

Decision 31 / 2019

Travel Agency Commissioner - Area 2

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

Applicant: *Michelangelo Travel*
IATA Code # 38-2 3196 6
Italy

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

Information about IATA's change of hinge account in Italy was posted on *BSPlink* at least twice before it became effective. Out of practical reasons, both IATA's accounts were active a few months after the change and *Michelangelo Travel* did not notice the deadline when the old account was closed.

Consequently, the Remittance due on 16.08.2019 was rejected and only credited to IATA's new account on 20.08.2019.

Even though immediately corrected after having been made aware of the irregularity, following IATA-SOP, *Michelangelo Travel* received 2

Irregularity points ("IRR") and an invoice covering administrative costs.

Considerations

- Since remitting on time is the core essence of the Agency Program, and email communications with "acknowledgement of receipt" is a common standard in Italy;
- Knowing the "weakness" of only communicating through BSPlink, when the information is extraordinary and so vital, information to Agents should have been done at least through a direct email or through "acknowledgement of receipt" email or a physical letter directly to Management.

Even though untimely remittance is never acceptable, considering that *Michelangelo Travel* has been an accredited Agent for 20 plus years, and the mistake was immediately corrected after having been made aware of it; I consider this as an administrative irregularity rather than having put Member Airlines' funds at risk.

Based on the above, it is hereby decided that:

- * The fee imposed by IATA stands and has to be paid by *Michelangelo Travel*.
- * The IRR should be revoked and stricken from the Agent's records.

This Decision is effective as of today.

Decided on November 8, 2019

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

In accordance with Resolution 820e § 2.9 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 23 November 2019**.

After having received a clarification of this decision, if any Party still feel aggrieved by the decision, within 30 days after the date of the clarified decision, the Party has the right to seek a review of the decision by the majority of the three Commissioners, as stated in § 2.10 of Resolution 820e.

Lastly, if after having asked for and obtained the review by the majority of the Commissioners, the Party has the right to seek, within 30 days after the majority decision's date, a review by Arbitration in accordance with the provisions of Resolution 824 § 14 and Resolution 820e § 4.

Please also be advised that, unless I receive written notice from either one of you **before January 23, 2020**, this decision will be published in the Travel Agency Commissioner's secure web site.