

DECISION 2019 - 05 - 13
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Boishakhi Travels ("the Agent")
New Applicant
Dhaka, Bangladesh.

Respondent:

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

The Case and Decision:

The Applicant's submission for accreditation was disapproved on the grounds that the Applicant failed the "Trading History" clause of Resolution 818g sub-paragraph 2.1.8 having been a director of an Agency that went into default and was terminated.

In its request for a review the Applicant explained that it had been the Owner of an IATA accredited Agency which he sold to another party in March 2013 and had submitted the Change of Ownership Form to IATA at that time for approval. The signed form was submitted as evidence.

IATA's summary of events recorded that the application was disapproved on the grounds that the Applicant had been an 85% shareholder in an Agency that had been terminated owing Airline moneys and consequently the clause referred to above had been used as the reason for that action. The termination had taken place post March 2013.

On being asked if the Change of Ownership Form had been approved IATA advised that it would investigate the case "more deeply" and would revert with its findings.

That investigation resulted in IATA stating that "based on the submission of the Agent, if the Commissioner so decides, IATA has no objection to restart the accreditation process of the agent."

In considering this matter it is clear that IATA arrived at a conclusion without sufficiently delving into the situation upon which they had based their decision on.

Consequently, the writer considers the Applicant to be free from the aspersion used as the reason for the disapproval and has arrived at the following decision:

1. the application of *Boishakhi Travels* for accreditation is to be processed without delay and no additional fees or charges for same are to be imposed.

This Decision is effective as of today.

Decided this 13th day of May 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 28th May 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 29th May 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3