

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

DECISION – January 22, 2019

In the matter of:

Aerospace Turismo e Representações Ltda.

IATA Code 98-5 3599

Brazil

Represented by its Director of Finances, Ms. Zélide Prass

The Agent

vs.

International Air Transport Association (“IATA”)

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by Risk Assessment Department, Assistant Manager, Ms.
Fabiana Costa

The Respondent

I. THE CASE

The Agent could not provide the requested financial security ("FS") on time. It alleges having changed the financial institution with whom it used to do business this last year and the new bank seemingly has been unwilling to issue the Agent, being a new client, any type of FS.

The Agent emphatically manifests its interest in keeping its accreditation and is asking for an opportunity.

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

I hereby acknowledge receipt of both of your submissions.

I thank Ms. Costa for the detailed chronology of events provided with her response, as well as the abundant evidence submitted in support of IATA's position. I highly appreciate this, since it allows this Office to have a clear picture of the situation and be able to better assess the case.

I also thank Ms. Prass for her further explanations.

As much as I can understand the Agent's situation, neither IATA nor this Office can deviate from the applicable Resolutions, particularly when there is no certain scenario in the immediate future, but rather the Agent has referred to a "one-year" term from now onward. Such a term to obtain a bank guarantee ("BG") is unacceptable, especially if we consider that in the meantime the Agent will have full access to the BSP system allowing her to issue any desired number of tickets, without those sales being in any way covered by any financial security.

- Consequently, the extension requested by the Agent is hereby denied.

I would suggest the Agent to wait until the New Generation Resolution (812) comes into force in Brazil, and explore the possibility of obtaining a model of accreditation that would best suit its needs and its business model. The current Resolutions do not allow for any other type of security in the Brazilian market than the referred BG, hence, unless the Agent could actually prove that it has a real possibility with any of IATA's authorized financial institutions in Brazil to obtain such a BG, the Notice of Termination of its Passenger Sales Agency Agreement shall become effective as of the end of this month, as stated in such document.

This decision is effective as of today.

Decided in Vancouver, the 22nd day of January 2019.-

A handwritten signature in blue ink, reading "Racheco Sanfuentes".

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 February 6th, 2019).

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.