

Decision 30/2018

Travel Agency Commissioner - Area 2

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

Applicant: *Al-Sahar Agency* ("the Agent")
IATA Code # 79-2 1233 5
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

According to my findings:

On 26 April 2018, ***Al-Sahar Agency*** was defaulted due to non-payment. IATA communicated the reinstatement requirements including the need to submit a valid bank guarantee ("BG") and settlement of all amounts due.

On 29 May, IATA confirmed having received the BG, but still not the outstanding debt (all of it owed to Saudi Airlines).

On 05 June, ***Al-Sahar Agency*** informed IATA that payment was done directly to Saudi Airlines; and,

On 06 June, IATA was informed that Saudi Airlines had issued a letter: "confirming that all dues were paid".

On 06 June, not having received physical evidence of the above statement the Passenger Sales Agency Agreement ("PSAA") of ***Al-Sahar Agency*** was terminated. The reason given by IATA was that the Agent has "not effected all payments due".

Considerations and Decision:

Considering the information provided by the Agent on 05 June that the payments were settled directly with Saudi Airlines;

Considering also that Mr. Fadul Ibrahim, Sales Manager of Saudi Airlines, **in a letter dated 06 June**, confirms that all dues were settled; additionally, in an email dated 09 June, 2018 addressed to IATA, once again, reiterated that: "*The agent has, by all means necessary, settled all amounts due before termination date*",

I cannot see the rationality behind terminating the PSAA of 79-2 1233 5 **Al-Sahar Agency**; hence, it is hereby decided:

- Provided all reinstatement requirements are met,
- **Al-Sahar Agency** is to be reinstated with the numeric code 79 2-1233 5

This Decision is effective as of today.

Decided in Stockholm, on June 30th, 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 July 15th, 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.