

Decision 32/2018

Travel Agency Commissioner - Area 2

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

Applicant: *Al-Waseelat Travels and Tours Ltd*
IATA Code # 59-2 1835
Nigeria

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.

Considerations and background

Al-Waseelat Travels was defaulted on the 17th of January 2018. In the Notice of Default they were also informed about the existence of this Office and the right to appeal.

Al- Waseelat Travels was informed about the reinstatement requirements in an email dated 19th of January, requirements, amongst others, to provide a valid Financial Security.

After not having met the reinstatement requirements *Al- Waseelat Travel's* Passenger Sales Agency Agreement ("PSAA") was, as advised, terminated the last day of February 2018. The letter of termination is dated 12th March 2018.

On June 14th, Mr. Jamiu Issah, Managing Director of *Al-Waseelat*, sent a plea to this Office to revoke IATA's decision to terminate the PSAA.

Mr. Jamiu stated that the reason for the late request for review was "lack of knowledge of the possibility to do so". The arguments given to reinstate are that all debts have been duly paid and a financial security is in place.

Resolutions require that an Agent has to approach this Office **within a one month** period after the aggravating decision, so the initial consideration for this Office was to allow, or not to allow, the review since it was requested 3 months after termination of the PSAA, and almost 5 months after the initial information (17 January) about this possibility.

This Office normally does accept a "belated request", if there are extenuating circumstances to do so. The findings in this case are:

- *Al-Waseelat Travel* was duly informed about the existence of this Office on 17 January and 12 March 2018;
- The DIP was approved by Leadway on 06 June, 2018;
- Information **about the normal** processing time for a DIP reveals that give and take 30 days is the norm

Decision;

- There are not enough extenuating circumstances to allow this Office a review;
- IATA has followed proper procedures;
- **The termination of the PSAA shall stand**

Comments to IATA,

I find laudable that *Al-Waseelat Travel* has paid all its debts and a valid DIP is in place.

This allowing IATA to handle the "new application", after a proper financial assessment, in a speedy way to ensure that the DIP is still valid should all other requirements for accreditation have been met and allow the Agent going back to business as soon as possible.

Dear Mr. Jamiu,

A valid DIP is the core of the PSAA, please ensure in good time before the existing DIP expires in March 2019 that it will be renewed and covers the amount, which is considered being "sales at risk". IATA will in due time communicate that amount to you.

This Decision is effective as of today.

Decided in Stockholm, on July 10th, 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 25th, 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.