

Decision 04/2019

Travel Agency Commissioner - Area 2

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

Applicant: *Kamlat Travel*
IATA Code # 59-2 1848
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.

Background

Kamlat Travel received a Notice of Termination after not having honoured the repayment agreement entered in September 2018. The first instalment for October was paid in full, the second covering November was paid partly. No payment has been done for the remaining 4 instalments.

Kamal Travel requested this Office to intervene and allow a new repayment plan. The response to this Office, when being asked to substantiate "what would be the difference" to make it plausible that they can repay the rest, was:

"As it is right now, we are going into our business season and we will be getting money from our customers from this month end

- 1. January 31, 2019 N 500,000.00*
- 2. February 28, 2019 N 500,000.00*
- 3. March 31, 2019 N 1,000,000.00*
- 4. April 30, 2019 The balance"*

The right to an Oral Hearing

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).

Considerations and Decision

Repayments based on “future sales” are not a sustainable business model and not acceptable for this Office as evidence to be able to repay; thus, **I decide to uphold IATA’s Decision to terminate and to follow through the process to encash the DIP.**

This Decision is effective as of today.

In accordance with Res 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 1st February 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.

I would be grateful if both Parties could acknowledge receipt of this decision.

Addendum

Having decided the above, I acknowledge IATA’s right and possibility to, on it’s own, decide another path, so I humbly suggest IATA to consider allowing *Kamlat Travel* a "last chance" should the DIP provider also agrees. This is based on the considerations that:

1. the first "remaining " instalment is projected to happen shortly,

2. *Kamlat Travel* is suspended from ticketing,
3. the huge benefit for an Agent to repay without the need to encash a DIP (meaning they can apply for new Accreditation)

My suggestion is to allow:

- Repayment of N 1,000,000.00 not later than 31 January 2019,
- Repayment of N 1,000,000.00 not later than 28 February 2019,
- Repayment of remaining not later than 31 March 2019.

Decided in Stockholm, on the 16th day of January 2019.

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2