

SUPER LEAGUE BASKETBALL: LEGAL POSITION

The BBF has:	Why this is wrong:	Summary
1. Held an unlawful tender process for the men’s professional league	The process lacked transparency and didn’t comply with FIBA Regulations. Most importantly, the terms were not only unlawful (anticompetitive) but could also significantly harm the sport	These actions demonstrate and reveal a consistent lack of impartiality, integrity and proper governance by BBF.
2. Entered into an illegal exclusive licence with GBBL and failed to provide any transparency regarding any part of their process	The 15-year exclusive licence was granted in breach of competition law and BBF’s legal duties as a sports governing body. It is also an abuse of BBF’s dominant position. Note FIBA Regulations don’t mandate exclusivity (nor could they) or mention licensing	BBF has unlawfully promised GBBL that they can have exclusive rights to operate men’s professional basketball in the UK for 15 years. It is understood that BBF has done this to receive a materially higher licence fee than it enjoyed under BBL or SLB, as well as a cut of the league’s future profits and franchise sales.
3. Offered cash to certain clubs to try to persuade them to join GBBL	This is clearly not impartial or appropriate behaviour for a regulator.	
4. Rejected SLB’s request to be recognised under FIBA Regulations as a professional basketball league. The request was made in February but the BBF delayed making its decision until June	This refusal is in breach of competition law and BBF’s legal duties as a sports governing body. It is also an abuse of BBF’s dominant position. SLB is already a FIBA recognised league therefore clearly meets the criteria	After SLB challenged the legality of BBF awarding GBBL an exclusive licence, BBF were faced with the reality that their actions were anticompetitive, and they realized that SLB has the right to be recognised as its own league.
5. Proposed a licence or recognition for SLB on a 1-year basis with unlawful, discriminatory conditions attached. One condition required SLB to waive its legal rights in relation to BBF’s unlawful conduct	Again, this breaches competition law and BBF is also aware that a 1-year term is commercially unviable for any league. The only reason BBF offered even 1-year recognition is that GBBL is unable to commence this coming season.	However, instead of providing the simple recognition that SLB requested, the BBF took steps designed to make the SLB unviable, to force the clubs to compete in GBBL - even if that means the sport, the clubs and the fans suffer as a result.
6. Unlawfully discriminated against SLB and SLB clubs by - indicating it would refuse GBEs for SLB clubs and players from October; - requiring Basketball England refuse GBEs with immediate effect	This discriminates against SLB, SLB clubs and SLB players and is therefore anticompetitive and breaches BBF’s legal duties as a sports governing body. It is also a breach of the Government’s Code of Practice for issuing GBEs (which specifically requires that one group of sponsors is not advantaged or disadvantaged)	By preventing clubs from obtaining visas for elite overseas players and by blocking clubs from playing in Europe, BBF is actively harming the sport
7. Deliberately blocked the applications of SLB clubs wishing to compete in European competitions next season	This discriminates against SLB clubs and is anticompetitive	BBF has delayed, obfuscated, and threatened SLB, leaving us with no choice but to commence legal proceedings.