

Decision 49/2017
Travel Agency Commissioner - Area 2

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

Applicant: *SMART Travel*
IATA Code # 61-2 1002 6
Malawi

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:

SMART Travel had received an ADM as a result of "not fully understanding" the terms of *Kenya Airways* ("KQ") to issue tickets via Galileo (GDS).

The ADM of MWK 3 mil was included in the BSP because *SMART Travel* had missed to dispute it correctly and on time. A request for Interlocutory Relief of Resolution 818g Attachment "A" § 1.10.5.2 would have been accepted if asked for by *Smart Travel*, so the ADM could have been resolved bilaterally between *Smart Travel* and KQ.

Smart Travel was consequently defaulted and an amicable solution was reached with KQ.

ALL other outstandings have been settled.

The issue is whether to calculate "Sales at Risk" as described in Resolution 800f or to apply the Malawi Local Financial Criteria ("LFC") to calculate the requested BG.

Considerations and Decision:

- IATA has followed Resolutions requirements when it comes to default action imposed on the Applicant;
- The Applicant has a clean record and the reason behind the non-payment default is understandable;
- Since there is no imminent risk for prejudiced collection of funds, **the Malawi LFC has to be applied** when calculating any request for financial security;
- IATA can invoice the regular (USD 119.00) administrative fee for reinstating *Smart Travel*.

This Decision is effective as of today.

Decided in Stockholm, on 26th September, 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 4 October 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.