

Decision 1/2017
Travel Agency Commissioner - Area 2

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

Applicant: NANJING TOURS & TRAVELS
IATA Code # 89-2 1067
Uganda

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:

Upon receipt of both Parties' statements, it has come to light that *Nanjing Tours* submitted their Financial Statements (FS) after Due Date. This prompted IATA to take Default actions.

It has also come to light that when reminding the Applicant, IATA used an email address not monitored by the Applicant. *Nanjing Tours & Travels* provided evidence that the change of email address had been communicated about one (1) year earlier.

IATA's response confirms the Applicant's statement, and, also explains the reasons behind IATA's actions; I quote: *"Please note that although the Agency did inform IATA that he had a new email address, the Agency, from what IATA can find in archives, has not informed IATA that its other email addresses were not valid, nor that the "Financial Assessment contact" for the Agency was changed."*

This Office agrees with IATA in the sense that the Applicant should have been clearer in the *Notice of Change*, but this "lack of information" is, according to this Office, understandable and is accepted as being a "human excusable error".

Considering that at no point IATA Member Airlines' funds have been at risk; Considering that the Applicant's negligence to inform that its email address was not accurate, this Office decides as follows:

- IATA has followed Resolutions' requirements
- The irregularity should be expunged, and,
- The Applicant must be reinstated in full in to the BSP system

This Decision is effective as of today.

Decided in Stockholm, the 12th of January 2017

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 January 27th, 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 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.