

ARBITRAL AWARD

(BAT 1952/23)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Stephan Netzle

in the arbitration proceedings between

Mr. Mario Scotti

represented by Mr. Sergiu Gherdan, attorney at law,

- Claimant -

vs.

Clubul Sportiv Minicipal Focsani 2007

Str. Timis, nr. 2A, Mun. Focsani, Jud. Vrancea, 620084, Romania

represented by Mr. Sabin Gherdan, attorney at law,

- Respondent -

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. Clubul Sportiv Mincipal Focsani 2007 shall pay Mr. Mario Scotti an unpaid agent fee in the amount of EUR 3,294.00, plus interest of 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 1 October 2022 until and including the earlier of (i) the day of payment of such amount and (ii) the 10th day after the day the present award is communicated to the parties by e-mail.**
- 2. Clubul Sportiv Mincipal Focsani 2007 shall pay Mr. Mario Scotti late penalty fees of 0.5% per day of delay on the amount of EUR 3,294.00 or any outstanding balance thereof (as may be the case from time to time), starting from the 11th day after the day the present award is communicated to the parties by e-mail, in case the Clubul Sportiv Mincipal Focsani 2007 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 EUR 3,294.00, and thereafter 5% per annum until the day of complete payment.**
- 3. The costs of this arbitration until the present Award, which were determined by the Vice-President of the BAT to be in the amount of EUR 4,000.00 shall be borne by Clubul Sportiv Mincipal Focsani 2007 alone. Accordingly, Clubul Sportiv Mincipal Focsani 2007 shall pay EUR 4,000.00 to Mr. Mario Scotti.**
- 4. Clubul Sportiv Mincipal Focsani 2007 shall pay EUR 2,500.00 as a contribution to the legal fees and expenses of Mr. Mario Scotti.**
- 5. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 6. Any other or further-reaching requests for relief are dismissed.**



BASKETBALL
ARBITRAL TRIBUNAL

Geneva, seat of the arbitration, 24 July 2023

Stephan Netze
(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.