

DECISION 2012 – 03 - 23
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Meraj-Un-Nabi Travels (Pvt) Ltd.,
Baldia Road,
Bahawalnagar,
Pakistan.
Represented by Ehsan Ul Haq Shami, Chief Executive Officer.

Respondent:

Agency Administrator, Geneva,
International Air Transport Association, IATA,
111 Somerset Road, #14-05,
TripleOne Somerset,
Singapore.
Represented by Mr Mr Prabakaran Nadarajah, Manager, Agency Management Asia Pacific.

The Case and Decision:

In brief, as part of the process to achieve IATA passenger sales agency accreditation the Applicant's premises were inspected by an IATA staff member on Tuesday 22 November 2011. The Inspection Report records the fact that there were no staff present able to sell international air transportation and correctly issue electronic travel documents and report these to the BSP.

In a letter dated 25 January 2012 IATA Singapore advised the Applicant that its application had been disapproved for the reason stated in the Inspection Report viz failure to meet the terms of sub paragraph 2.1.3 of Resolution 818g. The letter went on to advise that a request for a Review of the decision could be made to the Travel Agency Commissioner within 30 days of the date of the subject letter.

The Applicant acted on that advice and contacted the writer on 16 February 2012 thus meeting the terms of sub paragraph 1.2.2.1. of Resolution 820e. The Applicant explained that most of the staff were out of the country to perform Hajj in Saudi Arabia and to handle their group of Pilgrims there.

Section 5 of the Application Form for Approval as an IATA Passenger Sales Agent requires the setting forth of the names and travel industry experience of managerial and other full-time staff. Resolution 818g – Passenger Sales Agency Rules – Section 2 – Qualifications for Accreditation – under paragraph 2.1.3 states as follows:-

“The applicant must have in its **employment** competent and qualified staff able to sell international air travel and correctly issue electronic travel documents (ETD) and report these to the BSP.”

It appears to me that IATA interprets paragraph 2.1.4 of Resolution 818g which states “ All material statements made in the application shall be accurate and complete” literally to mean that all staff listed as qualified to issue ETDs must be present in toto at all times. This interpretation overlooks the fact that paragraph 2.1.3 of Resolution 818g as described above refers to the Agent “employing” qualified staff **not** that such staff must be present at all times.

In opening an Agency one would expect that at least one qualified staff member would be present during business hours to capture the sales required to contribute towards the running of the business. To have no such staff present appears foolhardy.

The purpose of the IATA inspection is to verify the information submitted by the Applicant. In my opinion such an inspection would be more effective if pre-arranged and in other parts of TC3 appointments are made as a matter of routine.

Having reviewed the circumstances involved in this case it is hereby decided as follows:-

1. The Applicant is to be inspected by IATA on a pre-arranged basis using the already submitted Application Form for Approval as an IATA Passenger Sales Agent as the source document for verification.
2. The Applicant is to pay the appropriate fee for the process undertaken by IATA if the original fee paid has been refunded.
3. The Applicant should take serious note of the writer’s comment above that at least one qualified staff member should be present during normal business hours.

Decided this 23rd March 2012 in Auckland:

Jorgen Foged
Travel Agency Commissioner Area 3

Note:

Either Party may, if considered aggrieved by this decision, seek review by arbitration in accordance with Resolution 820e, Section 4 subparagraphs 4.1 and 4.3.