

Decision 43/2016 Travel Agency Commissioner - Area 2

Andreas Körösi
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Applicant: *SDT (Sénégal Découvertes Touristiques)*
IATA Code # 72-2 0991 1
Senegal

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:

The Applicant's temporary reinstatement, due to default, was granted in April 2016.

Chronology of events and considerations leading to the decision:

After BSP participating IATA Member Airline *Heli Air Monaco (Air Méditerranée)* had been suspended from BSP in March 2016, ***Sénégal Découvertes Touristiques ("SDT")*** had not observed the abnormal exceptional procedures to remit, as required by Resolutions when an Airline is suspended from BSP.

SDT wrongfully settled the debt including a previously authorised refund. The irregularity amount was approximately US\$ 550.00 of a total billing of approximately US\$ 85,000.00.

The Resolutions are clear but this Office has repeatedly stated that the nature of this very uncommon situation should allow Agents to clear the balance even after the immediate remittance, without suffering the **disproportional** consequences a suspension entails. The full settlement of ADMs, ACMs and refunds can be done latest at the next remitting opportunity. Most Agents have bi-monthly or shorter remitting cycles and, at no point, are there Member Airlines' moneys at risk.

The reason for this stance by the TAC's Office is that the time span to act normally is very short. Additionally, it is important to consider that number one priority for Accredited Agents, after a BSP Participating Airline is suspended, is the concern pertaining the passengers who are the "victims" of this suspension, including rebooking stranded passengers and booking new flights for those who have not yet started their outbound travels.

Conclusion:

In the case of *SDT*:

- The Applicant has been operational for more than 16 years without irregularities;
- The Applicant upon understanding its obligations, immediately settled the wrongfully included "refund" of US\$ 550.00;
- At no point has there been any risk for IATA Member Airlines' funds.

Consequently:

1. The Notice of Irregularity should be withdrawn and expunged from *SDT*'s records, and,
2. The temporary reinstatement shall become permanent.

This Decision is effective as of today.

Decided in Stockholm, on October 17th, 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 November 2nd, 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.