

DECISION 2019 - 10 - 28
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Qasswa International (the “Agent”)
IATA Numeric Code 143 1337
Mumbai, India.

Respondent:

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

The Case and Decision:

The entity's application was disapproved by IATA on the grounds that it failed the "Trading History" provision of Resolution 812. The Applicant stated that in late 2013 when it was an accredited Agency it had failed to submit a financial security and had defaulted on a BSP settlement. This was due to the Owner being absent and the staff "did not take adequate interest and the payment got delayed." The outstandings had been settled post termination and the Agent's bank guarantee returned by IATA. The Applicant now wished to operate as a GoLite Agent under the NewGen programme.

IATA's summary of events confirmed the Applicant's description of the situation and as all outstandings had been settled without the need to claim against the Agent's financial security IATA would " have no objection if the Commissioner decides in the favour of the agent."

Presented in that context it would be unfair for the writer to not grant the Applicant the opportunity of becoming a GoLite Agent.

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 Applicant's application to be accredited as a GoLite Agent is to be progressed by IATA.

Decided this 28th 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 12 November 2019 and the 30 day time frame expires on 27 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 28 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

Jorgen Foged
Travel Agency Commissioner Area 3