



FIBA

We Are Basketball

FIBA'S ASSISTANCE IN SECURING THE HONOURING OF BAT AWARD

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FIBA AND BAT DIFFERENT AND WELL DEFINED ROLES

USEFUL REMINDERS

1. THE BASKETBALL ARBITRAL TRIBUNAL IS INDEPENDENT FROM FIBA

ART. 3-291 FIBA IR:

"THE BAT IS PRIMARILY DESIGNED TO RESOLVE DISPUTES BETWEEN CLUBS, PLAYERS AND AGENTS. UPON REQUEST BY A BAT ARBITRATOR, FIBA MAY ASSIST BAT IN COMMUNICATING WITH PARTIES."

ART. 3-289 FIBA IR:

FIBA ESTABLISHED AN INDEPENDENT TRIBUNAL, NAMED THE BASKETBALL ARBITRAL TRIBUNAL (BAT, FORMERLY KNOWN AS FIBA ARBITRAL TRIBUNAL) 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."

2. THE BASKETBALL ARBITRAL TRIBUNAL IS NOT INVOLVED IN THE HONOURING PROCESS



FIBA'S ROLE IN SECURING THE HONOURING OF BAT AWARD



1

AWARD ISSUED BY BAT

2

REQUEST OF ENFORCEMENT SENT TO FIBA

3

WARNING

4

SANCTIONS



SANCTIONS AVAILABLE IN ACCORDANCE WITH THE LOSING PARTY



COACH OR AGENT

MONETARY FINE OF UP TO CHF 150,000 (CAN BE APPLIED MORE THAN ONCE)

WITHDRAWAL OF FIBA LICENSE



CLUB

MONETARY FINE OF UP TO CHF 150,000 (CAN BE APPLIED MORE THAN ONCE)

A BAN ON REGISTRATION OF NEW PLAYERS

A BAN ON PARTICIPATION IN INTERNATIONAL CLUB COMPETITIONS



PLAYER

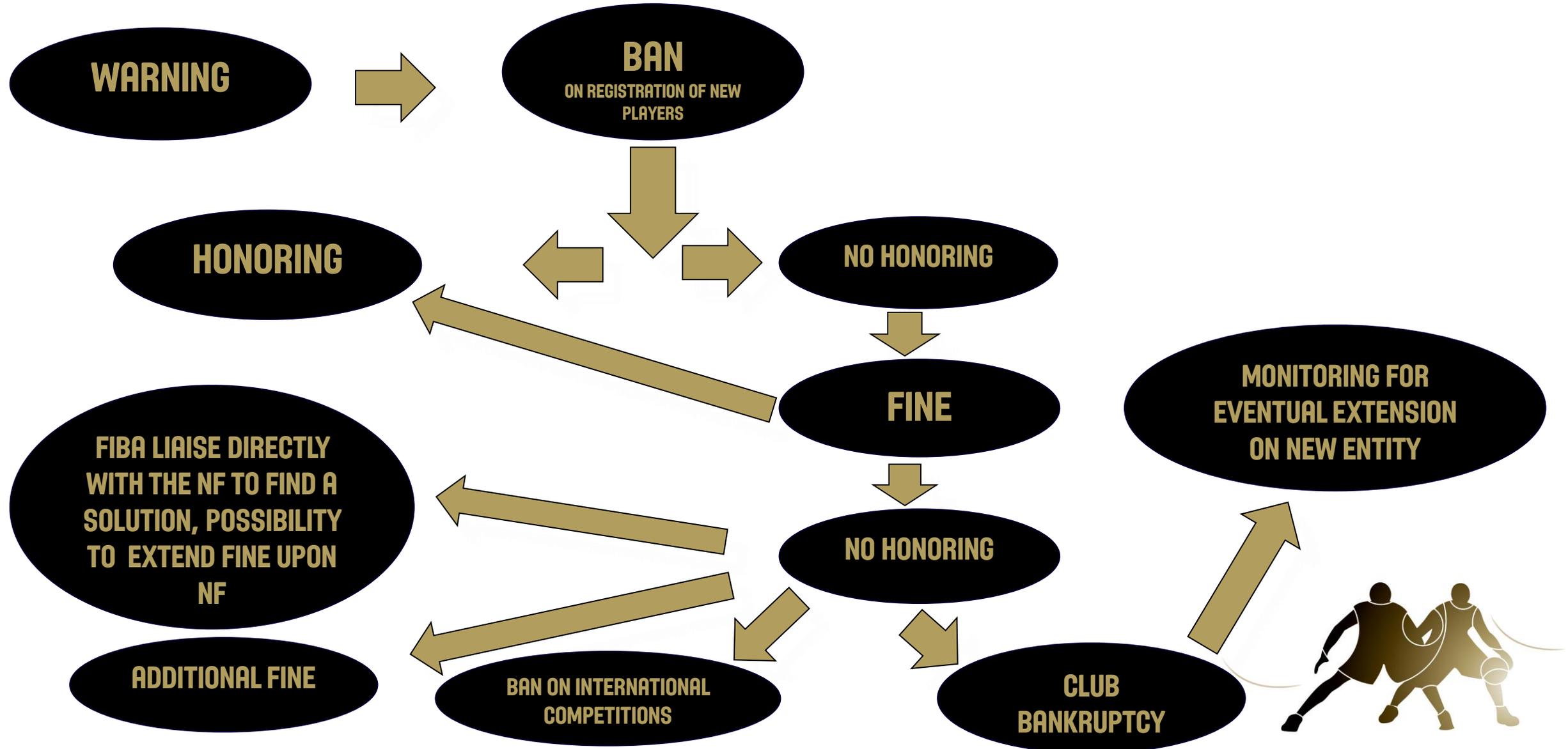
MONETARY FINE OF UP TO CHF 150,000 (CAN BE APPLIED MORE THAN ONCE)

A BAN ON INTERNATIONAL TRANSFERS

A BAN ON PARTICIPATION IN INTERNATIONAL COMPETITIONS WITH HIS NATIONAL TEAM AND/OR CLUB

WHAT IS FIBA'S USUAL STANDARD PROCESS?

PROCESS FOR SECURING THE HONOURING OF BAT A AWARD IN WHICH THE LOSING PARTY IS A CLUB:



HOW WINNING PARTY SHOULD ACT WHEN A CLUB FAILS TO COMPLY WITH A BAT DECISION DESPITE FIBA'S SANCTIONS?

PATIENCE:

IN MOST CASES, ONCE FIBA IMPOSED A BAN ON A CLUB, THE CLUB STARTS COMPLYING IN THE FOLLOWING MONTHS.

FOLLOWING-UP:

AFTER SEVERAL MONTHS, WHEN IT IS OBVIOUS THAT A CERTAIN SANCTION (BAN OR FINE) HAVE NO SUFFICIENT IMPACT, IT IS IMPORTANT TO CONTACT FIBA.

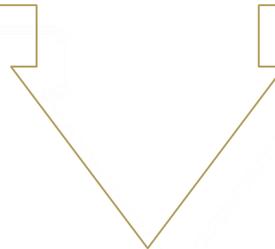


EVOLUTION OF FIBA'S STANDARD PROCESS FOR SECURING THE HONORING OF BAT



IN THE PAST FEW YEARS, FIBA EXPERIENCED THE FOLLOWING CHALLENGES WHILE SECURING THE HONORING OF BAT AWARDS:

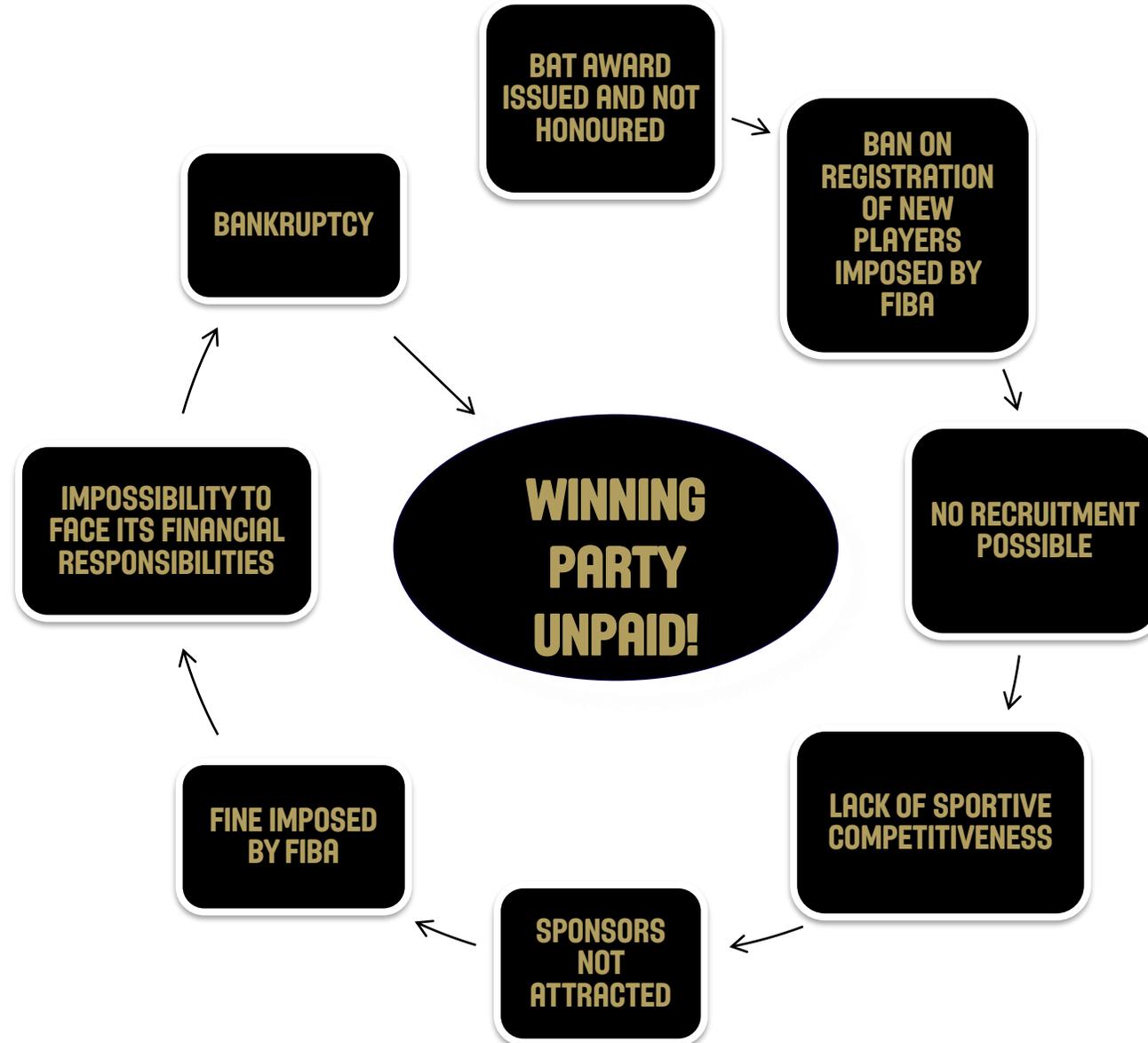
- **LOSING PARTY'S LACK OF CASH FLOW**
- **INFLEXIBILITY OF THE WINNING PARTY CONCERNING PAYMENT (I.E. NO PAYMENT PLAN ACCEPTED)**
- **LACK OF CONFIDENCE FROM THE WINNING PARTY (WHETHER IN FIBA OR IN THE LOSING PARTY)**
- **LOSING PARTY INVOLVED IN VARIOUS BAT CASES**



THE ABOVE ELEMENTS COMBINED WITH FIBA'S USUAL PROCESS TO SECURE THE HONORING OF BAT DECISIONS LED TO UNSATISFACTORY OUTCOME



THE ABOVE ELEMENTS COMBINED WITH FIBA'S USUAL PROCESS TO SECURE THE HONORING OF BAT DECISIONS LED TO UNSATISFACTORY OUTCOME:



SOLUTION

NEW APPROACH BY FIBA:

**ESTABLISHMENT OF A PAYMENT PLAN SUBJECT TO STRICT CONDITIONS
(ASSESSMENT ON A CASE-BY-CASE BASIS)**



BAN ALREADY IMPOSED ON THE CLUB

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graph TD; A[BAN ALREADY IMPOSED ON THE CLUB] --> B[ASSESSMENT OF THE CASE BY FIBA (TRIGGERED BY THE POSITION/REQUEST OF ANY CONCERNED PARTY)]; B --> C[FIBA LIAISE WITH THE PARTIES]; C --> D[FIBA IMPOSES A REALISTIC PAYMENT PLAN GOVERNED BY STRICT CONDITIONS]; D --> E[USUALLY THE FIRST INSTALMENT CONSTITUTES MINIMUM 30% OF THE TOTAL AMOUNT DUE]; D --> F[IF BREACH OF THE PAYMENT PLAN, BAN IMMEDIATELY REINSTATED AND AUTOMATIC FINE IMPOSED BY FIBA (AMOUNT FIXED IN ADVANCE)]; D --> G[FOLLOWING THE PAYMENT OF THE FIRST INSTALMENT THE CLUB BENEFITS FROM A PROVISIONAL LIFT OF THE BAN];
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ASSESSMENT OF THE CASE BY FIBA (TRIGGERED BY THE POSITION/REQUEST OF ANY CONCERNED PARTY)

INTERNAL DECISION WHETHER A PAYMENT PLAN SHOULD APPLY TO THE CASE (NO AGREEMENT BETWEEN PARTIES POSSIBLE?)

FIBA LIAISE WITH THE PARTIES

DEPENDING THE CASE, FIBA MIGHT REQUEST BOTH PARTIES OR ONLY ONE PARTY TO SUBMIT A REALISTIC PAYMENT PLAN PROPOSAL

FIBA IMPOSES A REALISTIC PAYMENT PLAN GOVERNED BY STRICT CONDITIONS

USUALLY THE FIRST INSTALMENT CONSTITUTES MINIMUM 30% OF THE TOTAL AMOUNT DUE

IF BREACH OF THE PAYMENT PLAN, BAN IMMEDIATELY REINSTATED AND AUTOMATIC FINE IMPOSED BY FIBA (AMOUNT FIXED IN ADVANCE)

FOLLOWING THE PAYMENT OF THE FIRST INSTALMENT THE CLUB BENEFITS FROM A PROVISIONAL LIFT OF THE BAN

MISCELLANEOUS



- FIBA HAS CURRENTLY A DELAY BETWEEN 1 AND 2 MONTH TO PROCESS WINNING PARTY'S FIRST REQUEST**
- FIBA DOES NOT FAVOR ANY TEAM AND ALL THE CASES ARE PROCESSED BASED ON ITS PARTICULARITIES**
- NO COMPARISONS CAN BE MADE BETWEEN CASES**





THANK YOU

Q & A

International Basketball Federation
FIBA
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