

Decision 18/2019
Travel Agency Commissioner - Area 2

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

Applicant: SF TRAVEL LLC.
IATA Code # 61-3 2089
Azerbaijan

Respondent: International Air Transport Association (IATA)
Torre Europa
Paseo de la Castellana, número 95
28046 Madrid, Spain

NOTE:

Both Parties are hereby advised that this is a summarised decision based on the findings of the case. Below considerations and the decision itself are based on the written statements submitted by both Parties, since according to my judgement, as allowed in Resolution 820e § 2.3, I do not see the need for an Oral Hearing.

Background

SF Travel was suspended on May 16th, due to not having paid an IATA administrative recovery fee of CHF 153.

SF Travel had earlier been cleared from wrongdoings due to a Bona Fide Bank Error, based on Resolution 818g Att. "A" 1.7(a). In short, when an Agent is exonerated from wrongdoings the provisions regarding suspension / default action shall not apply.

IATA's claim was that: *"Even if the irregularity is withdrawn due to agent's bank error this fee is to cover additional administrative cost incurred by IATA. It is mentioned in Resolution 818g, Section 1.7.1 Administrative Charges."*

Considerations

IATA's claim is described in Resolution 818g Att "A" § 1.7.1. The conditions to apply, according to IATA, for cost recovery charges in this case are covered under § 1.7.1. (a) (ii) " *...for any other failure to comply with BSP procedures and instructions, which generate additional cost to IATA and BSP Airlines."*

Resolution 818g Att "A" § 1.7(b) is clearly stating that IATA's actions **described under this Resolution**: *"... shall not apply ... when the Agent had adequately undertaken all of the required remittance procedures..."*

Decision

Considering that *SF Travel* has been cleared from wrongdoing by IATA and, thus, § 1.7.1 (a)(ii) of Resolution 818g Att "A" is not applicable, it is hereby decided:

- **that the cost recovery fee of CHF 153 has to be cancelled and reimbursed to *SF Travel*.**

This Decision is effective as of today.

Decided in Stockholm, on May 21st, 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 June 5th, 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.