

Decision 27/2018

Travel Agency Commissioner - Area 2

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

Applicant: *BONNY AIR TRAVEL & TOURS LTD.*
IATA Code # 52-2 0022
Mauritius

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

Bonny Air Travel & Tours Ltd. ("*Bonny Air*") has, according to Mauritanian Local Financial Criteria ("LFC"), supplied a Financial Security to be accredited.

The issue is if, as allowed in the LFC, a 30% or 50% reduction should be allowed.

IATA, claiming a Change of Shareholding that occurred 16 years ago, disqualifies *Bonny Air* from the maximum of 50% reduction which requires 21 + years in business and according of §5 in the LFC: "*On change of ownership, number of years of service is deemed as nil.*"

The "change" was 16 years ago and *Bonny Air* claims that moving from 51% to 94,11% by: "*the major shareholder of Bonny Air Travel & Tours Ltd, who held 51% of shares in the agency from the beginning and increased her shareholding to 94.11%. No third party change of ownership has been made.*"

This change, according to *Bonny Air* should rather be considered a "consolidation of shares" than "change of shareholding".

Considerations and Decision

Having thoroughly considered the matter and Resolutions' requirements, I have come to the following conclusion and decision:

- Since the majority shareholder "... *has been in business more than 21 years...*" and by owing already 51% had "full control" of the company, and no new powers have been vested on her. It is hereby decided that:
- ***Bonny Air Travel* does, according to the Mauritius LFC, qualify for the 50% reduction**

This Decision is effective as of today.

Decided in Stockholm, on May 24th, 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 June 8th, 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.