

## **Decision 52/2017**

### **Travel Agency Commissioner - Area 2**

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

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**Applicant: *Wings Travel Management Limited* (“WTM”)**  
IATA Code # 91-2 7804 0  
United Kingdom

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

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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:**

Both Parties are hereby advised that this is a summarized decision based on the findings of the case.

#### **Background**

A letter dated 25 August from the Applicant’s Auditor at *Grand Thornton* declared that, due to an upcoming operation, the final audit was not going to be done on due time and a two weeks extension of the deadline was needed. Finalisation of the books for *WTM* would be done not later than September 15<sup>th</sup>, instead of August 31<sup>st</sup>.

The "group" to be audited also includes the companies *Pine Pass Limited* ("PPL") and *Venture Travel Limited* ("VTL"). These two companies were allowed a 7 days extension by IATA, and their financial statements are representing approximately 80% of BSP sales of the group.

The upload of financials for these two companies was done within the extended time allowed by IATA, and *WTM*’s plea is for this Office to expunge the Irregularities applied for the "extra week needed" and not allowed by IATA.

#### **Considerations and Decision**

Considering the "late" letter from the auditing firm, it is obvious that the delay was outside reasonable control of WTM. Also considering the trading history of the group, and that the sales of WTM, "not timely accounted for", only represent 20% of the group's total, this Office deemed it to be no risk for prejudiced collection of funds.

WTM did, as "promised", upload their audited financials before the deadline allowed by this Office (not later than Monday 18<sup>th</sup> September). The financials were found satisfactory by IATA's Global Assessors.

Consequently it is decided as follows:

- IATA has followed Resolution's Requirements;
- IATA is to invoice applicable administrative cost recovery fees;
- The reason for the delay is deemed beyond reasonable control of WTM, and, thus, excusable;
- Consequently, **the Irregularity shall be expunged from WTM's records.**

**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.

Decided in Stockholm, on October 25<sup>th</sup>, 2017

Andreas Körösi  
Travel Agency Commissioner IATA-Area 2