

DECISION 2018 - 12 - 07
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ozone International (Pvt) Ltd. (“the Agent”)
IATA Code 27-3 1673
Karachi, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a result of failing to submit a valid DTS license within the time frame allowed by IATA. Such license is required under the accreditation criteria for Pakistan.

In its request for a review the Agent explained that their license was suspended by DTS due to the fact that it had not received the Agent's bank guarantee on time. An investigation revealed that the DTS had misplaced the original bank guarantee document and the process of acquiring a renewed one via the Bank and the Securities and Exchange Commission took more time than expected and, hence, the submission deadline was missed. The Agent stated that it had never defaulted and had never previously "violated any deadline with IATA or DTS."

The Agent now had the renewed DTS license, which had been submitted to IATA and found to be satisfactory. There were no BSP billings outstanding and the Agent had default protection insurance in place until 30 August 2019.

In considering this matter it is clear that the situation was caused by a third party and was not as a result of negligence on the part of the Agent. Consequently, it is only appropriate that the Agent's accreditation be reinstated.

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 Agent's accreditation is to be reinstated subject to it complying with the following conditions:

(a) paying the 2019 Annual Fee of USD 240.50 to IATA

(b) submitting a completed Agency Status Form to IATA

(c) providing written confirmation from their insurance provider UIC that their current financial security is still valid since the Agent has been terminated by IATA.

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

This Decision is effective as of today.

Decided this 7th day of December 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 December 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 December 2018, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3