

**Decision 27/2017**  
**Travel Agency Commissioner - Area 2**

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

---

**Applicant: Asiana Group**  
IATA Code # 15-2 0990 2  
Czech Republic

**Respondent: KLM / Air France and Aero México**

---

**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:

After having read and re-read all statements and applicable Resolutions, I have come to the following conclusion:

This request for review was originally made by **ASIANA GROUP on its own name and on behalf of its Aero México's ("AM") passenger** (Mr. Stastny).

This review is about the responsibility of refund for an "AM" ticket (139-1223564732-733), **which was reissued by KLM ("KL")** due to a **cancellation of flight** (KL1358 on 23Feb.2017) with a new ticket number (074-2405924281).

The applicable Resolutions (737 and 735d) are found in the Passenger Services Conference Resolutions Manual ("PSCRM"), which are: <<*resolutions and recommended practises that have been universally agreed upon by airlines to process passengers and baggage*>>.

These Resolutions, agreed upon by **Airlines for Airlines**, are clearly stating that: <<... *the original issuing carrier is responsible for making the refund*>>.

Having said the above, PSCRM is a Service to IATA Member Airlines, widely adopted also by Airlines not being members of IATA. The relation between Airlines and Agents are dictated by The Travel Agent's Handbook ("TAH") (Resolutions 818g & 800 and related Resolutions), and they do not "discuss"

other than how to process refund applications, **on behalf of passengers**, by Agents.

Applying logic and, to some extent, "local law" (in this case mainly laws governing *contractual agreements*), where there is a "disagreement" between Airlines, the only reasonable conclusion is that **Asiana Group** has followed proper procedure and requested the refund from AM (139).

Even though AM's claim that it was KL who has reissued on its own initiative and KL already has received funds for that portion are valid arguments, **they should not affect the process of refund** correctly initiated by **Asiana Group**.

Conclusion:

AM, **directly to the passenger or via Asiana Group**, has to refund the originally issued ticket.

The "Airline vs. Airline" disagreement has to be settled bilaterally between AF/KL and AM and is not part of this review.

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

Decided in Stockholm, on June 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 July 8<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.