

Decision 22/2019
Travel Agency Commissioner - Area 2

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

Applicant: *JMD Travel Service*
IATA Code # 83-2 0079 5
Tanzania

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

JMD Travel Service, after having been allowed 7 extra calendar days to submit audited financials not later than 7 July 2018, asked IATA for an additional week since their auditors could not finish the audit before 10 July, 2019. IATA refused to extend such period, which would lead to technical default actions by IATA.

Considerations

Considering

- that the "previous Irregularity" stemmed from a timely but not complete submission of financials in 2018;
- that the Irregularity in July 2018, according to *JMD Travel Service* and not refuted by IATA, should not have been applied if IATA would have timely given correct and adequate information to the Agent;
- that *JMD Travel Service* was not informed that they could dispute IATA's 2018 decision;
- that the irregularity is an administrative non-compliance issue and, at no time, Member Airlines' funds have been at risk.

And finally, and **mainly**, considering that IATA has confirmed that: "*The current amount at risk is covered by the existing bank guarantee.*" It is hereby

Decided

- *JMD Travel Service* has until July 14, 2019 to upload the required documents;
- IATA to charge administrative recovery fee of USD 150

This Decision is effective as of today.

Decided in Stockholm, on July 7th, 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 July 22nd, 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.