

**DECISION 2018 - 12 - 24**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***China Holidays Travel Group (Holdings) Ltd.*** ("the Agent")

IATA Code 02-3 2160

Sydney, Australia

**Respondent:**

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

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**The Case and Decision:**

The Agent's accreditation was terminated as a result of a misunderstanding about the process of it converting to a GoLite Agency under the New Gen programme.

The Agent had sought the return of its Bank Guarantee (BG) of AUD 118,000 as it was no longer required under the GoLite category, as there would be no cash transactions being handled by the Agency. IATA advised the Agent that in order for that refund to be effected the Agent would be terminated. The Agent accepted that situation as it urgently needed the BG to be returned to avoid excessive bank fees but also because it presumed that it would regain its accreditation once GoLite was introduced in Australia.

On approaching IATA the Agent was advised that it would have to re-apply for accreditation and would not be able to maintain its IATA numeric code, which it had been assigned in March 1975. The Agent acknowledged the misunderstanding "due to a language barrier", but referred to its complete compliance with IATA Resolutions that the Company had maintained for some 44 years and that they intended to extend under the GoLite accreditation. The Agent apologised and sought this Office's assistance in resolving this issue.

In its submission IATA stated that it had no objection should the Agent's termination be revoked but reminded the Parties that a GoLite Agent was required to provide a BG of USD 5,000 or its equivalent in local currency. A Notice of Change form to convert from Go Standard to GoLite would be needed.

The situation that arose is understandable and the Agent should not be denied reinstatement using its pre-existing IATA numeric code.

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 is to be reinstated as a GoLite Agency subject to complying with all the conditions related thereto.
2. its originally assigned numeric code of 02-3 2160 5 is to be retained.

This Decision is effective as of today.

Decided this 24<sup>th</sup> 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 5<sup>th</sup> January 2019.

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 6<sup>th</sup> January 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

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