

**DECISION 2018 – 09 - 3**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Wings Travel and Tour*** (“the Agent”)  
IATA Code 42-3 0235  
Bangladesh

**Respondent:**

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

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**The Case and Decision:**

The Agent's accreditation was terminated on the grounds of failing to settle a BSP billing and submit an additional amount of financial security (FS) of BDT 1,300,000. This action followed a default which post repayment required the Agent to increase its FS to cover the higher amount at risk viz BDT 4,990,000. The Agent sought additional time beyond 31 July 2018 to arrange for the additional FS, which was declined. Additionally, the Agent had an outstanding BSP billing with IATA allowing settlement by 1 August 2018. When that did not eventuate the combination of no FS submission and non-payment initiated immediate termination on 6 August 2018. The Agent paid the outstandings the following day.

In its request for review the Agent stated that the billing for BDT 5,338 (USD 63.06) could not be effected due to civil unrest caused by a student strike from 29 July 2018 to 6 August 2018, hence, the bank deposit could not be made until 7 August 2018. The Agent would submit the additional amount of FS but required until 15 September 2018 to achieve that.

IATA confirmed that all dues were now settled and the Agent had tried to fulfill all requirements to maintain their IATA accreditation and hence would have no objection to the additional time being sought for the additional FS submission.

In considering this matter it could be concluded that the delayed payment falls under the "Force Majeur" provision of Resolution 818g. The additional time requested for the submission of the additional FS is accepted by IATA and hence it would be unreasonable to rule otherwise.

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.

Therefore based on the foregoing it is hereby decided as follows:

1. the Agents accreditation is to be reinstated subject to the following conditions:

(a) an additional amount of FS of BDT 1,300,000 is submitted to IATA by 15 September 2018

(b) all fees and charges related to the reinstatement are paid.

This Decision is effective as of today.

Decided this 3<sup>rd</sup> day of September 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 **18 September 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 30 August 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**