

Decision 33 / 2019

Travel Agency Commissioner - Area 2

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

Applicant: *MD Travel*
IATA Code # 36-2 1078 6
Ireland

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.

Considerations and Decision

Since this same process has been used in non-BSP countries, I was under the impression that it could be applied also in the rest of IATA -Area 2-.

Having said the above, since I am traveling for the moment and the issue is urgent, please consider this short decision as the formal decision in this case.

- Considering that, MD Travel has followed all Resolutions requirements by timely and correctly disputing the ADM issued by IB;
- Considering it was issued contrary to Resolutions requirements;

- Considering that despite the above, it was included in the BSP Billing Report;
- Considering the relatively high amount involved;
- Considering that the amount was to be kept in "custody" as a deposit by the BSP and not settled to the Airline;

It is, therefore, understood that *MD Travel* is allowed to short-pay the amount corresponding to the disputed ADM in the upcoming remittance, **and I hereby order IATA not to execute "non-compliance" actions due to this "short payment"**.

This Decision is effective as of today.

Decided on November 12, 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 27 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, as per Resolution 820e § 4, the Party has the right to seek, within 30 days after the majority decision, a review by Arbitration in accordance with the provisions of Resolution 824 § 4.

Please also be advised that, unless I receive written notice from either one of you **before November 27, 2020**, this decision will be published in the Travel Agency Commissioner's secure web site.