

DECISION 2019 - 08 - 19
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

PT Babul Umrah Mandiri Wisata ("the Agent")
IATA Numeric Code 15-3 3304
Jakarta, Indonesia

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated, after due process, for failing to submit its audited financial statements and settling several IATA invoices for administrative charges by the deadline dates.

In its request for review the Agent cited the unpaid invoices as the reason for the termination action and made no reference to the financial statement issue. The Agent thought that IATA would be paid for the invoices by direct debiting its account as it did for BSP billings. It did not understand that that method of settlement was for Airline ticket sales only. The overdue invoices were paid in full on 24 July 2019.

A total of 6 requests were sent to the Agent for it to submit its audited financial statements for the annual financial review. On 14 August the Agent "again" submitted its financial statements where 2 items of information were found to be missing. On request that omission was rectified and IATA confirmed that all the necessary information was now in hand. The sign-off date by the Agent's Auditor's was 19 February 2019, so it is possible that the statements were submitted previously but for unknown reasons did not reach the appropriate party.

In considering this matter it would appear that the Agent lacks an understanding of various processes related to its ongoing accreditation. Such knowledge gaps must be rectified if the Agency is to have an uninterrupted ongoing relationship with IATA.

As there were no Airline funds at risk the writer is prepared to grant the Agent the opportunity of having its accreditation reinstated. However, a future event of this kind will not be dealt with as benignly.

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 it complying with the following conditions:

(a) that IATA finds the submitted financial statements to be satisfactory; and,

(b) that a completed Agency Status Form is submitted to IATA.

Decided this 19th day of August 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 3rd September 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 4th September 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3