

Decision 18/2016 Travel Agency Commissioner - Area 2

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

Applicant: Care Voyages
IATA Code # 84-2 0997
Chad

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:

Since the underlying information is in French and I might have misunderstood some of the information presented by the Parties and Commissioner Pacheco-Sanfuentes, I want to stress that the Parties have right to ask for clarification and correction of this decision.

Mainly based on IATA's statement:

"The Agent provided a SWIFT document for the full amount dated 15 July 2015 while Remittance Date was 17 July 2015 alongside with a supporting letter from Eco Bank certifying transfer has been done on time. This POP have been escalated to IATA's clearing Bank on Thursday and we are still awaiting their feedback."

I conclude the following:

- 1) The Applicant has paid on time;
- 2) *Eco Bank* has confirmed (directly or indirectly) that there were enough funds on the Applicant's account to execute the ordered payment on time;
- 3) *Eco Bank* confirms that the not timely payment was not within the control of the Applicant

Whatever IATA's clearing bank reveals is maybe of interest for IATA's administration, but has no bearing on **Care Voyages** adhering to Resolutions.

The late payment was, without doubt, beyond **Care Voyages'** control and, hence, Resolution 818g §13.9 should be invoked, consequently:

- **The Notice of Irregularity ("Nol") has to be removed from the Applicant's records and the Applicant's temporary reinstatement should become permanent.**

Finally,

I understand **Care Voyages** has submitted additional Financial Security.

Since I do not have any underlying documentation nor request for review if this additional Financial Security is or is not related to the Nol just removed, I trust IATA to handle all the consequences in good spirit and fully customer service oriented.

This Decision is effective as of today.

Decided in Stockholm, on May 23rd, 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 June 7th, 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.