

ARBITRAL AWARD

(BAT 1916/23)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Rhodri Thomas

in the arbitration proceedings between

Mr. Sergiu Valentin Gherdan

- Claimant -

represented by Mr. Alexandru Corpodean, attorney at law,

vs.

Izmit Belediyespor Gençlik Kulübü Derneği

Abdurrahman Yuksel Cad Belsa Plaza No. 9 A Blok Kat 4, 41300 Izmit,
Kocaeli, Turkey

- Respondent -

represented by Mr. Arda Güney, attorney at law,

AWARD

Upon providing both parties with an opportunity to be heard, having examined his 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. Izmit Belediyespor Gençlik Kulübü Derneği shall pay USD 5,875.00 net to Mr. Sergiu Valentin Gherdan in respect of principal amounts payable under a settlement agreement.**
- 2. Izmit Belediyespor Gençlik Kulübü Derneği shall pay USD 2,937.50 to Mr. Sergiu Valentin Gherdan in respect of penalty fees payable under a settlement agreement.**
- 3. Izmit Belediyespor Gençlik Kulübü Derneği shall pay EUR 210.40 to Mr. Sergiu Valentin Gherdan in respect of penalty fees payable under a settlement agreement.**
- 4. Izmit Belediyespor Gençlik Kulübü Derneği is ordered to pay Mr. Sergiu Valentin Gherdan late penalty fees of 0.5% per day of delay on the amount of USD 5,875.00 or any outstanding balance in respect of principal amounts (as may be the case from time to time) thereof, starting from the 11th day after the day the present award is communicated to the parties by email, in case Izmit Belediyespor Gençlik Kulübü Derneği has not duly paid such amount in the term of 10 days after the award is communicated, up to a maximum post-award late penalty of USD 5,875.00.**
- 5. 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 4,875.00, shall be borne 66% by Izmit Belediyespor Gençlik Kulübü Derneği and 34% by Mr. Sergiu Valentin Gherdan. Accordingly, Izmit Belediyespor Gençlik Kulübü Derneği shall pay EUR 3,217.50 to Mr. Sergiu Valentin Gherdan. The balance of the Advance on Costs, in the amount of EUR 625.00, will be reimbursed to Mr. Sergiu Valentin Gherdan by the BAT.**
- 6. Izmit Belediyespor Gençlik Kulübü Derneği shall pay EUR 3,000.00 to Mr. Sergiu Valentin Gherdan as a contribution to his legal fees and expenses (including the non-reimbursable handling fee).**
- 7. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 8. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 17 July 2023

Rhodri Thomas
(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/her 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.