A Guide to
Arbitration Procedures
before the
Basketball Arbitral Tribunal
(BAT)
How does the BAT Procedure work?

- Obtain information on www.FIBA.com/BAT

**Process**

Claimant fills the below process summarises the BAT arbitration process. Please note that this information is for basic informative purposes only. For the exact, legally-binding BAT process, please refer to the BAT Arbitration Rules. Prior agreement to submit any potential dispute to BAT by including the Standard Arbitration Clause in contractual agreements in the Request for Arbitration Form in accordance with BAT

- Internal Regulations on BAT
- BAT Arbitration Rules
- Composition of the Arbitration Panel

- Frequently asked Questions
- Template for Request for Arbitration
How does the BAT Procedure work?

Fill out Request for Arbitration (“RfA”) (Master Document provided on FIBA website)

**RfA shall contain** (9.1 of BAT Rules)

- names, full addresses, telephone, fax numbers and e-mail addresses of the Claimant and the Respondent and/or their respective counsel.
- statement of all the facts and the legal arguments.
- Claimant’s request for relief.
- Copy of contract containing the arbitration clause in favour of BAT
- All written evidence
- Any request for the examination of (a) witness(es).
- Power(s) of attorney (if applicable)
How does the BAT Procedure work?

File the Request For Arbitration ("RfA")

Check whether RfA is complete. **Attention!**
As a rule, **no** further submissions by Claimant

by E-Mail to

**BAT Secretariat**

Pay the
Non-Reimbursable
Handling Fee
into the **BAT Account**
(17.1 of the
BAT Arbitration Rules)

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<table>
<thead>
<tr>
<th>Sum in Dispute (in Euro)</th>
<th>Handling Fee (in Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 30,000</td>
<td>1,500</td>
</tr>
<tr>
<td>from 30,001 to 100,000</td>
<td>2,000</td>
</tr>
<tr>
<td>from 100,001 to 200,000</td>
<td>3,000</td>
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</tbody>
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How does the BAT Procedure work?

BAT Secretariat administers the online platform so that the President and Arbitrators can access all information via the internet.

This includes

- Information on the case to be taken into consideration by the Arbitrator
- Document library with all documents submitted by the parties
- Document library with correspondence exchanged among the BAT Team
- Contact details of the BAT Team
- General Information, Internet Links, Rules and Regulations
How does the BAT Procedure work?

- BAT Secretariat informs the President of the BAT about the new case
- BAT President reviews the documents, confirms conformity with BAT Rules and appoints an Arbitrator
- The Arbitrator receives all documents submitted by the Claimant
How does the BAT Procedure work?

- BAT Secretariat confirms receipt of the Request for Arbitration and of the Non-Reimbursable Handling Fee and informs the Respondent of the pending case and the time limit for filing his Answer (11.2 of BAT Rules).
- BAT Secretariat also informs the parties about the amount and the time limit for the payment of the advance on costs.

Pay Advance on Costs into BAT Account (17.3 of BAT Rules)
How does the BAT Procedure work?

- Respondent submits his answer within the set time limit

**Answer shall contain (11.2 of BAT Rules)**
- Any defence of lack of jurisdiction.
- A statement of defence, including a statement of all the facts and legal arguments.
- Names and addresses of the Respondent and counsel, unless this has already been set out in the Request.
- Any counter claim and details of the relief sought.
- All written evidence on which the Respondent intends to rely.
- Any request for the examination of (a) witness(es).

Check whether Answer is complete. **Attention! As a rule, no further submissions by Respondent.**
How does the BAT Procedure work?

- All documents exchanged will be forwarded by the BAT Secretariat to the respective other party, the Arbitrator and the BAT President.
How does the BAT Procedure work?

If decided by the Arbitrator, a hearing will be organised.
How does the BAT Procedure work?

The Arbitrator

- examines the legal arguments,
- requests parties to submit their summary of legal fees and expenses,
- drafts the Award with or without reasons depending on the sum in dispute (please refer to BAT Rules)
- sends a copy to BAT President for review and decision on costs.
- final copy goes to BAT Secretariat for final formatting
- final Award will be signed by Arbitrator and distributed by e-mail
How does the BAT Procedure work?

- after notification of an Award without reasons: 10-day time limit for a party to request an Award with reasons and pay the additional advance on costs

- Remaining balance will be reimbursed to the parties in accordance with the Arbitral Award

- BAT Secretariat closes the case

Secretary

Claimant

Respondent

to account of Claimant and Respondent
How does the BAT Procedure work?

For further queries please contact

BAT@martens-lawyers.com