

Mr Matej Erjavec
President
Basketball Federation of Slovenia
Leskoskova Ulica 12
1000 Ljubljana
Slovenia

By e-mail

15 April 2016

Dear Mr President,

We are writing in relation to recent developments in the European club competitions.

As you are aware, Euroleague Commercial Assets (ECA) organises the tournaments Euroleague and Eurocup. ECA does not allow all clubs to participate in the organization of its leagues, its governing rules (and procedures for adopting such rules) are not transparent, it hinders its member organizations from participating in other leagues and does not provide access to its leagues and clubs on fair, reasonable, and non-discriminatory terms. Supporting or participating in such anticompetitive arrangements is contrary to competition law and the principles of FIBA, FIBA Europe, and its National Member Federations.

For this reason, FIBA and FIBA Europe have submitted a complaint to the European Commission against ECA's anticompetitive practices. ECA's decisions and agreements with its member clubs and leagues infringe Article 101(1) of the Treaty on the Functioning of the European Union (TFEU). Also, ECA is abusing its monopoly and dominant positions to tie clubs to its own events and to discriminate against financially weaker clubs in violation of Article 102 TFEU.

As a reaction to ECA's practices, FIBA Europe's Board took a decision – in the presence of representatives of more than 20 countries – which was communicated to you on 24 March 2016. This decision has now become final and reads in relevant part as follows:

*"[...] any National Federation that supports ECA's illegal tying practices by allowing their leagues or clubs to conclude and/or implement agreements with ECA, or any other entity directly or indirectly linked to it, **will automatically lose the right to participate in Senior men national team competitions organised by FIBA Europe.**"*

Despite the above, and according to publicly available information, the Adriatic League – in which club(s) from your country participate and/or own shares – has announced its decision

Turgay Demirel
President

Kamil Novak
Executive Director &
Legal Representative

UniCredit Bank AG
IBAN: DE 79 7002 0270
0658 5052 38
Swift address:
HY VE DE MM
VAT-No.: DE222795123
Steuer-Nr./Tax-No.
143/214/30199

International Basketball Federation
FIBA Europe e.V.
Ismaninger Str. 21
81675 Munich
Germany

Tel: (+49 89) 78 06 08 0
Fax: (+49 89) 78 06 08 59

info-europe@fiba.com
www.fibaeurope.com

to enter into an agreement with ECA for a period of three years and they are reported to have finalised this agreement. The details are published e.g. under

<http://www.aba-liga.com/news/tabid/86/id/36420/p/2/aba-league-assembly-took-place-in-zagreb.aspx>

<http://www.euroleaguebasketball.net/euroleague-basketball/news/i/6t74py47vpagpt68/euroleague-and-eurocup-competition-structures-set-for-2016-17>

In addition to infringing EU and national competition laws and FIBA's regulatory framework, there are also doubts whether such agreement is or would be in compliance with the contractual documents and declarations signed by the Adriatic League, your National Federation and the clubs-shareholders of the Adriatic League last summer. FIBA Europe reserves all its rights in this respect.

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As a result of the above, your Federation has already lost its right to participate in Senior men national team competitions organised by FIBA Europe, such as the Eurobasket 2017.

In the event that your Federation has proof that the above-mentioned facts are not true, **it is invited to submit it to FIBA Europe until Wednesday, 20 April 2016.**

Upon request of the FIBA Europe Board, a copy of this letter is being sent to FIBA, which is competent to take any decisions it deems necessary regarding worldwide events.

Best regards,



Kamil Novak
FIBA Executive Director Europe

Cc: Mr Horacio Muratore, FIBA President
Mr Patrick Baumann, FIBA Secretary General
Board of FIBA Europe