

Decision January 22nd, 2018

**TRAVEL AGENCY COMMISSIONER
AREA 1 – DEPUTY TAC 3**

VERÓNICA PACHECO-SANFUENTES
110 – 3083 West 4th Avenue
Vancouver, British Columbia V6K 1R5
CANADA

The Applicant: *MPL Travels* (“the Agent”)
IATA Code # 27-3 0154 0
Pakistan

The Respondent: International Air Transport Association (“IATA”)
80 Pasir Panjang
20 - 81 Mapletree Business City
Singapore 117372

NOTE:

This summarized decision is being posted as the Parties have received it. Occasional requests for clarification are not posted. However, should any Stakeholder requests it, a copy of such clarification will be sent to her/him.

Decision:

I hereby acknowledge receipt of IATA's submissions and I thank S. Krishnakumar for responding in the absence of Ms. Nadya Widjaja (Asia Pacific, Agency Manager).

Based on the submissions made by both Parties (none of which were rebutted by the other Party) and in light of the applicable Resolutions, I have come to the following conclusions:

- It seems, as I have stated in my initial email in this case, that both Parties have been in constant contact regarding the change of ownership that the Agent went through;
- I notice that IATA has granted extensions to the Agent in order for him to submit the requested documents and the clarifications needed, in addition of the documents themselves, in compliance with the applicable Resolutions;
- I also notice that the Agent has been fully engaged in the process and has demonstrated its willingness to provide every single document and clarifications that have been requested from him, yet, the submissions show that he has been unable to provide some of the documents/further specifications due to his

inability to control the timing with the Pakistani authorities and adapt them to IATA's timelines;

- It has never been an issue of the Agent's unwillingness to provide full disclosure of its current state of affairs nor of the Agent's unsoundness to fulfil its financial obligations as a potential Accredited Agent; the submissions indicate that it has only been a matter of **time**, the time needed to present all the required documents as per Resolutions' requirements,

Therefore, pursuant § 13.8 of Resolution 818g, I hereby decide the following:

- The Notice of Termination that was served to the Agent on January 10, 2018 has to be expunged from his records, since the reasons for the Agent not to have been able to meet IATA's time lines are hereby deemed as justifiable to excuse the delay, since they were not the result of the Agent's lack of diligence, but rather are <<*beyond the reasonable control of the Agent*>>;
- The Agent is to submit all the clarifications and the documents that have been demanded from IATA in order for its change of ownership to be evaluated and eventually approved by IATA, as soon as possible. Nonetheless, during this time the Agent's status in the BSP system shall remain as *suspended*;
- However, the moment all the documents would have been duly examined by IATA and accepted, the Agent's reinstatement in to the BSP system shall be undertaken without any further delay nor cost.

This decision is effective immediately.

Decided in Vancouver, the 22nd day of January 2018.



Verónica Pacheco-Sanfuentes
Travel Agency Commissioner - Area 1/Deputy TAC3

In accordance with Resolution 820e § 2.10, any Party may ask for an interpretation or correction of any error, which the Party may find relevant to this decision. The timeframe for these types of requests will be 15 days after receipt of

the electronic version of this document (meaning no later than **February 6, 2018**).

Both Parties are also hereby advised that, unless I receive written notice from either one of you before the above mentioned date, this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification, interpretation or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

If after having asked for and obtained clarification or correction of this decision, any Party still considers aggrieved by it, as per Resolution 820e § 4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 § 14, once the above-mentioned time frame would have elapsed.