

**DECISION 2019 - 06 - 10**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Qasmeen Travel and Tours (Pvt) Ltd.*** ("the Agent")

New Applicant  
Lahore, Pakistan.

**Respondent:**

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

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**The Case and Decision:**

The Agent's application for accreditation was disapproved on the grounds that the full amount of the application fee had not been paid on time. The issue was that "IATA was notified that the charge-backs for a large portion of the application fee were processed and payments were returned to the card holders."

In its request for a review the Agent stated that it did not have a credit card, which could settle such an amount on a single day so they had accepted an offer from a client to use his card, which turned out to be fraudulent. On discovery, through the charge-back issue, the Agent informed the Federal Investigation Agency, Cyber Crime Cell of the incident. The Agent had paid the client the amount that the credit card had been used for.

The Agent stated that it had corrected the situation by paying the fee on 8 May 2019 for which it had received a "successful payment" acknowledgement advice from IATA. IATA had then sent a disapproval letter to the Agent on 17 May 2019.

In its further submission IATA stated that "the use of a fraudulent credit card and IATA processes do not allow us to accredit Agents involved in such activities."

Furthermore, IATA stated, the payment of the agency fees can only be done through the link available in the IATA Customer Portal. "Therefore, if the new applicant's fees were paid by someone else, it also means that they have given access to this secure login to an unauthorised person leading to use of fraudulent credit cards."

In considering this matter it is hard to believe that the Agent would knowingly use a fraudulent credit card to pay for its application fee. Having named the individual and

his company, and reported the incident to the authorities, the writer finds the Agent's case credible. I can understand IATA's concern about allowing access to a secure portal but the Agent is the victim of the fraud and has paid the price for same.

The Parties have conformed to the terms and conditions 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. On the understanding that all relevant fees have been paid the Agent's application for accreditation is to be processed through to finality.

This Decision is effective as of today.

Decided this 10<sup>th</sup> day of June 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 25<sup>th</sup> June 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 29<sup>th</sup> May 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**