

ARBITRAL AWARD

(BAT 1689/21)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Clifford J. Hendel

in the arbitration proceedings between

Mr. Gregor Hrovat

Mr. Talib Zanna

- Claimant 1 -

- Claimant 2 -

both represented by Mr. Sabin Liviu Gherdan, attorney at law,

vs.

Afyon Belediyesi Genclik ve Spor Kulübü Derneği

Karaman Mah. Albay Resat Cigiltepe Cad. No: 11, Afyonkarahisar, 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. Afyon Belediyesi Genclik ve Spor Kulübü Dernegi shall pay Mr. Gregor Hrovat USD 18,261.00 net of Turkish taxes, as overdue salaries, plus interest on such amount at 5% per annum, until payment. The interest shall start to accrue as from the following dates:**
 - **11 March 2020 regarding the USD 6,000.00 corresponding to the salary of March 2020;**
 - **11 April 2020 regarding the USD 4,087.00 corresponding to the salary of April 2020;**
 - **11 May 2020 regarding the USD 4,087.00 corresponding to the salary of May 2020; and**
 - **11 June 2020 regarding the USD 4,087.00 corresponding to the salary of June 2020.**

- 2. Afyon Belediyesi Genclik ve Spor Kulübü Dernegi shall pay Mr. Talib Zanna USD 28,261.00 net of Turkish taxes, as overdue salaries, plus interest on such amount at 5% per annum, until payment. The interest shall start to accrue as from the following dates:**
 - **11 March 2020 regarding the USD 10,000.00 corresponding to the salary of March 2020;**
 - **11 April 2020 regarding the USD 6,087.00 corresponding to the salary of April 2020;**
 - **11 May 2020 regarding the USD 6,087.00 corresponding to the salary of May 2020; and**

- **11 June 2020 regarding the USD 6,087.00 corresponding to the salary of June 2020.**
- 3. The costs of this arbitration until the present Award, which were determined by the President of the BAT to be in the amount of EUR 4,880.00, shall be borne by Afyon Belediyesi Genclik ve Spor Kulübü Dernegi alone. Accordingly, Afyon Belediyesi Genclik ve Spor Kulübü Dernegi shall pay an amount of EUR 4,880.00 jointly to Mr. Gregor Hrovat and Mr. Talib Zanna. The balance of the advance on costs in the amount of EUR 1,101.59 will be reimbursed jointly to Mr. Gregor Hrovat and Mr. Talib Zanna by the BAT.**
 - 4. Afyon Belediyesi Genclik ve Spor Kulübü Dernegi shall pay Mr. Gregor Hrovat and Mr. Talib Zanna jointly EUR 5,500.00 as a contribution towards their legal fees and expenses (including the non-reimbursable handling fee).**
 - 5. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
 - 6. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 28 September 2021

Clifford J. Hendel
(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.