

Decision 69/2017

Travel Agency Commissioner - Area 2

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

Applicant: ELAF FOR TOURISM & TRAVEL AGENCY (“Elaf Travel”)
IATA Code # 71-2 0103
Saudi Arabia

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.

Background

Elaf Travel has admitted that due to human error the remittance was not according to the billing, which lead to the so-called "non-payment" default.

Elaf Travel has also demonstrated that they had more than sufficient funds available on Remittance Day.

Considerations and Decision

It is obvious that the error was without intention and that at no time Airlines' funds have been at risk. It is also obvious that the irregularity has no connection with the Applicant's "**financials standing or ability to pay**" its debts.

The sole reinstatement requirement after suspension on 26th December is "subsequent sales".

No additional financial security is required by IATA.

Consequently, it is decided as follows;

- IATA has acted according to Resolutions

In order to avoid unwanted consequences regarding IATA's request for the Applicant to pay "all subsequent sales SAR 2,204,941.61 and **any other** amounts available in BSPLink":

- *Elaf Travel* has to **within 3 Business days** credit IATA's account with SAR 2,000,000.00;
- Consequently, this amount shall be credited to Elaf Travel's billing on the next Remittance Day;
- *Elaf Travel* **has to be reinstated immediately**

"Immediately" as of this decision **and not after** the 3 Business days allowed to the Applicant for it to pay *subsequent sales*.

This Decision is effective as of today.

Decided in Stockholm, on December 28th, 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 January 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.