ARBITRAL AWARD

(BAT 1995/23)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Ms. Annett Rombach

in the arbitration proceedings between

Mr. Luka Scuka

- Claimant 1 -

Sigma S.R.L.
Via Giuseppe Giacosa n. 3, 40132 Bologna, Italy

- Claimant 2 -

both represented by Mr. Juan de Dios Crespo Pérez and Mr. Alessandro Mosca, attorneys at law,

vs.

BC Mornar Bar
Bulevar Revolucije 85, SC Topolica, 85000 Bar, Crna Gora, Montenegro

- Respondent -

BASKETBALL
ARBITRAL TRIBUNAL

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. **BC Mornar Bar is ordered to pay to Mr. Luka Scuka EUR 15,700.00 net of taxes for outstanding compensation and bonuses together with interest of 5% per annum on any outstanding balance (as may be the case from time to time) until payment in full**
    - **from 11 January 2023 on the amount of EUR 2,000.00;**
    - **from 11 February 2023 on the amount of EUR 2,500.00;**
    - **from 11 March 2023 on the amount of EUR 2,500.00;**
    - **from 11 April 2023 on the amount of EUR 2,500.00;**
    - **from 10 May 2023 on the amount of EUR 1,200.00;**
    - **from 11 May 2023 on the amount of EUR 2,500.00;**
    - **from 24 May 2023 on the amount of EUR 2,500.00.**

2. **BC Mornar Bar is ordered to provide Mr. Luka Scuka with a tax certificate indicating that all applicable season taxes have been paid on behalf of Mr. Luka Scuka.**

3. **BC Mornar Bar is ordered to pay to Sigma S.R.L. EUR 2,500.00 as outstanding agency fee together with interest at 5% per annum on any outstanding balance (as may be the case from time to time) thereof from 7 April 2023 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 4,875.00, shall be borne by BC Mornar Bar alone. Accordingly, BC Mornar Bar shall pay to Sigma S.R.L. EUR 4,875.00. The balance of the Advance on Costs, in the amount of EUR 125.00, will be reimbursed to Sigma S.R.L. by the BAT.**

5. **BC Mornar Bar is ordered to pay to Mr. Luka Scuka EUR 1,500.00 as a contribution towards his legal fees and expenses.**

6. **BC Mornar Bar is further ordered to pay to Sigma S.R.L. EUR 2,500.00 as a contribution towards its 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, 8 November 2023

Annett Rombach

(Arbitrator)

Notice about Request for Reasons

In accordance with Article 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.