



BASKETBALL
ARBITRAL TRIBUNAL

CONSENT AWARD

(BAT 0224/11)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Quentin Byrne-Sutton

in the arbitration proceedings

Mr. Edin Bavic

MEGA Basketball LLC

BeoBasket Ltd.

- Claimants -

represented by Mr. Miodrag Raznatovic, attorney at law
Strahinjica bana 18, 11000 Belgrade, Serbia

vs.

KK Union Olimpija Ljubljana

Celovška 25, 1000 Ljubljana, Slovenia

- Respondent -

1. Background of the Award by Consent

1. By Request for Arbitration dated 4 July 2010, the Claimants, through their representative Mr. Miodrag Raznatovic, initiated this arbitration against the Respondent (the Claimants and the Respondent shall hereinafter also be collectively referred to as "the Parties").
2. By letter dated 25 November 2011, the Parties were informed by the Basketball Arbitral Tribunal ("BAT") as follows:

"This is to confirm that a Request for Arbitration dated 4 July 2010 was filed by Mr. Miodrag Raznatovic on behalf of Mr. Edin Bavecic, MEGA Basketball LLC and Beobasket Ltd. and received by the BAT on 16 July 2010.

The non-reimbursable handling fee of EUR 2,000.00 was received in the BAT bank account on 20 November 2011.

*The President of BAT has determined that the arbitration can thus proceed and has appointed **Mr. Quentin Byrne-Sutton** in this case. Copies of the Request for Arbitration (with exhibits), the Rules of the Basketball Arbitral Tribunal ("BAT Rules") as well as the FIBA Internal Regulations governing the Basketball Arbitral Tribunal are attached for the Respondent. "*

3. The letter dated 25 November 2011 also set out a timetable for the further conduct of this arbitration and provided other procedural directions.
4. By email dated 22 February 2012, the Claimants' counsel informed the BAT that the dispute had been settled. The Claimants' counsel further provided the BAT with a letter dated 21 February 2012, signed by the Parties informing of the details of the settlement agreement and requesting the BAT issue a consent award.
5. By way of correspondence dated 28 February 2012, the Arbitrator requested from the Claimants, the payment of an Advance on Costs in the amount of EUR 1,500 which

was received by the BAT on 2 March 2012.

2. The Settlement Agreement

6. The Parties have entered into a settlement agreement dated 21 February 2012 (hereinafter “the Settlement Agreement”), which reads as follows:

- 1. BC Union Olimpija is ordered to pay Edin Bavec amount of 71.000 Euro on the 30th of April 2012.*
- 2. BeoBasket LTD discard request to Union Olimpija to pay amount of 10.000 Euro.*
- 3. Mega Basketball LLC discard request to Union Olimpija to pay amount of 56.000 Euro.*
- 4. BC Union Olimpija is ordered to pay BeoBasket LTD amount of 5.000 Euro on the 30th of April 2012 to cover the costs of Arbitration.”*

7. The Arbitrator has ascertained that the dispute between the Parties is arbitrable under the law governing the arbitration (Article 177(1) of the Swiss Private International Law Act) and finds that there is no indication on the face of the record that the Settlement Agreement concluded by the Parties is contrary to international public policy.

3. Costs

8. On 7 March 2012, considering that pursuant to Article 17.2 of the BAT Rules “the BAT President shall determine the final amount of the costs of the arbitration which shall include the administrative and other costs of BAT and the fees and costs of the BAT President and the Arbitrator”, and that “the fees of the Arbitrator shall be calculated on the basis of time spent at a rate to be determined by the BAT President from time to time”, taking into account all the circumstances of the case, including the time spent by the Arbitrator, the complexity of the case and the procedural questions raised, the BAT President determined the arbitration costs in the present matter at EUR 1,500.

4. Award

For the reasons set forth above and in accordance with Article 16.6 of the BAT Rules, the Arbitrator decides, holds and orders as follows:

- I. KK Union Olimpija Ljubljana is ordered to pay to Mr. Edin Bavcic a total amount of EUR 71,000 by 30 April 2012.**
- II. BeoBasket Ltd. waives its claim for the payment of EUR 10,000 against KK Union Olimpija Ljubljana.**
- III. MEGA Basketball LLC waives its claim for the payment of EUR 56,000 against KK Union Olimpija Ljubljana.**
- IV. KK Union Olimpija Ljubljana is ordered to pay to BeoBasket Ltd. arbitration costs in the amount of EUR 5,000 by 30 April 2012.**

Geneva, place of the arbitration, 9 March 2012

Mr. Quentin Byrne-Sutton
(Arbitrator)