

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

DECISION – April 16, 2019

In the matter of:

CONGRESS PROGRAMA INTER. DE ESTUDOS

IATA Code 57-5 2775

Saõ Paulo, Brazil

Represented by its Senior Executive, Eduardo Burri

The Agent

vs.

International Air Transport Association (“IATA”)

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by the Assistant Accreditation Manager, Mr. Ronald Guzmán

The Respondent

I. THE CASE

The Agent, after almost two years of having been terminated due to a lack of submission of its Financial Statements, sought a Commissioner’s review of its termination, aiming at regaining the lost accreditation.

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. FACTS OF THE CASE

The chronology of events, supported by evidence submitted by IATA, and not rebutted by the Agent is as follows:

20Apr2017 – IATA requested to present a Bank Guarantee for the amount of BRL 18.000,00.

23May2017 – The Agent was informed about an extension to present Bank guarantee;

02Jun2017 - Agent was notified from suspension due to non-compliance of financial security requested;

05Jul2017 – Notice of termination was sent to Agent;

12Julio2017 – IATA's customer service ("CS") department notified the reason of the suspension. This communication was sent to 3 different email: presidente@congress.com.br; marcio@congress.com.br; elianameloa@congress.com.br ;

13Jul2017 – Agent replied our email and our CS department explained them how they need to proceed for the Minor Error request. The Notice of termination was resent to the Agent;

17Jul2017 – Notice of termination was resent to the following emails: presidente@congress.com.br; elianamelao@congress.com.br ;

05Sep2017 – Termination Letter sent to Agent;

As per the information provided, IATA was in constant communication with the main Agent's contact "JOSE EUSTAQUIO OSWALDO - presidente@congress.com.br". In addition to this IATA sent this request to other email contacts.

Agent was terminated due to Non-Compliance of Financial security requested. That Termination was processed almost 2 years ago and systems related with this account has been closed too.

Most important is that all agents are responsible to update, deactivate or register emails accounts through the Customer Service Portal.

IV. DECISION

In light of those facts, and the lack of submissions from the Agent arguing or proving the contrary, I do not see that IATA had committed any wrongdoing or that would have overlooked any step in the process to be applied; therefore,

- I hereby confirm IATA's notice of termination served to this Agent;
- However, considering that the Agent would like to regain its accreditation, I would suggest him to re-apply as new Agent, keeping in mind to be more vigilant when it comes to the compliance with the obligations that all Accredited Agent has. I trust IATA's Customer Service will be able to guide him in this process, otherwise, Mr. Guzmán please instruct the Agent accordingly.

Decided in Vancouver, le 16th day of April 2019.

A handwritten signature in blue ink that reads "U Pacheco Sanfuentes". The signature is written in a cursive style and is underlined.

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 **May 1st, 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.