

**Decision 19/2019**  
**Travel Agency Commissioner - Area 2**

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

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**Applicant: *Aquila Travel & Tours***  
IATA Code # 77-2-13581  
South Africa

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

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**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**

The total amount due was not credited to IATA's hinge account on time; thus, *Aquila Travel & Tours* got suspended from ticketing.

Despite several documentations about having sent the funds on time with the account fully funded, the "Bank error letter" did not match IATA's template and, hence, was not accepted as exonerating the Agent from the irregularity.

This Office has seen numerous occasions where a "bank error" has led to late payment and the Bank has not been willing to incriminate itself by issuing a

formal statement explaining the reason for the delay. At this stage, it is not established if the "error" was on the Agent's Bank side or in IATA's corresponding Bank.

**Considerations:**

Based of *Aquila Travels & Tours'* statement: "*We also attach an extract from bank account from where the actual payment was made. Kindly note the ZAR10,000 -is processed prior to the ZAR14,000- payment, latter one not subject to question by IATA*".

Noting that this statement was not refuted by IATA, and also based on the copies of the payment orders, it is obvious that the late payment was a result outside reasonable control of the Agent. Additionally, considering that IATA could not see nor substantiate any risk for prejudiced collection of funds, it is hereby decided as follows:

- The Irregularity has to be withdrawn and expunged form *Aquila Travels & Tours'* records;
- *Aquila Travels & Tours* must be reinstated in full.

This Decision is effective as of today.

Decided in Stockholm, on June 4<sup>th</sup>, 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 19<sup>th</sup>, 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.