

DECISION 2019 - 07 - 17
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Qafla-e-Uhad (Hajj and Umra Services) ("the Agent")

IATA Numeric Code 27-3 3454

Karachi, Pakistan.

Respondent:

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

Singapore.

The Case and Decision:

The Agent's accreditation was terminated due to its failure to submit a bank guarantee by the deadline date. In its request for a review the Agent stated that as the Owner was absent in Saudi Arabia "to handle and manage my clients and *Umrah* Groups; and, hence, was not attending to my emails." On becoming aware of IATA's requirement the Owner sought an extension to the deadline date as being in Saudi he was not able to organise the signatures and stamping required for the financial security (FS). Furthermore, as his office was operating under Ramadan observance any calls from IATA would have been missed. The Owner had now returned and sought 30 days in which to comply with IATA's requirement and have the Agency reinstated.

IATA's summary of events recorded six occasions on which the FS requirement was advised to the Agent, which culminated in termination action on 3 July 2019. The Agent had originally been accredited on 7 June 2018.

In considering this matter it is clear that the Owner did not have a process in place to cope with this particular situation. By his own admission he had not kept track of his emails. The requirement for the FS had been made known on 27 February 2019 and one would expect action to renew same would have been initiated promptly. However, as the Owner is relatively new to IATA requirements the writer is prepared to grant an opportunity for reinstatement. However, should a future incident of this nature be brought to my attention the outcome will not be as positive.

The Parties have complied with the terms 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's accreditation is to be reinstated subject to the following conditions:-

(a) a financial security satisfactory to IATA is submitted by 16 August 2019;

(b) all fees and charges associated with the reinstatement are settled.

This Decision is effective as of today.

Decided this 17th day of July 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 1st August 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 2nd August 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3