TRAVEL AGENCY COMMISSIONER - AREA 1
Acting as Deputy TAC2
VERÓNICA PACHECO-SANFUENTES
110 – 3083 West 4th Avenue
Vancouver, British Columbia   V6K 1R5
CANADA

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DECISION – June 17th, 2019

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In the matter of:

> ***Azur Voyages***
> IATA Code 72-2 0989
> Tunisia
> Represented by its Managing Director Mme. Thiané Amar

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The Agent

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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, Mrs. Enza Armiento

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The Respondent

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NOTE:

Both Parties are hereby advised that this is a summarised decision based on the findings of the case. The full submissions are on file. The considerations referred to below and the decision itself are based on the written statements submitted by both Parties. According to my judgement, as stated in Resolution 820e § 2.3, I did not see the need for an Oral Hearing.

BACKGROUND

As per IATA's submissions, the Agent was defaulted last year and upon the settlement of the outstanding amounts it was reactivated on 18.02.2019 without the provision of a Bank Guarantee ("BG") as its accreditation model was switched to *GoLite*.

The accreditation model *GoLite* allows Agents to issue tickets using *EasyPay* and report them through BSP*link*. However, should the Agent break Airlines' tariffs, the Airlines will issue ADMs that need to be settled by the Agent. In addition, the Agent was also billed for the enhanced version of BSP*link* and the reinstatement fees as usual

procedure.

The Agent had submitted to IATA's Customer Service Portal its disagreement with the referred ADMs and sought, in various ways and times, guidance as to how to proceed with this after its switch to the *GoLite* model. It never received proper advice or instructions as to how to proceed from IATA.

DECISION

Upon request from this Office IATA provided explanations concerning this Agent's situation.

Nonetheless, with due respect, I deem that these explanations and specifically how the system works once an Agent switches to *GoLite* should have been given to the Agent back when she decided to go that path rather than *ex-post* when already involuntary having incurred in irregularities due to the lack of IATA's instructions and having to face this confusion.

In light of the above, **no reinstatement fee** should be imposed on the Agent (it should be immediately removed) and if any irregularity was recorded in this Agent's file due to the events that happened once it turned to the *GoLite* accreditation model, **it should be expunged**.

  • The Agent should be **immediately reinstated** into the BSP system.

On another note, the Accreditation Managers should have assigned this case to a French speaking person, as they usually do. It is already enough strain for the Agent to be facing the situation that she is facing in addition to having to grasp the explanations, which were not provided to her since the beginning, in a foreign language.

This decision has immediate effect.

Decided in Vancouver, the 17st day of June 2019.

[signature: Pacheco Sanfuentes]

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 **July 2nd, 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.