

Decision 2/2016
Travel Agency Commissioner - Area 2

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

Applicant: Reeman Tours
IATA Code # 54-2 1265
Morocco

Respondent: International Air Transport Association (IATA)
King Abdullah II Street, Al Shaab Roundabout
Business Park, Building GH8
P.O. Box 940587
Amman 11194 Jordan

NOTE:

This summarized decision is being posted as the Parties have received it. Occasional requests for clarification are not posted. However, should any Stakeholder requests it, a copy of such clarification will be sent to her/him.

Summary of events:

Summary of events preceding the request for a TAC review made on 26th of January 2016:

18 August 2015 - *Reeman Tours* was issued a Notice of Irregularity ("NoI"), due to non-payment of remittance period 2015-07-01.

Reeman Tours **immediately** informed IATA that the cause of the "non-payment" was due to an error incurred by its bank, and, that the money was mistakenly sent to another bank.

Reeman Tours also provided a valid *bona fide* bank error letter dated October 2nd, 2015. However, it was rejected by IATA because funds were not received by IATA **and** the bank letter was received more than 10 days after default date.

The Applicant's bank engaged in a legal procedure against the other bank and finally transferred the correct amount to IATA's account on the 21st of January 2016.

Reeman Tours provided another valid bank letter dated 25th of January 2016.

This second *bona fide* bank error letter was also rejected by IATA, because it was received during the 10 days after default date.

IATA claims that it cannot withdraw the default on its own initiative due to the fact that the *bona fide* bank error letter provided was not sent within the 10 working days from the Default date, as established in Resolution 818g "A" s. 1.7.4.3 (i).

Decision:

Considering that *Reeman Travels* has provided evidence that the request to its bank to issue a *bona fide* bank error letter was sent "immediately" upon being notified by IATA of its default actions, and, considering that all debts and outstanding monies have been paid;
Considering, also, that IATA has acknowledged the validity of the *bona fide* bank error letter, this Office decides:

1. The "error" was beyond reasonable control of the Agent, and, therefore,
2. **The temporary reinstatement of *Reeman Tours* shall become permanent without any further delay.**

This Decision is effective as of today.

Decided in Stockholm, the 11th day of March 2016

Andreas Körösi
Travel Agency Commissioner - IATA 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 in computation, any clerical or typographical error, or any error or omission of a similar nature which the Party may find relevant to this decision. The time frame for these types of requests will be maximum 15 calendar days after receipt of this decision. Meaning as soon as possible and not later than **March 26th, 2016**.

Please also be advised that, unless I receive written notice from either one of you before the above mentioned date, this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification/interpretation would have been granted by this Commissioner, in which case the final decision will be posted right after that.

Right to seek review by arbitration

If after having asked for and obtained clarification or correction, any Party still considers aggrieved by this decision, the Party has the right to seek review by arbitration, in accordance with the provisions of Resolution 820e § 4 and Resolution 824 § 14.