

DECISION 2019 - 11 - 18
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Trailblazer Vacations (Pvt) Ltd (the “Agent”)
IATA Numeric Code 14-3 7020
Delhi, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to submit a renewed financial security, its financial statements (having ignored to take up the "opt-out" provision) , non-submission of 2 copies of the PSAA and non-payment of the Late Notification Fee (LNF) fee.

In its request for a review the Agency's Director stated that he had been absent from the office for some time attending a family event. In his absence the staff had protested the application of the LNF and the Director stated that no change in shareholding had taken place.

This statement was contradicted by a comparison between the shareholders recorded for the 2016-2017 financial year and those recorded for the 2017-2018 year.

After this revelation the Director advised that the Agency was keen to comply with all IATA's requirements including payment of the LNF in order to have its accreditation restored.

In its submission IATA advised that as the Agent was willing to pay any fees and to submit all necessary documentation the writer should empower such an outcome.

In considering this matter it is clear that there has been an unreported change in shareholding and that the Director's absence has been a key factor in shaping the situation in which the Agency now finds itself. Based on the positions put forward by the parties it would be reasonable to see the Agent reinstated.

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 those conditions specified by IATA and paying all costs associated therewith.

Decided this 18th day of November 2019 in Auckland.

All conditions are to be complied with within 30 days of the date of this decision.

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 Dec. 3rd, 2019 and the 30 day time frame expires on 18 December 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 5 December 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