

**Decision 2013-02-03**  
**Travel Agency Commissioner - Area 2**

Andreas Körösi  
P.O.Box 5245  
S-102 45 Stockholm, Sweden

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**Applicant: IATA**

Torre Europa  
Paseo de la Castellana, número 95,  
28046 MADRID, Spain

Represented by: Ms Teresa Garcia, Risk Management

**Respondent: Beter Keuze Reizen BV. (IATA numeric code 57-2 1205 )**

Donauweg 10  
Amsterdam, 1043 AJ  
Holland

Represented by: Ms Michaela Espinosa, Principal Owner

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**I. The Case**

This Office was approached by the Applicant in virtue of Res 818g Attachment “A” Section 1.8 – prejudiced collection of funds. Following proper procedures by also explaining the reasons for having taken these actions.

**II. The core of The Respondent’s arguments in summary**

The Respondent validated the issue at hand and the actions taken by the Applicant. The main concern for the Respondent was the € 160.000 Bank Guarantee not yet released by the Applicant in spite that all debts to Member Airlines have been settled. The Applicant asked this Office to order IATA to release the “excess guarantee”

**III. Right to Oral Hearing**

Both Parties have agreed to waive their right to an oral hearing and to allow this Office to reach a Decision based on the written information submitted by and communicated to both Parties. (Resolution 820e §2.3)

#### **IV. Considerations leading to Decision**

The evidence at hand shows that The Applicant had valid indications to suspect prejudiced collection of funds and also followed proper procedures as a result of those findings.

This writer explained to the Respondent that this Office can only alert the Applicant regarding the excess withheld bank guarantee, but can not engage in negotiations for the “reasonable amount” above the actual debt, requested by Resolutions to be withheld as collateral for claims brought forward within the stipulated time frame given to Member Airlines.

At this stage I also want to acknowledge the expeditious efforts done by Mr Dekker and Mr Fernández (both working at the Applicants Office) to resolve the issue with the “excess bank guarantee”.

#### **V. Decision**

Having carefully considered the Resolutions and the Evidence presented by The Parties it is hereby decided as follows:

The Applicant has followed proper procedures and thus the Decision to remove Standard Traffic Documents and proceed with default actions stands.

Decided in Stockholm on 03, February 2013

Andreas Körösi  
Travel Agency Commissioner Area 2

#### **Right to ask for interpretation or correction**

In accordance with Res 820e, § 2.10, any Party may ask for an interpretation or correction of any error which the party may find relevant to this decision. The timeframe for these types of requests will be 15 days after receipt of the electronic version of this decision.

#### **Right to seek review by arbitration**

If considered aggrieved by this decision any Party has the right to seek review by arbitration in accordance with the provisions of Res 820e, Section 4 and Res 824, Section 14.

**Note:** The original signed version of this decision will be sent to the Parties by regular mail, once the above mentioned timeframe has elapsed.