

DECISION 2018 - 06 - 08
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Kowmee Travels and Tours ("The Agent")
IATA Code 423 0683
Dhaka, Bangladesh.

Respondent:

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

The Case and Decision:

The Agent was declared in default on 19 February 2018 as a consequence of an accumulation of irregularities. After a number of message exchanges with IATA the Agent settled all outstandings on 4 April 2018.

As a condition for reinstatement and to be in compliance with the revised Local Financial Criteria (LFC) for Bangladesh the Agent was required to submit an additional BDT 2,000,000 (USD 23,463.00) to make up the minimum financial security (FS) of BDT 5,000,000 (USD 58,658.00). The Agent requested additional time to arrange the "top up" FS which was declined by IATA and as a consequence had its accreditation terminated on 16 April 2018.

The Agent sought a review on 16 May 2018 and after a period of silence advised that it could have the additional FS submitted by 28 June 2018.

In considering this matter the writer notes that IATA granted the Agent 2 weeks to arrange for the additional cover. While not conversant with the time it takes to acquire a bank guarantee in Bangladesh it is notable that in most markets 30 days is the norm. Therefore, the writer is favourably disposed towards the Agent's request for more time.

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 is allowed until Thursday 28 June 2018 to submit an additional amount of financial security of BDT 2,000,000 to IATA. Such security to be valid until 31 December 2018.

This Decision is effective as of today.

Decided this 8th 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 **June 23rd, 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 June 24th, 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3