

DECISION 2015-07-09

TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

PT Usayasa Nusawisata
Jl. Cikini Raya No. 99-101
Jakarta, Indonesia
Represented by Rohmat Rohmat, Manager

Respondent:

Agency Administrator, International Air Transport Association, IATA
Geneva, Switzerland
Represented by Ms. Nadya Widjaja, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision.

The Agent contacted the writer on 6 June 2015 with an explanation from its Bank in Indonesian which required translation. IATA SIN provided a summarised translation which essentially revealed that the Agent was required to submit a Bank Guarantee (BG) by 25 April 2015. This deadline was not met as its Bank was not able to issue a back dated swift Banker's Guarantee to be effective 1 April 2015 to 31 March 2016 as per the Agent's request.

Post termination on 13 May 2015 the Agent had approached IATA and was advised that the BG effectiveness date could be the date of the BG issuance i.e. not back dated. IATA stated that had the Agent contacted them prior to the deadline date and received the information just described then termination could have been avoided.

Having outlined the issue, IATA proposed that, under the circumstance, they could offer the Agent a further 14 days to submit the "top-up" BG subject to agreement by the writer. That proposal seemed eminently fair and was agreed to by this Office. The Agent complied with that condition and the enhanced BG was submitted to IATA on 24 June 2015.

IATA then sought a formal decision in order to have the Agent re-instated.

The Agent has complied with the 30 day time frame to seek a review as provided for in

sub paragraph 1.2.2.1 of Resolution 820e and the writer has decided to base his decision on the written information submitted rather than to have an oral hearing as allowed in sub paragraph 2.3 of the same Resolution.

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

1. The Agent is to be re-instated subject to paying any costs and fees associated therewith.

Decided this 9th day of July 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.