

## **Decision 23/2018**

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

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

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**Applicant: *CITI Travels & Ventures LTD*** ("the Agent")  
IATA Code # 59-2 1139  
Nigeria

**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.

#### **Considerations and Decision**

The Agent was suspended and defaulted without proper explanation on the Notices about the reason for suspension/default action taken by IATA.

Furthermore, after numerous requests for clarification submitted by the Agent, rather than a response, the Agent was served with a new Notice claiming Risk for Prejudiced Collection of Funds. This Notification did not have any proper explanation of the reasons behind that assessment either.

Considering the historically proper information given to Agents by IATA about the reasons behind the Notifications, I will accept this as "a one time mishap" even though it was very detrimental to *CITI Travels*, entailing not only "stress" but also unnecessary delay in getting reinstated.

Evidence provided showed that due to events outside the control of *CITI Travel*, payment for Remittance 2080401 was made via a "third party ex Agent" and, thus, the timely sent transfer could not be identified by IATA as being sent on behalf of *CITI Travels*.

This "non-payment" on Remittance date rightfully triggered Default actions, a request for immediate settlement and also a new assessment of *CITI Travels* status regarding Financial Security ("FS").

Even though the "misunderstanding" of payment was cleared, a request for additional FS is being requested by IATA in order to reinstate the Agent.

Having considered all statements and evidence provided by the Parties, it is hereby decided as follows:

- IATA has acted as per Resolutions when defaulting *CITI Travels*;
- **AFTER having sent proof of payment** for NGN 76,031,230 representing "subsequent sales", **the Notices due to "non-payment" shall be removed from the Agents records;**
- **The request for additional FS shall stand;**
- *CITI Travels* shall be reinstated with full ticketing authority rights during the allowed time, according to the Local Financial Criteria applicable in Nigeria, to provide a FS;
- IATA shall inform *CITI Travels* about the level of FS required when under weekly and daily settlement schedules, should the Agent want to change to those schemes of payments.

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

Decided in Stockholm, on May 10<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 May 25<sup>th</sup>, 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.