

## Decision 14/2018 Travel Agency Commissioner - Area 2

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**Applicant: *Sam Smith Travel***  
IATA Code # 91-2 3913 1  
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.

### Background

***Sam Smith Travel*** ("SST") was requested to increase their Financial Security ("BG") from £ 25.000 to £ 42.000 based on an "*ad hoc increased sales*" contributed to an extraordinary event the previous year. SST asked this Office to make an exemption to the UK - Local Financial Criteria ("LFC"). The request for an exemption was denied in a TAC decision (8 / 2018) dated 21 February, 2018.

A deadline until 31 March was allowed to provide the BG. On 12 March, SST alerted IATA and this Office that there could be difficulties to meet the deadline and, thus, IATA indicated, provided: "*...that the financial security is approved by the Issuer and some days are required for issuance and/or mailing an additional 7 calendar days can be granted under the condition that it is confirmed by the Issuer directly to IATA.*"

The new deadline of 07 April was established.

HSBC being the BG provider has, via an email signed by Mr. Manuel Di Campi, dated 05 April, **confirmed that the BG has been approved** by the HSBC, and explained that there is a need for additional time to administratively process the BG. The desired deadline, which definitely could be met, is 18 April, 2018.

### Considerations and Decision

Considering that due to Easter a large part of the "Calendar days " allowed was "Bank Holiday" and also considering, based on information from IATA, that there is no imminent risk for prejudiced collection of funds, it is hereby decided that:

- The final deadline for submission of the BG will be **19 April, 2018**
- The deadline represents the date when SST, at the latest, has to present a soft copy of the financial security AND an **Airway bill with tracking number** from the dispatcher. NOT, as IATA states, that the documents have to be physically in IATA's possession in Madrid by 19 April 2018.
- An administrative recovery fee of USD 150 will be charged by IATA

**This Decision is effective as of today.**

Decided in Stockholm, on April 12<sup>th</sup>, 2018

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 27<sup>th</sup> April, 2018.**

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.