

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

DECISION – June 12th, 2018

In the matter of:

P & P Turismo Eireli

IATA Code 57-5 5688

Brazil

Represented by its Managing Director Mr. Gean Ricardo Moraes

The Applicant

vs.

International Air Transport Association (“IATA”)

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by the Accreditation Manager, Mrs. Olena Dovgan

The Respondent

I. THE CASE

The Applicant is challenging the termination of its Passenger Sales Agency Agreement ("PSAA"), due to a non-submission of a financial security ("FS") on time, for which the Applicant alleges not having been properly notified about.

According to the Applicant's submissions and supporting evidence, the Applicant provided the Respondent with updated contact information for the Agency back in 2017 and, most importantly, IATA did acknowledge receipt of those notifications. Nonetheless, the narrated events by the Applicant show a different outcome, causing, as a result, the Applicant's seemingly wrongful termination, since it was never communicated about the need to submit a FS within any given time frame. The information was addressed to an invalid email address.

Upon review of the case, and once having received IATA's submissions, this Commissioner found that the Respondent did not rebut the Applicant's evidence, nor explained the reasons why the Applicant's updated information was not recorded by the Respondent on the Applicant's file.

Telephone: + 1 604 742 9854

e-mail: Area1@tacommissioner.com - website: www.tacommissioner.com

Nonetheless, the Respondent, <<... *taking into account satisfactory result of the latest financial assessment*>>, reinstated the Applicant in the BSP system, once received this Office's interim relief order and admission of the request for review.

II. ORAL HEARING

In the opinion of this Commissioner, as per Resolution 820e, s. 2.3, an oral hearing was not deemed necessary. Ample opportunity was given to the Parties to present their submissions and evidence accordingly. They both made good use of this opportunity. Therefore, this decision is based on that written documentation only.

III. CONSIDERATIONS & DECISION

Notwithstanding those well-addressed actions, undertaken by the Respondent considering the Applicant's previous satisfactory results, it is important to note that, as per the evidence on file not rebutted by the Respondent, the miscommunication problem occurred on IATA's side, since the Applicant DID CHANGE the address following the proper channels instructed to him, *id est*, through IATA's Customer Portal; therefore, it would be necessary for the Respondent to check with the colleagues in that department and ensure that they amend what they did wrong, so it does not happen again.

- Lastly, and for clarity sake, based on the evidence in front of me (and recorded on file), the Applicant's records must remain **absolutely cleared** from any irregularity or in the future to be called "*risk event history*", as a result of this incident.

I would appreciate a note from the Respondent, specifically stating that such actions (towards clearing the Applicant's records) have been duly undertaken as per this decision.

Not having any other matter to review, I hereby declare this case closed.

Decided in Vancouver, the 12th day of June 2018.

This decision has immediate effect.



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 time frame for these types of requests will be 15 days after receipt of the electronic version of this document (meaning no later than **June 27, 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.