

Guidelines for Settlement Agreements to be incorporated into a Consent Award

If parties to a BAT proceeding reach a settlement after the Arbitrator has been appointed, they may request that the settlement be recorded in the form of a Consent Award (see Article. 16.7 of the BAT Arbitration Rules). In this case, they are required to provide the BAT with a copy of their settlement agreement as it forms the basis for the Consent Award. Therefore, the Settlement Agreement shall include all information required for the arbitrator to draft the Consent Award. Based on the experience with past cases, the BAT has compiled the following non-exhaustive list of elements that should be included in the parties' settlement agreement in order to facilitate the issuance of a Consent Award:

- Date of the settlement agreement
- Name and signature of each party
- BAT case number
- Agreement on the issuance of a Consent Award (and/or a clause empowering each party to request a Consent Award on behalf of both parties)
- Exact amount(s) due under the settlement agreement (indicating the currency and whether the payment shall be net or gross)
- Due date(s) for payment
- Agreement on who shall bear the arbitration costs
- Agreement on whether any party shall pay any contribution to the other party's legal fees and expenses (and, if so, in which amount). This also relates to the non-reimbursable handling fee paid by the (Counter-)Claimant(s) to the BAT.

Any questions?

The BAT Secretariat is happy to answer any questions you may have on the above. The BAT Secretariat can be contacted as follows:

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