

Information on new BAT Rules

The Basketball Arbitral Tribunal (“BAT”) hereby informs its users about its new Arbitration Rules (“BAT Rules”), which will come into effect, and thus replace the currently valid 2019 edition, as of **1 January 2022**. Besides mere editorial changes, the new BAT Rules include the following three amendments:

1) Substitution of the BAT President by the BAT Vice-President

Article 0.4 of the BAT Rules is updated to align with the revised Article 3-342 of the FIBA Internal Regulations. This amendment clarifies that the BAT Vice-President can substitute for the BAT President whenever the BAT President so requests.

2) Adjustment of the non-reimbursable handling fee

The table for the non-reimbursable handling fee (“NRF”; see Article 17.1 of the BAT Rules) is adjusted as follows:

2022 BAT Rules

Sum in Dispute (in Euros)	Handling Fee (in Euros)
up to 25,000	1,000
25,001 to 50,000	2,000
from 50,001 to 200,000	4,000
from 200,001 to 500,000	6,000
over 500,000	8,000

2019 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

Accordingly, the NRF is reduced from EUR 1,500 to EUR 1,000 for cases with a sum in dispute of up to EUR 25,000. In response to feedback from the BAT user community, this change seeks to further lower the financial burden on the users and thus makes the BAT even more accessible in such cases of comparably low monetary value.

The increase of the NRF for cases with a sum in dispute exceeding EUR 25,000 became necessary (i) to allow for the reduction of the NRF in cases with a sum in dispute of up to EUR 25,000 and (ii) in view of the increased costs of the administration of the BAT, taking into account that the NRF was last adjusted in 2017 and that for some amounts in dispute, the NRF has remained unchanged for more than 12 years.

3) Additional purpose of the BAT Fund

The BAT's mission is to provide an efficient and effective means of resolving disputes arising in the world of basketball (see Article 0.1 of the BAT Rules). In order to ensure that the BAT continues to fulfill this mission in the interest of the BAT user community, it may become necessary from time to time to invest in specific measures or projects (e.g. due to technological developments). To account for such eventuality, the new Article 18.5 of the BAT Rules provides that upon decision of the BAT President, monies from the BAT Fund may be used to finance such measures or projects.

As a reminder, the BAT Fund is financed by way of a fixed contribution payable in each arbitration as part of the costs of the arbitration. While this contribution was initially fixed at EUR 300, the BAT President subsequently reduced the amount to EUR 150. Regardless of the new Article 18.5 of the BAT Rules, the BAT President currently has no intention to increase the amount.

Any questions?

The new BAT Rules are available on www.fiba.com/bat/process, both as a clean document and as a marked-up version showing all changes compared to the 2019 edition. In addition, the BAT Secretariat is very happy to answer any questions you may have. Please do not hesitate to contact us by e-mail (bat@martens-lawyers.com) or telephone (+49 89 452 44 22 15).