

Guidelines for Settlement Agreements leading to a Consent Award

Parties to a BAT proceeding requesting that the settlement of their dispute shall be recorded in the form of a Consent Award (see Article. 16.7 of the BAT Arbitration Rules) are required to provide the BAT with a copy of their settlement agreement.

This settlement agreement is the basis for the Consent Award, and therefore shall include all information required for the arbitrator to draft the Consent Award. However, in some of the previous cases, the settlement agreement submitted by the parties did not contain all of the necessary information.

Hence, the BAT has compiled the following non-exhaustive list of elements that should be included in the parties' settlement agreement when they request the issuance of a Consent Award:

- Date of the settlement agreement
- Name and signature of each party
- BAT case number
- Clause requesting the issuance of a consent award
- Exact amount(s) claimed by each party (indicating the currency and whether the payment shall be net or gross) and required date(s) of payment
- Clause stating which party shall bear the arbitration costs
- Clause stating which party shall pay the non-reimbursable handling fee
- Clause stating which party shall pay what amount of the other party's legal fees and expenses

Any questions?

The BAT Secretariat is happy to answer any questions regarding the requirements of a settlement agreement for the issuance of a Consent Award. The BAT Secretariat can be contacted as follows:

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