)
- Disputes between EUR 30,001 and EUR 200,000: Award without reasons as an option available to the Claimant (if the Respondent failed to pay its share of the Advance on Costs)

A statistical analysis of all cases under the 2014 edition has shown that despite the different default positions, almost all cases in both categories resulted in awards without reasons:

- Disputes up to EUR 30,000: only 1 award *with* reasons (= less than 1% of those cases)
- Disputes between EUR 30,001 and EUR 200,000: only 2 awards *with* reasons upon request by the Claimant (= just over 1% of those cases); a further 17 awards (= less than 10% of those cases) were rendered with reasons solely because the Respondent paid its share of the Advance on Costs and the Claimant could thus not opt for an award without reasons

In order to adjust to reality as reflected in those statistics, the 2017 BAT Rules introduce a new provision on awards without reasons as follows:

- Disputes up to EUR 100,000: The default position is an award without reasons (but each party can request reasons subject to payment of an additional Advance on Costs). The initial Advance on Costs may not exceed EUR 7,000 unless decided otherwise by the Arbitrator.
- Disputes above EUR 100,000: A reasoned award will be rendered in all cases. The threshold for awards with mandatory reasons is thus lowered from EUR 200,000 to EUR 100,000. The objective is to provide users again with more publicly available jurisprudence, given that under the 2014 edition of the BAT Rules, more than half of the awards were rendered without reasons.

3) Notification of awards

In the past, some losing parties have made it almost impossible for the BAT to serve the arbitral award on them, leading to considerable delays and expenses. In such cases, the BAT may in the future instead publish the award on the website of FIBA, in which case the award becomes final and binding upon being so published.

Any questions?

A document highlighting all changes will be made available shortly on www.fiba.com/bat/process. In addition, the BAT Secretariat is happy to answer any questions on the procedure under the new BAT Rules. The BAT Secretariat can be contacted as follows:

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