

## **L1 FIBA Arbitral Tribunal (FAT)**

### **L2.1 General Principles**

L2.1.1 FIBA establishes an independent FIBA Arbitral Tribunal (FAT) 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 FAT.

L2.1.2 FAT awards can be appealed to the Court of Arbitration for Sport (CAS), Lausanne, Switzerland.

L2.1.3 The FAT is primarily designed to resolve disputes between clubs, players and agents.

L2.1.4 It is recommended that parties wishing to refer their possible disputes to the FAT use the following arbitration clause in their contracts:

*"Any dispute arising from or related to the present contract shall be submitted to the FIBA Arbitral Tribunal (FAT) in Geneva, Switzerland and shall be resolved definitely in accordance with the FAT Arbitration Rules.*

*The arbitrator shall decide the dispute ex aequo et bono.*

*Awards of the FAT can be appealed to the Court of Arbitration for Sport (CAS), Lausanne, Switzerland. To the extent legally possible under Swiss law recourse to the Swiss Federal Tribunal against awards of the FAT and against decisions of the Court of Arbitration for Sport (CAS) upon appeal shall be excluded."*

### **L2.2 The FAT Arbitration Rules**

Arbitration proceedings before FAT will be conducted in accordance with the FAT Arbitration Rules which are available from the FIBA Secretariat on request and which are available also on the FIBA website.

Any proposed changes to the FAT Arbitration Rules shall be prepared by the FIBA Appeals' Commission and shall be submitted to the FIBA Central Board for approval.

### **L2.3 Seat of the FAT**

The FAT has its seat in Geneva, Switzerland.

### **L2.4 Financing**

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

### **L2.5 The FAT President / the FAT Vice President**

The FAT President and the FAT Vice President shall be appointed by the FIBA Central Board for a renewable term of 4 years between the ordinary sessions of the FIBA Congress. They shall have legal training.

The FAT Vice President shall substitute for the FAT President in case of the latter's inability to exercise the functions assigned to him under the FAT Arbitration Rules, including instances where the FAT President is prevented from exercising his functions due to a conflict of interest.

### **L2.6 The Duties of the FAT President**

The FAT President shall have the following duties:

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

## **L2.7 Honouring of FAT Awards**

L2.7.1 In the event that a party to a FAT Arbitration fails to honour a final award (the "first party") of FAT or of the Court of Arbitration for Sport upon appeal against a FAT award, the party seeking enforcement of such award (the "second party") shall have the right to request that FIBA sanction the first party as follows:

- a) withdrawal of FIBA-license if the first party is a player's agent,
- b) a ban on international transfers if the first party is a player,
- c) a ban on registration of new players if the second party is a club.

L2.7.2 The second party shall send to FIBA with his request a complete file of the FAT/CAS proceedings. The decision on the sanction is taken by the Secretary General or his delegate. Before taking his decision he shall give the first party an opportunity to state his position.

L2.7.3 The decision to sanction the first party shall be subject to appeal to the FIBA Appeals Tribunal according to the Internal Regulations governing Appeals.