

## **Decision 24/2018**

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

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

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**Applicant: *Wings Travel***  
IATA Code # 05-2 1042  
South Africa (Angola Branch)

**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:**

According to Resolution 800f § 2.5 invoked by IATA, Agents in Angola are required to supply a basic Financial Security ("FS") unless they: "... do not have any Irregularities nor Defaults, nor changes of ownership during the last 12 months, and if they pass all financial tests based on the Audited Accounts provided for the previous two years."

***Wings Travel*** has chosen not to provide Audited Accounts and opted to provide the requested FS.

There is no BSP settlement in place in Angola and ***Wings Travel*** has demonstrated that all ticket sales are done by "cash payment" to Airlines by having deposited amounts "equalling sales" to each Airline.

This does basically eliminate all risk BUT is still not in coherence with Resolutions. The Resolution 800f invoked by IATA is a generic Resolution and not a result of bilateral discussions within the local APJC, which would have taken "facts on the ground in Angola" into consideration.

***Wings Travel*** has encountered difficulties due to "foreign currency restrictions in Angola" at the time the FS was supposed to be provided to IATA. Exceptionally they were allowed more time by the Agency Administrator to comply and have

failed to meet the new deadline. This is contributed to "events with the concerned Angolan Banks and outside the control of **Wings Travel**".

IATA sees no mitigating circumstance to extend the exceptionally allowed new deadline and asks this Office to confirm its decision to terminate the Passenger Sales Agency Agreement ("PSAA") due to non-compliance with Resolutions. Non-compliance meaning that the FS has to be issued by an Angolan Bank.

Meanwhile **Wings Travel**, through NEDBANK in South Africa, has provided a FS "on behalf of" Angolan Banks. This is a temporary solution, until a corresponding bank in Angola can administer the requested FS.

Having considered all statements, also noting the impeccable track record of **Wings Travel**, and mainly taken into account that there is no risk for collection of Airlines' Funds, I have decided as follows:

- Unless IATA has information not presented to this Office of the contrary,
- The FS from *Nedbank* is in place to cover **Wings Travel** (Angola)
- **Wings Travel** is allowed the time it needs to replace the existing "South African" issued FS with a FS provided by an Angolan bank.

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

Decided in Stockholm, on May 11<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 26<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.