

Decision 49/2016
Travel Agency Commissioner - Area 2

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

Applicant: *Entertainment Travels and Tours Ltd.*
IATA Code # 59-2 2000
Nigeria

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:

Background considerations:

The Applicant was requested to increase an existing Financial Security ("BG") from an existing DIP (281,000.00 NGN) with an additional 10,000.00 NGN. Deadline was 21st of December 2016.

Even though this increase can be considered "minimal" in relation to the total, and in no way putting IATA Member Airlines' funds at risk, it is an Agent's obligation to cover *sales at risk* at all times, when so required by the Local Financial Criteria.

The statement done by Mr. Mohamed Ahmed, representing the Applicant, I quote: <<On the 21st Dec, 09:30am (local time), I called Miss Tamara Al Hilo before any communication by IATA on the case, asking for a day extension, she replied "let me see what I can do">>, has been put in question by IATA since there could not be found any "digital traces" of this request.

The Applicant was served a second, within 12 months period, irregularity the same day, which automatically triggered suspension and default actions.

On December 23rd a bank letter was presented by the Applicant confirming that the requested BG, **valid as of 21st December**, has been processed by the bank and dispatched to IATA-Amman.

Even though this Office does not have the full picture of the Applicant's ownership, part or whole, represented by Mr. Mohamed Ahmed, I find it very troublesome that Mr. Ahmed has had several issues of non-compliance with Resolutions in the near past, and, thus, IATA's strict handling of Resolutions' requirements and swift actions are supported by this Office.

Having stated the above, considering the severe consequences that a default action entails for Agents; allowing a last "benefit of the doubt" in the Applicant's favour, but also based on the fact that a valid BG has been submitted, I hereby decide as follows:

- IATA has acted according to Resolutions;
- The irregularity for late submission shall be withdrawn; and,
- The Applicant shall be reinstated without further delay.

- IATA shall invoice an administrative recovery fee of US\$ 500.00 to the Applicant; and,
- IATA shall conduct a new assertion of "*sales at risk*". Should this lead to a request for a further increase of the Applicant's FS then the Applicant shall be allowed reasonable time to comply.

This Decision is effective as of today.

Decided in Stockholm, on December 29th, 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 January 13th, 2017**.

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.