

ARBITRAL AWARD

(BAT 1900/22)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Ms. Brianna Quinn

in the arbitration proceedings between

Mr. Urban Durnik

- Claimant -

represented by Mr. Blaž Tomažin Bolcar, attorney at law,

vs.

Omlardinski Košarkaški Klub "Spars 05"
Ulica Zvornička 23, Sarajevo, Bosnia and Herzegovina

- Respondent -

AWARD

Upon providing all parties with an opportunity to be heard, having examined her 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. Omlardinski Košarkaški Klub "Spars 05" shall pay Mr. Urban Durnik EUR 3,448.33 for unpaid debts relating to the 2021-22 basketball season, together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 2 October 2022 until payment in full.**
- 2. Omlardinski Košarkaški Klub "Spars 05" shall pay Mr. Urban Durnik EUR 3,448.33 for unpaid debts relating to the 2021-22 basketball season, together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 2 November 2022 until payment in full.**
- 3. Omlardinski Košarkaški Klub "Spars 05" shall pay Mr. Urban Durnik EUR 3,448.33 for unpaid debts relating to the 2021-22 basketball season, together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 2 December 2022 until payment in full.**
- 4. 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 3,212.50 shall be borne by Omlardinski Košarkaški Klub "Spars 05" alone. Accordingly, Omlardinski Košarkaški Klub "Spars 05" shall pay EUR 3,212.50 to Mr. Urban Durnik. The balance of the Advance on Costs, in the amount of EUR 287.50, will be reimbursed to Mr. Urban Durnik by the BAT.**
- 5. Omlardinski Košarkaški Klub "Spars 05" shall pay EUR 2,600.00 to Mr. Urban Durnik as a contribution to his legal fees and expenses (including the non-reimbursable handling fee).**
- 6. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**

7. Any other or further-reaching requests for relief are dismissed.

Geneva, seat of the arbitration, 8 May 2023

Brianna Quinn
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2 and 16.3 of the BAT Rules (version of 1 January 2022):

“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.