

DECISION 2015-01-12 Addendum 1
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Hong Cheung Travel Co Ltd.
1802-3,18/F Hang Bong Commercial Centre
28 Shanghai Street
Jordan Kowloon
Hong Kong
Represented by Mr. Chu Kin Bon, Assistant Finance Manager

Respondent:

Agency Administrator, International Air Transport Association, IATA
Geneva, Switzerland
Represented by Ms. Chen Yuping, Manager Agency Management China and North Asia,
IATA, Beijing, PR China

The Case and Decision

In the core Decision the Agent was granted interlocutory relief until 20 January 2015 in order to submit a HKD 50,000 (USD 6,450.00) bank guarantee to IATA. On that day, the Agent advised that its Bank was yet to provide same. In an earlier advice the Agent had indicated that the process would take some 6 to 8 weeks, which sounded incredible.

Having explored a number of alternative methods of satisfying IATA's requirement, both declined, one option is to provide the Agent with a final period of interlocutory relief. The reason for doing so is that IATA initially rejected the Agent's Bank's format of bank guarantee although, as the writer understands it, it had been accepted on previous occasions. While IATA is pursuing the universal adoption of its own form of bank guarantee document, as has been opined on previous occasions, it cannot force banks to adopt same if their own format provides the same functionality. This action and the ultimate approval of the Agent's Bank's format has caused delay.

With this final period of relief the onus now lies squarely with the Agent to use all its influence with its Bank to deliver the bank guarantee on or before the end of the relief period.

Based on the foregoing therefore it is hereby decided as follows:

1. The Agent is granted interlocutory relief until Friday 30th of January 2015.

Decided this 21st day of January 2015 in Auckland

Jorgen Foged
Travel Agency Commissioner Area 3

Notes:

1. As per Resolution 820e, Section 4, any Party has the right, if it considers itself aggrieved by this Decision, to seek review by Arbitration in accordance with the provisions of Resolution 824, Section 14.
2. The Parties are advised that according to Subparagraph 2.10 of Resolution 820e, any of them may request 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. Such request must be made within 15 days of receipt of the electronic version of this Decision.