

DECISION 2018 - 11 - 27
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Safina-e-Haram (Pvt) Ltd. (“the Agent”)
IATA Code 27-3 1475
Lahore, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to settle an IATA invoice for USD 119.00. In its request for a review the Agent stated that its CEO was absent for a lengthy period and that the staff had failed to alert him to the issue. It could not understand how a nominal amount could lead to such action.

IATA's summary of events reflected the fact that no BSP settlements were outstanding and that the Agency's financial security had expired.

This case is one of number where termination has been caused by non-payment of a minor amount and where no Airline funds were at risk. In the writer's opinion it would be more effective to suspend the Agent's ticketing authority and to impose a financial penalty rather than terminating. On the other hand, the Agent should have a process in place which allows it to react to IATA requirements during the absence of a key executive.

As there are no outstandings and in light of the minor amount involved the writer is prepared to rule in the Agent's favour; however, any future incident of this nature will not be dealt with so benignly.

The Parties 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) settling the IATA invoice for USD 119.00 plus any other fees and charges;

(b) submitting a new financial security to an amount determined by IATA;

(c) submitting a completed Agency Status Form to IATA.

All such conditions being completed within 30 days of the date of this decision.

This Decision is effective as of today.

Decided this 27th day of November 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 12 Nov. 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 12 Nov. 2018, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3