

DECISION 2018 - 06 - 07
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Sky View Travel and Tours (“the Agent”)
IATA Code 27-3 0974
Lahore, Pakistan.

Respondent:

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

The Case and Decision:

The Agent underwent a change of ownership, which required it to submit a financial security. Over a protracted period from February 2018 to May 2018 IATA sought the submission of that security. In its absence, on 7 May 2018 IATA terminated the Agent's accreditation.

In its request for a review the Agent explained that it had approached a default insurance provider but its terms and conditions were such that it contacted a second provider who declined the Agent's application. This interaction consumed a considerable time span. The Agent then commenced the process of obtaining a bank guarantee (BG). The Agent states that it received the BG document on the evening of the 4th May 2018 and due to holidays it could not submit it to IATA until the morning of 7th May 2018. The Agent's accreditation termination notice was received on the afternoon of the 7th.

IATA advised that the BG was received after the termination date, it had acted in accordance with the governing Resolutions and the Agent should re-apply should it wish to be accredited as an IATA Agent.

In considering this matter the writer was in two minds and the pendulum could have swung either way. However, the Agent's futile engagement with the insurance providers and the time taken to acquire a BG together with the timing of the BG submission and the issuance of the termination advice has swayed the decision in the Agent's favour.

The Parties have complied with the terms 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.

Consequently it is hereby decided as follows:

1. The Agent's accreditation is to be reinstated subject to its payment of any fees and charges associated therewith.

This Decision is effective immediately.

Decided this 7th day of June 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 **22 June 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 23 June 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3