

**TRAVEL AGENCY COMMISSIONER**  
**AREA 1 – DEPUTY TAC 2**  
*VERÓNICA PACHECO-SANFUENTES*  
110 – 3083 West 4<sup>th</sup> Avenue  
Vancouver, British Columbia V6K 1R5  
CANADA

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**DECISION 2015**

**In the matter of:**

**International Air Transport Association (“IATA”)**  
Torre Europa  
Paseo de la Castellana, número 95  
28046 Madrid, Spain  
Represented by Mr. Ignacio Mula Díaz, Europe Manager  
Accreditation

**The Applicant**

*vs.*

**ERTSOS DIONYSIOS**  
**T/A ERTSOS World Travel Services**  
IATA Code 27-2 1487  
Antoni Tritsi, 115  
Argostoli  
28100 Kefalonia  
Greece  
Represented by its Managing Director, Mr. Dionysios Ertzos

**The Agent**

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**I. The Case**

The Applicant sought a review of the Agent, based on the Prejudiced Collection of Funds’ provisions, stated in Resolution 818g, Attachment “A”, Sub-Section 1.8.1 and 1.8.2. Therefore, an irregularity was recorded against the Agent and it was immediately suspended from the BSP system of Greece.

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## **II. The Applicants' arguments in summary**

Herewith the Applicant's statements:

- <<... since IATA recognizes and appreciates the importance of the Greek Tourism within the aviation industry, IATA implemented a flexible approach towards those agents which were not able to clear cheques, deposit cash in their accounts and/or use approved credit lines by requesting the Agencies to provide IATA with any relevant supporting documentation that would help support their inability to remit their total dues on or before remittance day;
- This information/supporting documentation, along with a signed copy of the "Official Declaration" was utilized in the decision making process to exercise potential flexibility by the Agency Administrator;
- ... ERTSOS's Official Declaration reads that the Agent will transfer to the Clearing Bank the total billing amount at the first available opportunity;
- ... ERTSOS DIONYSIOS has not settled any amount; therefore, the total outstanding amount is EUR 21,994.82>>.

## **III. The Agent's arguments in summary**

During the course of this review process, the Agent settled all the amounts due the first opportunity that it had, and, provided the Applicant and this Office with proof of those payments.

The Agent expressly declared:

<<We are very sorry and apologize for delay but is was due to bank's closure and bad working service>>

## **IV. Oral Hearing**

Pursuant Paragraph 2.3 of Resolution 820e, this Commissioner has decided to base her decision on the written submissions that have been filed by both Parties only, since both of them have presented their arguments and evidence deeply enough as to render unnecessary any oral hearing without jeopardizing their procedural rights. Both Parties have agreed.

### **III. Considerations leading to Decision**

In light of the evidence on file, this Office finds that the Applicant's Prejudiced Collection of Funds' actions undertaken against this Agent, at the moment in time when they were unfolded, were rightfully done, pursuant the discretionary powers conferred to the Agency Administrator by Section 1.8, sub-paragraph 1.8.1 of Resolution 818g, Attachment "A".

### **VII. Decision**

However, considering that the Agent, despite the difficult circumstances of the Greek market, made laudable efforts to pay all outstanding as instructed by the Applicant at no further delay, it is hereby decided that:

- Once those settlements will be verified by the Applicant, the Agent's **full reinstatement in to the BSP system should be immediately undertaken by the Applicant**;
- Considering that a belated payment did occur; whereas that fact was not attributable to the Agent's lack of diligence but rather the consequence of a commonly well known Bank closure and poor working service of the current Greek financial market, circumstances far beyond the Agent's reasonable control, pursuant Section 13.9, of Resolution 818g, that delay must be considered as an <<*Excusable Delay*>> and, hence, the Notice of

Irregularity originally served against the Agent should be **expunged** from the Agent's records.

Decided in Vancouver, the 23<sup>rd</sup> day of July of 2015

*Verónica Pacheco-Sanfuentes*  
Travel Agency Commissioner Area 1  
acting as Deputy TAC2

**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 document.

**Right to seek review by Arbitration**

As per Resolution 820e, Section 4 any Party has the right, if it considers aggrieved by this decision, to seek review by Arbitration, in accordance with the provisions of Resolution 824, Section 14, once the above mentioned time frame would have elapsed.

**Note:** The original signed version of this decision will be sent to the Parties by regular mail, once the above mentioned period for interpretation/corrections would have expired.