

Decision 51/2017
Travel Agency Commissioner - Area 2

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

Applicant: *AI Captain Tours*
IATA Code # 42-2 1279
Kuwait

Respondent: *Turkish Airlines (ADM issue)*
and
International Air Transport Association (IATA)
Torre Europa
Paseo de la Castellana, número 95
28046 Madrid, Spain

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:

I hereby thank IATA for clarifying its position. Best of my understanding, to log a "post-billing dispute" at this time is too late; if it is not, then *AI Captain Tours* is hereby advised to immediately do so.

In regards to the default action: I assume all monies dues, except the ADM (# 6123501321) issued by *Turkish Airlines* ("TK") for the amount of 91,587.830 KD (€ 257,000) representing 515 tickets, were paid on time. Please confirm or rectify.

Considerations and Conclusion:

The Agent is hereby advised that:

- Considering that the sole explanation about the ADM given by TK was: "Pending Airlines' Investigation";
- Considering that the Agent's statement indicating that TK has not responded to queries about this ADM, were NOT refuted by TK nor by IATA;

- Considering that pursuant Resolution 850m § 1.3 "*ADMs are to be specific in their detail as to why a charge is being made*";
- Considering, in addition to the above, that Resolution 818g Attachment "A" §1.10.5.2 is under "discussion" if at all applicable when, as in this case, compared to the Agent's total BSP sales the ADM is "unreasonably high";
- Provided that *Al Captain Tours* has *de facto* remitted on time, (not counting the above mentioned ADM and not counting possible "pre mature" payments requested as reinstatement requirements), it is herewith decided that:
 - *Al Captain Tours* has to be reinstated without further delay and the disputed ADM settled bilaterally between the Parties.

This Decision is effective as of today.

In accordance with Resolution 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 **9 November 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.

I would be grateful if both Parties could acknowledge receipt of this decision.

Decided in Stockholm, on October 25th, 2017

Andreas Körösi
 Travel Agency Commissioner
 IATA-Area 2