

ARBITRAL AWARD

(BAT 1755/21)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Klaus Reichert

in the arbitration proceedings between

Mr. Lluís Túnex García

- Claimant -

represented by Mr. Sergiu Gherdan, attorney at law

vs.

Kayseri Basketbol Spor Kulübü Denergi

Zümrüt Mah. Kadir Has Cd. Kadir Has Kongre Ve Spor Salonu
Pk: 38090 Kocasinan, Kayseri, Turkey

- Respondent -

represented by Mr. Mertay Kugay, attorney at law

AWARD

Upon providing all parties with an opportunity to be heard, having examined his jurisdiction and considered the factual and legal arguments as well as the requests for relief submitted in this case, the Arbitrator decides as follows:

- 1. Kayseri Basketbol Spor Kulübü Denergi is ordered to pay Mr. Lluís Tunez García EUR 4,150.00, net, by way of unpaid agency fees together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 4 December 2021 until payment in full.**
- 2. Kayseri Basketbol Spor Kulübü Denergi is ordered to pay Mr. Lluís Tunez García EUR 2,950.00, net, by way of unpaid agency fees together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 16 February 2022 until payment in full.**
- 3. Kayseri Basketbol Spor Kulübü Denergi is ordered to pay Mr. Lluís Tunez García EUR 265.50 by way of late payment penalty fees.**
- 4. The costs of this arbitration until the present Award, which were determined by the Vice-President of the BAT to be in the amount of EUR 3,550.00, shall be borne by Kayseri Basketbol Spor Kulübü Denergi alone. Accordingly, Kayseri Basketbol Spor Kulübü Denergi shall pay EUR 3,550.00 to Mr. Lluís Tunez García. The balance of the advance on costs in the amount of EUR 1,450.00 is reimbursed to Mr. Lluís Tunez García by the BAT.**
- 5. Kayseri Basketbol Spor Kulübü Denergi is ordered to pay Mr. Lluís Tunez García EUR 4,000.00 as a contribution to his legal fees and expenses (including the non-reimbursable handling fee).**
- 6. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party**

7. Any other or further-reaching requests for relief are dismissed.

Geneva, seat of the arbitration, 13 April 2022

Klaus Reichert
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2 and 16.3 of the BAT Rules (version of 1 December 2019):

“16.2 By agreeing to submit their dispute to arbitration under these Rules, the parties agree that, subject to Article 16.3, the Arbitrator shall issue an award without reasons if the sum in dispute does not exceed EUR 50,000.

16.3 In cases falling under Article 16.2, the Arbitrator shall issue an award with reasons (which shall substitute in full for any previously-issued award without reasons) only if

- a) a party (i) files a request to that effect at any stage from when the Request for Arbitration is filed until no later than ten (10) days after the notification of the award without reasons, and (ii) pays, within the deadline set by the BAT Secretariat, an amount of EUR 3,000 into the bank account indicated in Article 17.1, failing which the request shall be deemed withdrawn; or*
- b) the BAT President determines in his sole discretion, before the award is issued, that it shall be rendered with reasons, taking into account the issues raised by the case as well as the public interest in a sufficient body of publicized awards with reasons.”*

Please note that the time limit for payment of the amount of EUR 3,000.00, in accordance with Article 16.3(a) of the BAT Rules, will be set by the BAT Secretariat upon receipt of the request for reasons, if any.