

DECISION 2019 - 06 - ///
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Khyber Express (“the Agent”)
IATA Numeric Code
Peshawar, Pakistan.

Respondent:

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

The Case and Decision:

The Agent was issued with a Notice of Termination as "your Agency has made fraudulent misrepresentation of facts with regards to your agency's status and location." In its request for a review dated 22 April 2019 the Agent stated that it had purchased an existing IATA Accredited Agency by paying 70 percent of the asking price. The various Governmental authorities were informed of the change and their records were amended.

The "old" owner notified IATA of the change of location only as the remaining 30 percent was yet to be settled, hence, it was not considered sold. As the new owner was out of the country the settlement of the balance was delayed. A request was made for a 10-day delay but as space on Airlines operating to Pakistan was unavailable a further delay occurred which caused the "old" owner to cancel the transaction on 12 March 2019 and advised IATA to halt the change process. The new owner returned and paid the outstanding sale amount. At that point, the new owner sought access to the Agency ID and portal password. However, due to the conflicting information received by IATA, a Notice of Termination was issued for effect on 30 April 2019.

The new owner had previously owned an IATA Accredited Agency and wanted to locate the newly purchased entity at the location occupied by the previously owned IATA Agency, which was moving elsewhere. Some confusion arose over which Agency was operating from the desired premises and this took some time to sort out.

Clarity has now been achieved and IATA will be able to process applications for a Change of Ownership and a Change of Location.

Under those circumstances the writer is prepared to allow that process to be undertaken.

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. the Agent is required to submit a Change of Ownership application and a Change of Location application to IATA.
2. subject to IATA approving such applications the Agent's accreditation is to be confirmed.

This Decision is effective as of today.

Decided this 17th 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 2th July 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 3th July 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3