

Decision 1/2019

Travel Agency Commissioner - Area 2

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

Applicant: *Mak Two Travel*
IATA Code # 79-2 1147
Sudan

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

Based on *Mak Two Travel's* statement on December 22, and not refuted by IATA:

"... in effect of October 2018 most of operated airlines in Sudan were withdraw their normal market fares in SDG from BSP and provided direct fares and ticketing out of BSP in USD with separate BG to those Airlines"

Based on IATA's (Ms. Hala) statement dated December 30, that IATA has made a "month per month's" evaluation, where covering as of October 2018 and where sales have been above 10% level of tolerance for deviation;

Considering that there is a Bank guarantee ("BG") of SDG 11,366,000.00 in place, please regard this email as a formal TAC Decision.

Both Parties are hereby advised that this is a summarized decision based on the findings of the case. The Parties have shared all statements.

According to my judgement, as allowed in Resolution 820e § 2.3, I do not see the need for an Oral Hearing. Should any of the Parties be of another opinion then please feel free to object and submit the statements to support this within the time frame allowed in Resolution 820e § 2.10 (Right to ask for interpretation).

Background

If my assumptions are correct, meaning if the sales directly dealt with between Agents and Airlines in USD, ARE NOT PART of the sales counted by IATA to provide BG to IATA, then I do accept what Ms. Hala stated:

If we are expecting a drop of sales, we will be running another assessment by the beginning of January once the current period of December is closed, and again we should be able to recalculate the Financial Security amount to see if we should decrease the amount further as decisive.

Decision

- Mr. Elmak, since I am certain that you have your books in order, and that you know exactly your sales for December 2018, should your BSP sales be above what is covered by your existing BG, then please make sure to have the potentially requested BG in place within 3 Business days from today.
- Dear IATA team,
Please do a December 2018 assessment and base further action on those figures should *Mak Two Travel* be above what is tolerated and does not provide the requested BG.

This Decision is effective as of today.

Decided in Stockholm, on January 2nd, 2019

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 January 17, 2019.**

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.