

**DECISION 2019 - 10 - 17**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Highsky Travels Ltd.*** (the "Agent")  
IATA Numeric Code 143 7068  
Bangalore, India.

**Respondent:**

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

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**The Case and Decision:**

The Agent's accreditation was terminated as a consequence of being unable to submit its audited financial statements following a change of ownership and failing to respond to IATA's advice to "opt-out" pending submission of the subject statements.

The Agent had been briefed multiple times by IATA on the procedure for taking "opt-out" action but after an extended time with no response IATA took termination action.

The Agent's response to the reason for the non-response was that "our management was afraid of the organisation's status and consequences of being "opt-out" status and failed to take a right decision on this." The Agent now wished to "opt-out" and following the submission and approval of its audited financial statements would "opt-in". The "opt-out" would allow it to continue ticketing to the limit of its RHC.

In considering this matter it is unfortunate that the Agency's shareholders could not have arrived at an earlier decision thus avoiding the necessity for the parties to engage in the current process. However, under the circumstances , it would be appropriate for the Agency to be reinstated in the modified form.

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 restored under the "opt-out" provisions of Resolution 812.

Decided this 17<sup>th</sup> day of October 2019 in Auckland.

This Decision is effective immediately. The following sub paragraphs of Resolution 820e are brought to the attention of the Parties:

"2.9 - 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."

"2.10 - within 30 days after the receipt of the decision or an interpreted or clarified decision pursuant to paragraph 2.8 hereinabove, a party, with notice to the other parties may request that the decision be reviewed by a majority decision of all of the Commissioners."

In this particular case the 15 day time frame expires on 1 November 2019 and the 30 day time frame expires on 16 November 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 17 November 2019 I will assume that there is no objection to that action being taken.

A signed copy of the decision will be emailed to the parties

Yours faithfully,

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