

Decision 14/2016
Travel Agency Commissioner - Area 2

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

Applicant: *Gemini Travel Agency*
IATA Code # 18-2 1065
Eritrea

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.

Decision:

After having re-read and analysed both Parties' statements, I have come to the following conclusions:

IATA has, without doubt, followed proper procedures and the termination was according to Resolutions. There should be no doubt about the importance for an Agent to submit full financial disclosures, sales' volume included, to enable IATA to make proper financial assessments.

Having stated the above, considering that due to the general situation in the country sales in Eritrea are under "*cash basis only*" (since no BSP is in place), the comments and reasoning of the Applicant are understandable and mainly excusable.

Historic sales' figures is a tool for IATA to "assess sales at risk", but since all sales are on cash basis only -directly agreed between Member Airlines and the Applicant-, I cannot see how lack of this information, and a slightly late payment of annual fee, can be so essential that it leads to termination by default.

Having said the above, the Applicant should have been more attentive to the email sent by Ms. Rabah/IATA-AMM, dated 14 March 2016, explaining the "formal" need for that information, despite Eritrea being a non-BSP country. The

fact that the Applicant resides in Dubai and "runs" the business out of Eritrea is not a valid excuse.

Considering all the above, I decide as follows:

- Provided the Agency annual fee and sales information are "taken care of" by the Applicant,
- The termination shall be revoked,
- The Notice of Irregularity shall stay on *Gemini Travel*'s records, and
- An administrative recovery fee of US \$ 500.00 payable to IATA has to be settled by *Gemini Travel*.

This Decision is effective as of today.

Decided in Stockholm, on April 12th, 2016

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

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 April 27th, 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 or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

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

Please let me know if any of the Parties requires a signed hard copy of this decision and I will send one once the time for "interpretation or correction" has elapsed.