

A person is captured in mid-air, jumping towards a basketball hoop. The person is wearing a light-colored t-shirt and dark shorts. The basketball is in the air, just above the hoop. The background shows a clear sky and some distant trees and hills. The overall scene is bright and clear.

Introduction to the
Payment Order Procedure
before the Basketball Arbitral Tribunal
(BAT)

What is the Payment Order Procedure (POP)?

Process



What are the Rules?

- FIBA Internal Regulations governing BAT ([Book 3, Chapter 10](#))
- [BAT Arbitration Rules – 1 February 2024](#)
- [BAT Arbitration Rules Mark Up version – 1 February 2024 vs 1 January 2022](#)

How does the BAT Arbitration Procedure work?

[User Guide to the BAT Arbitration Procedure](#)
[Standard Arbitration Clause for BAT Arbitration Procedure](#)
[Guidelines for Settlement Agreements to be incorporated into a Consent Award](#)
[Template: Request for Arbitration](#)

How does the BAT Payment Order Procedure (POP) work?

[User Guide to the BAT Payment Order Procedure \(POP\)](#)
[Standard Arbitration Clause for BAT-POP](#)
[Information on the BAT-POP](#)
[Online form for filing a Payment Order Request](#)

Who is the BAT ?

[Composition of the BAT - February 2024](#)

- ✓ Comparable to default judgements before state courts
- ✓ Simple procedure
- ✓ No arbitrator involved
- ✓ No examination of the merits of the claim
- ✓ Inexpensive: EUR 1,000 as processing fee
- ✓ Final Payment Order, which
 - has the effect of a final and binding arbitral award between the parties
 - qualifies as "decision" under Article 3-335 FIBA IR

How does the Payment Order Procedure work?

Check requirements of Art. 19.2.1:

- ✓ Parties have agreed to the Payment Order Procedure
 - see new BAT clause provided under Art. 0.3
- ✓ Claim is of a monetary nature
- ✓ Claim is by a single Claimant against a single Respondent
- ✓ Respondent is a legal entity
 - e.g.: Agency, Club, NF (+); Agent, Player, Coach (-)
- ✓ Principal amount claimed does not exceed EUR 15,000 (excluding interest and late payment penalties)
- ✓ Claim does not bundle multiple claims deriving from different legal relationships
 - e.g.: Coach claims salary and bonus from a club based on the same contract (+)
 - e.g.: Agent claims agent fees for several players from the same club based on individual contracts (-)

How does the Payment Order Procedure work?



Visit <https://bat-payment-order.martens.legal/> to make the Payment Order Request („POR“)



Enter the required information



Upload the relevant documents



Submit the POR to the BAT



Pay the non-reimbursable processing fee of EUR 1,000 into the BAT account

Basketball Arbitral Tribunal – Request for Payment Order

1 Claimant — 2 Respondent — 3 Claim — 4 File uploads — 5 Check and submit

Details of Claimant

Please enter details of Claimant

Is the Claimant an individual person or a legal entity?

Person Legal entity

First name *

Please enter

Last name *

Please enter

Company name (if applicable)

Please enter

Street name and house number *

Please enter

City *

Please enter

Zip code *

Please enter

Country *

Please select

Email *

Please enter

Telephone number *

Country code* Please enter

How does the Payment Order Procedure work?

Basketball Arbitral Tribunal – Request for Payment Order

1 Claimant — 2 Respondent — 3 Claim — 4 File uploads — 5 Check and submit

Details of Claimant
Please enter details of Claimant

Is the Claimant an individual person or a legal entity?
 Person Legal entity

First name *
John

Last name *
Smith

Company name (if applicable)
Smith & Associates

Street name and house number *
Main Street 123

City *
Longtown

Zip code *
ST 25887

Country *
Solomon Islands

Email *
ja@smith.com

Telephone number *
Solomon Islands (+877) 89 583 214

Nationality *
Solomon Island

Claimant's role *
Agent

Are you represented in this matter by legal counsel? (if yes, any correspondence by)
 No Yes

[Next step →](#)

Details of Respondent
Please enter details of Respondent

Name *
Sports Club Ltd.

Street name and house number *
Vista Avenue 205

City *
New City

Zip code *
85631

Country *
Zimbabwe

E-Mail *
manager@sc-sport.org

Telephone number *
Zimbabwe (+263) 6547 22351

Name of contact person
Please enter

Respondent's role *
Club

[← Previous step](#) [Next step →](#)

Details of claim
Principal amount

Principal amount #1

Nature of claim *
Agent Fee

Amount *
5,000 \$ (USD)

Interest (if applicable)
Do you claim interest?
 No Yes

Late payment penalties (if applicable)
Do you claim any late payment penalties?
 No Yes

Legal fees and other expenses (if applicable)
Do you claim the reimbursement of legal fees and other expenses?
 No Yes

Legal fee or other expense
Amount *
500 \$ (USD)

Processing fee
Do you claim the reimbursement of the processing fee?
 No Yes

[← Previous step](#) [Next step →](#)

Basketball Arbitral Tribunal – Request for Payment Order

1 Claimant — 2 Respondent — 3 Claim — 4 File uploads — 5 Check and submit

Uploads
Upload relevant contract(s) (PDFs only)

Contract Smith - Sports Club 2023(667118.1).pdf

[Add File](#)

Upload power of attorney for any court
[Add File](#)

Please check if your data is correct and submit.

Claimant	
First name:	John
Last name:	Smith
Company name:	Smith & Associates
Street name and house number:	Main Street 123
Zip code and city:	ST 25887 Longtown
Country:	Solomon Islands
Email address:	ja@smith.com
Phone number:	+877-89 583 214
Nationality:	Solomon Island
Role:	Agent

Respondent	
Entity name:	Sports Club Ltd.
Street name and house number:	Vista Avenue 205
Zip code and city:	85631 New City
Country:	Zimbabwe
Email address:	manager@sc-sport.org
Phone number:	+263-6547 22351
Name of contact person (other than legal representative):	
Role:	Club

Claim	
Principal amount #1	
Type:	Agent Fee
Total amount:	5,000 \$ (USD)
Legal fee #1	
Amount:	500 \$ (USD)
Processing fee #1	
Amount:	1,000 € (EUR)

Uploads
Contract uploads: Contract Smith - Sports Club 2023(667118.1).pdf
Attorney uploads:

[← Previous step](#) [Next step →](#)

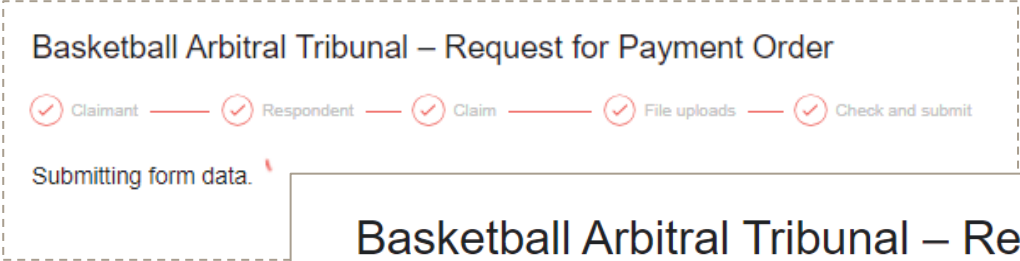
I agree that the present Request for Payment Order will be processed in accordance with the [BAT Arbitration Rules](#) in force at the time of submission hereof.

I am aware that the proceedings will only go forward after receipt of the Non-Reimbursable Processing Fee in the BAT account (Article 19.2.4 of the [BAT Arbitration Rules](#)).

I have read and hereby accept the [BAT Privacy Policy](#).

[← Previous step](#) [Submit Payment Order Request →](#)

How does the Payment Order Procedure work?



Basketball Arbitral Tribunal – Request for Payment Order

Thank your for submitting your data.
We have sent you an email.

-----Message-----
From: Request for Payment Order BAT <RPO-BAT@martens.legal>
Sent: Tuesday, 13. February 2024 11:42
To: John Smith <js@smith.com>
Reference: Acknowledge Receipt

RPO-BAT - John Smith vs. Sports Club Ltd.

Dear Sir or Madam,

We acknowledge receipt of the Request for Payment Order by John Smith filed with the Basketball Arbitral Tribunal ("BAT") on 07.02.2024.

Please ensure that the Non-Reimbursable-Processing Fee ("NRF") will be transferred as per Article 19.2.4 of the BAT Arbitration Rules. The proceedings will go forward after receipt of the NRF in the BAT account.

Yours sincerely,
The BAT Secretariat
BAT@martens.legal

How does the Payment Order Procedure work?

After filing the POR, BAT President will check if:



- ✓ All requirements as per Art. 19.2 have been met
- ✓ Claim is compatible with public policy
- ✓ Utilisation of the Payment Order Procedure is not abusive
- ✓ Again: No examination of the merits of the claim
- ✓ If necessary: President may ask for further information

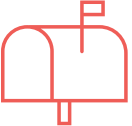


BAT President issues
Provisional Payment Order („PPO“)



BAT President issues
Termination Order („TO“)

How does the Payment Order Procedure work?



Respondent may file an objection to the PPO with the BAT and pay the handling fee of EUR 1,000 into the BAT account within 14 days after receipt of the PPO (Art. 19.3.4)

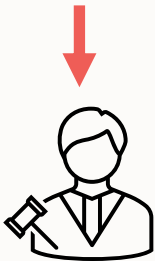


Respondent does not object and/or fails to pay the handling fee in time (Art. 19.4)

Claimant requests that Final Payment Order („FPO“) be issued



BAT President issues FPO (Art. 19.4.1)



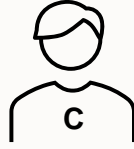
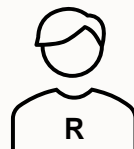
BAT President declines to issue FPO (Art. 19.4.3)



Respondent objects and pays the handling fee in time (Art. 19.5)



BAT ARBITRATION PROCEDURE



How does the Payment Order Procedure work?



BAT Arbitration Procedure:

BAT Secretariat fixes Advance on Costs (AoC) to be paid in equal shares by both Parties (Art. 19.5.1)

Scenario 1



Respondent fails to pay its share of the AoC (Art. 19.5.2)



Respondent's objection against PPO is deemed withdrawn



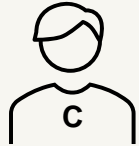
BAT President, upon Claimant's request, issues FPO



BAT President declines to issue FPO



Scenario 2



Claimant fails to pay its share of the AoC (Art. 19.5.3)



POR is deemed withdrawn, PPO loses effect and BAT President issues a TO

How does the Payment Order Procedure work?



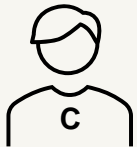
BAT Arbitration Procedure:

BAT Secretariat fixes Advance on Costs (AoC) to be paid in equal shares by both Parties (Art. 19.5.1)

Scenario 3



Both parties pay their AoC (Art. 19.5.4)



Claimant fails to file Request for Arbitration



POR is deemed withdrawn, PPO loses effect and BAT President issues a TO

Scenario 4



Both parties pay their AoC (Art. 19.5.4)



Claimant files Request for Arbitration (Art. 19.5.5)



PPO loses effect



Regular BAT arbitration begins (pursuant to Art. 1-18)

Questions?

Now, the ball is in your court ...





**Thank you
for your attention!**