

**Decision 7/2017**  
**Travel Agency Commissioner - Area 2**

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

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**Applicant: *El-Mustapha Mubarak Travels & Tours***  
IATA Code # 59-2 1518  
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

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**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 was terminated on 10<sup>th</sup> January 2017 due to: <<*Financial Criteria not met*>> and seeks the termination to be lifted and reinstated as Accredited Agent.

Background:

The Applicant received a Notice of Irregularity ("NoI") for failure to upload correct Financial Statements by deadline on 07/08/2016.

This NoI is contested by the Applicant claiming that he had contacted IATA in due time and asked for: <<... *reset the platform and a respond came that they will contact the relevant authority*>>. However, despite this message no action was taken by IATA.

The above-referred statement has not been contradicted by IATA, leading this Office to believe that the Financial Upload could not had been done without proper assistance to the Applicant. The NoI was not removed from the Applicant's records.

The Applicant then received a NoI for late payment of billing for period 20160901F on 04 October 2016. This led to Accumulation of Nols and

consequently technical default. On Oct 19th a new short payment led to "non payment default".

Reinstatement requirements set by IATA were all met, except for the proof of increase of Financial Security ("DIP") from NGN 32,000,000.00 to NGN 39,862,000.00 had not been provided by the Applicant.

The existing DIP (covering 80 % of the new request) was valid until 31 March 2017 and the attached DIP by Leadway **effective as of 26<sup>th</sup> of January** meets the increased required DIP. It is noted that this "new" DIP is only valid until 31 March 2017.

Having considered all statements and circumstances, believing that neither Party is served with "additional administrative work", I decide as follows:

- IATA has followed proper procedures when "Non payment default" was initiated;
- **Provided that the DIP is extended** to cover sales at risk for the time requested by IATA, and,
- all other reinstatement requirements are met, and,
- *El-Mustapha Mubarak Travels & Tours* pays US\$ 500.00 as administrative recovery fee;
- The termination shall be lifted and the Applicant reinstated in to the BSP system.

**This Decision is effective as of today.**

Decided in Stockholm, on February 22<sup>nd</sup>, 2017

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 March 9<sup>th</sup>, 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.