



CHAPTER VII. - BASKETBALL ARBITRAL TRIBUNAL (BAT)

GENERAL PRINCIPLES

289. FIBA establishes an independent Basketball Arbitral Tribunal (BAT) for the simple, quick and inexpensive resolution of disputes arising within the world of basketball in which FIBA, its Zones, or their respective divisions are not directly involved and with respect to which the parties to the dispute have agreed in writing to submit the same to the BAT.
290. BAT awards shall be final and binding upon communication to the parties.
291. The BAT is primarily designed to resolve disputes between clubs, players and agents.
292. It is recommended that parties wishing to refer their possible disputes to the BAT use the following arbitration clause in their contracts:
"Any dispute arising from or related to the present contract shall be submitted to the Basketball Arbitral Tribunal (BAT) in Geneva, Switzerland and shall be resolved in accordance with the BAT Arbitration Rules by a single arbitrator appointed by the BAT President.
The seat of the arbitration shall be Geneva, Switzerland.
The arbitration shall be governed by Chapter 12 of the Swiss Act on Private International Law (PILA), irrespective of parties' domicile. The language of arbitration shall be English.
The arbitrator shall decide the dispute ex aequo et bono."

THE BAT ARBITRATION RULES

293. Arbitration proceedings before BAT will be conducted in accordance with the BAT Arbitration Rules which are available from the FIBA Secretariat on request and which are available also on the FIBA website.
294. Any proposed changes to the BAT Arbitration Rules shall be prepared by the FIBA Legal Commission and shall be submitted to the FIBA Central Board for approval.

SEAT OF THE BAT

295. The BAT has its seat in Geneva, Switzerland.

FINANCING

296. The financing of the BAT is guaranteed by FIBA, it being understood that the BAT is designed to be self-financing.



THE BAT PRESIDENT / THE BAT VICE PRESIDENT

297. The BAT President and the BAT Vice President shall be appointed by the FIBA Central Board for a renewable term of four (4) years between the ordinary sessions of the FIBA elective Congress. They shall have legal training.
298. The BAT Vice-President shall substitute for the BAT President in case of the latter's inability to exercise the functions assigned to him under the BAT Arbitration Rules, including instances where the BAT President is prevented from exercising his functions due to a conflict of interest.

THE DUTIES OF THE BAT PRESIDENT

299. The BAT President shall have the following duties:
 - a. To ensure the proper functioning of the BAT, inter alia, by establishing administrative guidelines for the tribunal.
 - b. To establish a list of at least three (3) BAT arbitrators for a renewable term of four (4) years between the ordinary sessions of the FIBA elective Congress. The BAT arbitrators shall have legal training and shall have experience with regard to sport.
 - c. To appoint, on a rotational basis, a BAT arbitrator to the individual arbitration proceedings before the BAT.
 - d. To establish a system of remuneration for the BAT arbitrators.
 - e. To exercise those functions assigned to him under the BAT Arbitration Rules.

HONOURING OF BAT AWARDS

300. In the event that a party to a BAT Arbitration fails to honour a final award or any provisional or conservatory measures (the "first party") of BAT or CAS, the party seeking enforcement of such award (the "second party") shall have the right to request that FIBA sanction the first party. The sanctions can be imposed by FIBA:
 - a. A monetary fine of up to CHF 150,000 (see article 3-303); this fine can be applied more than once; and/or
 - b. Withdrawal of FIBA-license if the first party is a player's agent; and/or
 - c. A ban on international transfers if the first party is a player; and/or
 - d. A ban on registration of new players and/or a ban on participation in international club competitions if the first party is a club.The above sanctions can be applied more than once.
301. The second party shall send to FIBA with his request a complete file of the BAT proceedings. The decision on the sanction is taken by the Secretary General. Before taking his decision he shall give the first party an opportunity to state his position.
302. The decision to sanction the first party shall be subject to appeal to the FIBA Appeals' Panel according to the FIBA Internal Regulations governing Appeals (see Book 1, Chapter VII).