

DECISION 2018- 01 - 10
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant/Agent: *Jassim Hajj and Umrah Services (Pvt) Ltd. (“Orakzai Agency”)*
IATA Code 27-3 1513
Pakistan

Respondent:
Agency Administrator, International Air Transport Association (“IATA”)
Singapore

The Case and Decision:

The Agent's accreditation was terminated as a consequence of failing to submit a financial security to IATA by the deadline date. In its explanation for the cause of its non-compliance the Agent described the situation as follows:

"That it is important to mention here that we are belongs to a tribal area of Orakzai Agency Khyber Pakhtunkhwa – Pakistan and we have a lot of ancestral properties in the tribal area of Orakzai Agency, Khyber Pakhtunkhwa, that in the month of July 2017 due to dispute in ancestral property between us and our real maternal uncle and bloodshed enmity we moved / shifted our family to Province of Sindh (Pakistan) and our above said business was closed due to the above said reason and we have threats of dire consequences and nobody was there in Orakzai Agency who can look after the affairs of the above said business and due to the above said reason we were unable to look after the above said business.

That now due to intervention of elders of our locality and Political Tehsildar of Orakzai Agency and as per their decision the dispute has been resolved and we have come back to Orakzai Agency the tribal area of Khyber Pakhtunkhwa - Pakistan and have started our business again."

On return to the Agency location the owner located IATA's termination letter of 6 December 2017 and contacted this Office on 2 January 2017 seeking a review of IATA's action and committing to the submission of the required financial security to IATA.

IATA's summary of events predictably described a series of communications to the Agent from mid 2017 until early December 2017 all of which remained unanswered.

In considering this unusual set of circumstances the writer has decided to grant the Agent an opportunity to revive its business now that stability has been restored to the Agency's original location.

The Parties have complied with the provisions of Resolution 820e and were placed on notice that in the writer's judgment an oral hearing was not necessary and that this decision would be based on the written information submitted.

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

1. The Agent's accreditation is to be reinstated subject to it complying with the following conditions:
 - (a) The Agent is to submit a financial security to the amount determined by IATA within 30 days of today's date
 - (b) The Agent is to pay all fees and charges associated with the reinstatement process.

Decided this 10th day of January 2018 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

This Decision is effective immediately. The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a Party, with notice to the other Parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on 25 January 2018.

If after having pursued this process a Party still considers itself aggrieved by this Decision the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 26 January 2018 I will assume that there is no objection to that action being taken.