

DECISION 2018 - 01 - 11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant/Agent: *Humayun Shinwari Travel and Tours (Pvt) Ltd.*

IATA Code 27-3 1903
Pakistan

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated on 6 December 2017 for failing to submit a financial security to IATA by the deadline date. In its request for a review the Agent stated that the owner had been involved with Hajj pilgrim activities in Saudi Arabia for a protracted period and, hence, had not checked his business emails and had belatedly discovered IATA's request. The Agent was well aware of its responsibilities and had consistently settled all dues and had always complied with the rules and regulations. It undertook to submit the required financial security so that it could be reinstated and, thus, recover from the monetary loss caused by the termination.

IATA's summary of events described suspension of the Agent's ticketing authority on 30 August 2017, culminating in termination on 6 December 2017 as a result of the lack of response by the Agent.

In considering this matter it is clear that the Agent was negligent in not monitoring its emails or had not mandated a staff member to do so while the owner was pre-occupied with Hajj activities. However, as there are no dues outstanding and the Agent has undertaken to comply with IATA's request, the writer has decided to grant the Agent an opportunity to regain its accreditation. However, it must be stressed that the Agent must introduce a process that will ensure that a similar incident does not occur next time as the same benign attitude will not be shown by the
writer.

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:

- 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 11th 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 26 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 27 January 2018 I will assume that there is no objection to that action being taken.