

**VERÓNICA PACHECO-SANFUENTES**

TRAVEL AGENCY COMMISSIONER, AREA ONE – DEPUTY TAC 3  
(The Americas and the Caribbean)  
110 – 3083 West 4<sup>th</sup> Avenue,  
Vancouver, British Columbia V6K 1R5  
CANADA

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**DECISION 2012 - # 7**

**In the matter of:**

**Liza Travel & Tour Pvt. Ltd.**

MZ-7 Empress Tower  
46 Empress Road  
Lahore, Pakistan

Represented by its Managing Director Mrs. Suriya Khan

**The Applicant**

vs.

**International Air Transport Association (“IATA”)**

111 Somerset Road, #14-05  
TripleOne Somerset  
Singapore 238164

Represented by its Manager, Agency Management Asia Pacific, Mr.  
Prabaharan Nadarajah and Ms. Sujitra Punyashthiti

**The Respondent**

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**I. The Case**

The Applicant (also called herein after as “the Agent”), sought a Travel Agency Commissioner’s (referred to as “TAC”) review of the Respondent’s (also called herein after as “IATA”) decision of disapproving the Applicant’s request to become an IATA Accredited Agent, after a site-inspection, allegedly due to not having <<competent and qualified staff able to sell international air transportation and correctly issue electronic travel documents and report these to the BSP>>.

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## **II. Chronology of events – Evidence on file**

On May 31, 2012 the Applicant submitted a request for review, with its correspondent supporting document, to the TAC3 Office, which was later on forwarded to the undersigned being the Deputy TAC3. On June 4, the Applicant complemented its initial argument.

On June 7, the Respondent provided its arguments as well as the evidence on which it based its decision.

According to the evidence on file, the chronology of events was as follows:

- Back in December 30, 2010 the Respondent undertook the first site inspection in to the Applicant's premises. However, according to the Inspection's Report, the location was closed, so the result was unsatisfactory to the Applicant's request. A disapproval letter, dated February 22, 2011 was sent to the Applicant;
- Almost a year later, a second inspection took place on November 23, 2011. Again the results were unsatisfactory to the Applicant's request; this time based on unavailable <<ticketing staff>>. A disapproval letter, dated March 29, 2012 was sent to the Applicant;
- On April 24, 2012 the Applicant originally sought a TAC review. However, due to a mistake in the TAC's email address this request never reached the TAC Office, reason why a second request for review had to be sent. This time it successfully reached the TAC Office on May 31, 2012 and, considering the circumstances, a review was allowed.

## **III. Authority for Review**

Resolution 820e determines the scope of the TAC's review proceedings, and as so provides for Applicants, Accredited Agents, for the Agency Administrator, for a group of Member Airlines and for the Agency Services Manager to seek review by the

Commissioner in circumstances described therein. In this case, the most pertinent Paragraph as seen from the Applicant's perspective is 1.1.1.

Having received the Request for Review within the time frame limit, according to the particular circumstances described above, pursuant Paragraphs 1.2.2.1 and 1.2.3 of Resolution 820e, the undersigned decided to allow the proceeding.

Pursuant Paragraph 2.3 of Resolution 820e and Rule 14 of the Rules of Practice and Procedure for Area 3, the undersigned, acting upon both parties' agreement on waiving an oral hearing, had decided to base her decision only on the written submissions that have been filed by both of them, since she has considered that it will not jeopardise the process.

#### **IV. The Applicant's Arguments in Summary**

The Applicant indicates that she has competent staff to issue international air tickets and that the Chief Executive herself has been in the aviation industry for at least the last 20 years. The reason why one of the staff members was not present at the time of the site inspection was due to sickness; therefore, the Applicant requests for a new site inspection to take place.

#### **V. The Respondent's Arguments in Summary**

Based on the results of the site inspection, the Respondent concluded that the Applicant did not have competent and qualified staff able to sell international air transportation tickets and report them to the BSP and therefore an IATA accreditation was denied.

#### **VI. Consideration leading to decision**

When analysing both arguments, as well as the evidence provided by both Parties, the undersigned had some questions to pose to both of them and she timely got their respective answers. However, it is worth to note that the Applicant did not provide any particular proof of her competence or the competence and qualifications of any of her

staff members, despite having been them present or absent at the moment when the site inspection took place.

The undersigned deems that, according to Resolution 818g, Section 2, Paragraph 2.1.3, it is mandatory for an applicant interested in obtaining the IATA accreditation to <<have in its employment competent and qualified staff able to sell international air transportation and correctly issue electronic travel documents and report these to the BSP>>; therefore, it is in the applicant's own interest and benefit to clearly demonstrate and proof to IATA that it fulfils this requirement. It is not only a matter of affirming so, but to proof it, to IATA's satisfaction.

When given the opportunity to provide evidence in support of her allegations, the Applicant did not provide any particular proof, other than her sole affirmations, about her or about any of her member staff's qualifications and competence to sell international tickets in order to demonstrate IATA's potential wrong doing in its appreciation to the Applicant's capabilities. The Applicant had the burden of proof and in order to satisfy IATA of its compliance with Resolution 818g, Section 2, Paragraph 2.1.3 it should have provided evidence that unquestionably would demonstrate its affirmations, not only at this TAC procedure but most importantly to IATA itself when applied for accreditation and when IATA's inspection took place.

## **VII. Decision**

Having carefully reviewed all the evidence and arguments submitted by the Parties in connection with this case;

Having looked at the applicable Resolutions;

This Commissioner decides:

- IATA's decision is upheld,
- Nonetheless, the Applicant can provide further evidence to IATA in order to demonstrate its compliance with Resolution 818g, Section 2, Paragraph 2.1.3 and request a new pre-arranged site inspection to take place at IATA's earliest convenience, at the Applicant's cost.

The Parties are advised that according to Paragraph 2.10 of Resolution 820e, any of them may request for an interpretation of this decision; or for a correction of any error in computation, any clerical or typographical error, or any omission in this decision. The time frame for these types of requests will be the following 15 days after receipt of the electronic version of this decision.

As per Resolution 820e, Section 4 any Party has the right, if it considers aggrieved by this decision, to seek review by Arbitration, in accordance with the provisions of Resolution 824, Section 14.

Decided in Vancouver, BC, Canada, the 19<sup>th</sup> day of July, 2012

*Verónica Pacheco-Sanfuentes*  
Travel Agency Commissioner Area 1  
acting as Deputy TAC3

**Note:** The original signed version of this decision will be sent to the parties by regular mail. In the meantime, in order to ensure timely receipt by the parties, an electronic version of it is sent on this date (July 19, 2012). Please note that the time frame for interpretation and errors' correction will commence upon receipt of the electronic version of this decision.