

DECISION 2019 - 02 - 25
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Asma International ("the Agent")
IATA Code 14-3 2685
Mumbia, India.

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 settle IATA's invoices for administrative charges amounting to USD 719.50.

In its request for a review the Agent stated that its owner was absent from India and was then hospitalised for a period, which prevented action being taken. It sought reinstatement and was prepared to pay whatever penalties applied.

IATA's sequence of events recorded a deadline date of 31 January 2019 being set for payment failing which termination action was triggered the following day.

In considering this matter, the fact that nil moneys are owed to Airlines, there is a valid financial security in place until 30 June 2019 and that the administrative amount outstanding is relatively low, has persuaded the writer to grant the Agent another chance. However, should a similar situation arise in future the same favourable disposition will not be evident.

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 the following conditions:

(a) paying all outstanding invoices to IATA,

(b) paying all fees and charges associated with the reinstatement.

All such payments to be made within 30 days of the date of this decision.

This Decision is effective as of today.

Decided this 25th day of February 2019 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 March 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 12 March 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3