

Decision 32 / 2019

Travel Agency Commissioner - Area 2

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

Applicant: *Nebo Tours*
IATA Code # 74-3 2055 1
Albania.

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

Nebo Tours, due to not having excluded authorised refunds from Adria Airways suspension from BSP, was served an Irregularity affecting their future risk status. *Nebo Tours* was duly informed how to handle the situation but failed to do so. *Nebo Tours* claimed that they: "... have never received invoice for that amount, thinking it will be added to the next Sales Report."

Considerations

Nebo Tours has not been vigilant enough but do claim that they according to local Albanian law need to have "support by formal invoice" to do payments, so they

assumed the issue would be resolved with the next Billing. The amount in question represented less than 4 % of the total and was immediately settled when they were aware of the mistake.

IATA's claim that: "*Not following instructions in the case of refunds in fact put money of other airlines at risk since IATA did not receive their funds in full to complete the settlement*" is understandable, as a general claim, but, the extraordinary situation of a suspension and the relatively small amount, immediately settled after having been made aware, does support this Office's belief that Member Airlines' funds *de facto* never were at risk.

Also considering the severe consequences an Irregularity on record can lead to, I find in this case the lack of correction of the Billing manually being an excusable human error.

Decision

- the IRR should be removed from the Agents' records;
- An Administrative recovery fee of USD 150 shall be invoiced

This Decision is effective as of today.

Decided in Stockholm, on November 9, 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 November 24th, 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 it 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 Nov. 24th, 2019**, this decision will be published in the Travel Agency Commissioner's secure web site.