

DECISION 2018 - 05 -11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Air Asia Tour and Travels (“the Agent”)
IATA Code 14-3 2388
New Delhi, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a result of failing to pay its Annual Agency Fee by the due date. In addition the Agent had not submitted its audited financial statements for the Annual Financial Review and had not paid the applicable administrative charge.

In its request for review the Agent stated that the staff member charged with monitoring IATA messages was absent for 10 months and, hence, the various IATA requirements and deadlines had been missed. However, a new Manager was now in charge and made an assurance that similar incidents would not occur in future.

IATA's summary of events leading up to the termination action recorded a lack of reaction to numerous advices and reminders. IATA stated that the Agent's email address was active and the one specified as the main contact for the Agency.

In considering this matter it is obvious that the Agency's management ignored a vital feature of their business activity, which led to the drastic outcome it now faces. However, as there were no moneys at risk and the matter was of an administrative nature I am prepared to grant the Agent another opportunity to act as an IATA Accredited Passenger Sales Agent. That decision is also based on the new Manager's assurance that there will be total adherence to IATA's requirements as any further discretions will not be dealt with in as benign a manner.

The Parties have complied with the terms of Resolution 820e and were placed on notice that in the writer's judgement 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) Payment of the 2018 Annual Agency Fee (IATA will raise a new invoice);
- (b) Submission of its audited financial statements within 30 calendar days of today's date;
- (c) Submission of a new Bank Guarantee of INR 660,000 as the existing financial security expired on 30 April 2018;
- (d) Submission of a completed Agency Status Form;
- (e) Immediate payment of outstanding Invoice 92836075 of USD 119.00.

This Decision is effective immediately.

Decided this 11th day of May 2018 in Auckland.

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 May 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 May 2018 I will assume that there is no objection to that action being taken.

Jorgen Foged
Travel Agency Commissioner Area 3