

Decision 58/2017

Travel Agency Commissioner - Area 2

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

Applicant: *ALUSS TRAVEL & TOURISM AGENCY*
IATA Code # 79-2 1035
Sudan

Respondent: 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:

Background

The Applicant had been requested to provide a bank guarantee (“BG”) for the amount of Sudanese Pounds (“SDG”) 576,000.00.

However, a discrepancy regarding the actual amount to be guaranteed arose, since the Applicant had already in place a valid BG which amount needed to be taken in to account. IATA did not communicate to the Applicant the accurate amount that it was requested to provide.

In fact, IATA claimed that the BG currently held on behalf of the Applicant was for **SDG 494,160.00**, when the evidence provided by the Applicant, and not contradicted by IATA, unquestionably showed that the actual value of the BG in IATA’s hands was for **SDG 563.000**.

Conclusion

Should the additional request be, as indicated, for SDG 13,000 (approximately US\$ 1,900), representing 2% of the total amount to be guaranteed:

- It is my decision that **the Applicant has to be reinstated in to the BSP system without further delay** and without the need to submit the

additional SDG 13,000 BG, which, as I understand, is the result of the higher exchange rate applied when requesting this "additional" BG.

This Decision is effective as of today.

Decided in Stockholm, on November 27, 2017

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

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 December 12th, 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.