

Decision 28/2017 Travel Agency Commissioner - Area 2

Andreas Körösi
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Applicant: *Pelikan Travel*
IATA Accredited Agent
Slovakia

Respondent: *Air France/KLM & Aero México*
(Hereinafter referred to as: AF / KL and AM respectively)

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:

Considerations:

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

The request for a Travel Agency Commissioner's review was originally made by ***Pelikan Travel on behalf of*** their and AF/KL and AM **passengers** Mrs. Veronica STEFANOVA and Mrs. Maria ZATKOVA. Refund request was due to an involuntary rerouting.

This review is about the responsibility of refund for originally issued AM tickets (139-1043445558-559 and 139-1043445556-557), **which were reissued by KL** due to cancellation of a KL flight with new ticket numbers (074-2405932311 and 074-2405932310).

The actual disagreement is between AF/KL and AM. The applicable Resolutions (735d and 737) are found in The Passenger Services Conference Resolutions Manual ("PSCRM"), which are: <<*resolutions and recommended practises ... 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 do not "discuss" other topics than how to process refund applications by Agents **on behalf of passengers.**

Applying logic and general principles of interpretation, where there is a **contractual disagreement between Airlines**, the only reasonable conclusion is that, as long as **the Agent on behalf of the passenger** has followed proper procedure, and requested the refund from AM (139) pursuant those terms, such refunds have to be honoured and not be affected by the Airlines' disagreement.

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 ***Pelikan Travel***.

Conclusions:

- AM, directly to the passengers or via ***Pelikan Travel***, has to refund the originally issued tickets;
- 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 23rd, 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 9th, 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.