

DECISION 2019 - 03 - 25
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

R.R. Hajj and Umrah Services (Pvt) Ltd. (“the Agent”)
IATA Code 27-3 2287
Haroonabad, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a consequence of its failure to submit its audited financial statements for the annual review. In its request for a review the Agent stated that its management had been engaged in making accommodation arrangements for its groups in Saudi Arabia and had not been alerted to IATA's several calls for the submission of the subject statements. Furthermore, its offices had been under alteration for some months and its email facility had been disturbed by the PTCL Internet Communication issue. It was also pointed out that the Agency was located in a war zone. Hence, the email and other forms of communication were not received in time for the Agent to react. It was now in a position to provide the required information.

IATA's summary of events recorded 5 instances where it sought submission of the audited financial statements. The Agency did not have any outstandings; however, its financial security had been released by IATA in February 2019.

In considering this matter the writer is somewhat perplexed at why no indication of IATA's requirement was received by the Agent in any form during the 4 months that IATA was attempting to acquire the needed documentation. However, on this occasion, the writer is prepared to grant the Agent the outcome it seeks but any future event of this nature will not be treated as 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.

Therefore, based on the foregoing, it is hereby decided as follows:

1. the Agent's accreditation is to be reinstated subject to it satisfying the following conditions:-

- (a) submitting its audited financial statements to IATA by 31 March 2019;
- (b) IATA finding such statements satisfactory;
- (c) submitting a financial security to an amount set by IATA; and,
- (d) paying all fees and charges associated therewith.

This Decision is effective as of today.

Decided this 25th day of March 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 9 April 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 10 April 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3