

Decision 2015-05-20

Travel Agency Commissioner - Area 2

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

Applicant: Travelnet CY (IATA numeric code 14 20417 5)
Bouboulinas Court, 1 Bouboulinas Str & Stassinou Ave
1066 Nicosia, Cyprus

Represented by: Mr Andronicos Hadjiandronicou, Managing Director

Respondent: IATA – International Air Transport Association
Torre Europa
Paseo de la Castellana, número 95,
28046 MADRID, Spain

Represented by: Mr Ignacio Mula, Manager Accreditation Europe

I. The Case

The Applicant had been defaulted due to an accumulation of Irregularities (“Nol”). Both Nols were related to late payment. According to The Applicant they were contributed to the banking system in Cyprus, since the use of “Bank of Cyprus” is mandatory as an intermediary part of the settlement process.

After an initial review and after having invited IATA to assess The Applicant’s financial status, it has been determined that there is no risk for prejudiced collection of funds. Therefore The Applicant was granted interlocutory relief and was temporarily reinstated.

According to The Applicant, he was under the impression, that the Nol dated 01 July 2014 was stricken from his records, and consequently asks for a Commissioner’s review to get that Nol removed and the status of temporarily reinstated changed into a permanent reinstatement.

II. The core of The Applicant’s arguments in summary

The Applicant has provided copies of the ample correspondence exchange with IATA that took place in the beginning of July 2014. Without doubt, IATA had accepted the evidence provided by him and deemed the incident as a “bank error”. There has been no request of a “Bona Fide Bank Error letter”.

III. The core of The Respondent’s arguments in summary

The Applicant has not received a Notice confirming that the Nol had been withdrawn.

The Applicant has not supplied IATA with a Bona Fide bank error letter as required by Resolution 818g Attachment "A" Section 1.7.4.3.

It is The Applicant's responsibility to ensure that the funds reach IATA's account on Remittance date, disregarding an "intermediary bank" or not.

IV. **Oral Hearing**

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

V. **Considerations leading to Decision**

Both Parties have made clear and comprehensive statements also providing evidence in their support.

The Respondent has failed to substantiate the formal request of a Bona Fide Bank letter to withdraw the Nol served on July 2014. On the contrary, an email dated 01 July 2014 clearly states:

*"Thank you for getting back to us. **We do not need any further proof**".*

This e-mail statement from The Respondent is clearly referring to a documentation of "a bank error" provided by The Applicant in July 2014.

In the same "string of messages" The Applicant did acknowledge its obligation to ensure that "future payments are on time", meaning IATA should have the funds accessible on Remittance date.

VI. **Decision**

Having carefully considered the Resolutions and the evidence presented by The Parties and in light of the "warning" by the Nol served in July 2014 and for not taking preventive measurements to avoid the late payment leading to the Nol served in April 2015 it is hereby decided as follows.

- The Nol dated April 16, 2015 shall remain on The Applicant's records.
- The Nol dated July 01, 2014 has to be expunged, and consequently
- The temporary reinstatement shall become permanent.

Decided in Stockholm on 20 May 2015

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 time frame has elapsed.