

DECISION 2019 - 10 - 31
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Travel Consortium (Pvt) Ltd. (the “Agent”)
Lahore, Pakistan.

Respondent:

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

The Case and Decision:

The entity's application for accreditation was disapproved for failing to submit the required financial security by the deadline date set by IATA. In its request for a review the Applicant stated that new strict regulations imposed by the State Bank of Pakistan meant that a much longer processing time was consumed in acquiring a bank guarantee (BG). The bank guarantee had now been acquired and was submitted as part of the review documentation. Consequently, as the delay was caused by a third party beyond the control of the Applicant, reconsideration of its application for accreditation was sought.

IATA's summary of events recorded that the deadline date for the submission of the BG had been extended on 3 occasions. When the BG had not been sighted by the third deadline date the application was disapproved. The BG was submitted post that final date and was couriered back to the Applicant by IATA.

In considering this case the writer commends IATA for its patience in allowing additional time for the Applicant to comply with the financial security submission requirement. At the same time the writer expects that IATA has taken account of the longer processing time now extant in Pakistan and has modified its BG submission period suitably.

The writer has taken the Applicant's statement at its word and has decided to grant an opportunity for its application for accreditation to be progressed.

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. subject to IATA finding the BG submitted by the Applicant satisfactory the entity's application for accreditation is to be progressed without delay.

Decided this 31st 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 15 November 2019 and the 30 day time frame expires on 30 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.

Regards,

Jorgen Foged
Travel Agency Commissioner Area 3