

Decision 29/2019

Travel Agency Commissioner - Area 2

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

Applicant: Boutique Travel (Lithuania) IATA code 68 3 2129-3

A. Smetonos g. 2
LT- 01115 Vilnius, Lithuania

Represented by Ms. Aja Chameliauskante, CEO

Respondent: International Air Transport Association (IATA)

Torre Europa
Paseo de la Castellana, número 95
28046 Madrid, Spain

Represented by Mr. Ronald Guzman, Assistant Manager IATA Accreditation

Both Parties are hereby advised that this is a summarised decision. Below considerations and decision are based on the written statements submitted by, and shared with, all Parties. According to my judgement, as allowed in Resolution 820e § 2.3, I do not see the need for an Oral Hearing.

Background

On August 21st, 2019 The Applicant (“Agent”) asked this Office to review a disputed Irregularity in conjunction to the Remittance due on 01 April,2019. The Agent claims that the “irregularity” (IRR) was cleared and no response from IATA made them to believe that no future consequences would affect them. Contrary to their belief an IRR point was recorded and lead to a change in Risk status and its consequences after a second IRR.

It is the responsibility of all Agents that amounts due are credited to IATA's Hinge account latest on Remittance date. A request to IATA's Bank to "clarify if the delay was caused by IATA's bank or not" was sent on August 30th. No response received yet.

Considerations

A substantial number of documents and statements have been presented by both Parties.

After having evaluated them it is clear that Boutique Travel has made three "same day" payments on 01 April. This has been confirmed by the two Banks involved and they also confirmed that there were enough funds to execute the "same day payment".

Without prejudice the issue seems to be that IATA and the concerned Banks differ in view of "cut off time". While the Agents Bank "claim" that there is none IATA claims there is a cut off time for IATA's Bank at 16.00. Reality in this case speaks for IATA.

Having said the above, the Agent Banks statement in itself is enough evidence to **exonerate Boutique Travel** from wrongdoings and this Office has no reason to get clarity what lead to the delay for the funds to be credited to IATA's account.

Decision

- The Irregularity recorded for late payment on 01 April 2019 has to be expunged and consequently
- all consequences the IRR entailed has to be rectified.

IATA has followed proper procedures, so I want to make a personal remark to the Management of Boutique Travel. Obviously the SEPA "same day" payment

does not function perfectly. Potential future detriments for you and IATA can be avoided if you order payment at least one business day ahead of Remittance date.

Decided in Stockholm, on 08 October 2019



Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

Any Party, in accordance with Resolution 820e § 2.10, may ask for an interpretation or correction of this Decision within maximum 15 calendar days after receipt of this Decision. Meaning **not later than 23 October, 2019**.

Please be advised that, unless I receive written notice from either one of the Parties before the above-mentioned date this decision will be considered final and published in the Travel Agency Commissioner's secure part of the web site.

If after having asked for and obtained clarification or correction of this decision, any Party still considers aggrieved by it, as per Resolution 820e § 2.10, the Party may seek a reviewed decision by the majority of all three Commissioners; furthermore, if after this decision the Party still feels aggrieved, as per Resolution 820e § 4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 §14, once the above-mentioned time frame would have elapsed.

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.