

DECISION 2017- 08-02
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Tashi Tours and Travels
Thimphu, opp Milk Booth, BIC Building
P. O. Box 423
Bhutan.
Represented by Ms. Sonam Thinlay, Executive Travel Manager.

Respondent:

Agency Administrator, International Air Transport Association (IATA)
Geneva, Switzerland.
Represented by Mr. Nawaz Shaikh, Manager Agency Risk Management Asia/Pacific,
IATA, Singapore.

The Case and Decision:

The Agent was terminated on 13 July 2017 for failing to submit its financial statements for the annual financial review. The Agent had been pre-notified of the requirement in January 2017 and formally on 27 February 2017. A Notice of Irregularity had been served on 30 March 2017 and the Notice of Termination on 2 May 2017.

In its appeal the Agent stated that it had been skeptical about the need to submit its financial statements as it had never been called upon to do so previously. The Agent had consulted with another Bhutan based Agent who was equally confused as to this requirement. It had sought guidance from IATA Agency Management on how to lodge the subject documents on the IATA Portal and had experienced a slow response time thus losing valuable time in being able to comply. Once received the instructions were not clear and the Agent felt that " as old members of IATA there should have been some intimation from IATA stressing the importance of us registering on their portal."

The Agent had now understood the importance of the portal as a communication vehicle and would be using it for all future queries.

In considering this case it appears obvious that the Agent had a struggle in coming to terms with new technology and the quoted slow response from IATA would not have helped the situation. It now seems that the Agent has become conversant with

the use of the IATA portal and therefore future instances of this nature should not occur.

It is accepted that the Agent has sought a review outside the time frame detailed in sub paragraph 1.2.2.1 of Resolution 820e however the nature of the issue, the remoteness of the Agency's location and the demands of fairness persuaded the writer to allow the review.

The parties were placed on notice, as required by sub paragraph 2.3 of Resolution 820e, that in the writer's judgement an oral hearing was not necessary and that the decision would be based on the written information submitted.

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

1. The Agent is to be reinstated subject to IATA finding its submitted financial statements to be satisfactory.

Decided this 2nd day of August 2017 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

Notes:

1. 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.
2. If after having asked for and obtained clarification or correction, any Party still considers aggrieved by this decision, the Party has the right to seek review by arbitration, in accordance with the provisions of Resolution 820e Section 4 and Resolution 824 Section 14.