

**DECISION 2019 - 12 - 4**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Take-Off Travels*** (the “Agent”)  
IATA Numeric Code 14-3 6831  
Panaji-Goa, India.

**Respondent:**

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

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**The Case and Decision:**

The Agent was issued with a Notice of Termination due to the non-submission of the Annual Revalidation information by the deadline date set by IATA.

In its request for a review the Agent stated that it had attempted to enter "No change" on the IATA Customer Portal but the system required it to notify at least one change. Advice was sought and received from IATA and a further attempt made with the same outcome. Two days later IATA issued a Notice of Administrative Non-Compliance to the Agent. Contact was made with IATA Agency Administration and the issue was described and confirmation that there was no change was given. Four weeks later IATA issued the Notice of Termination for failing to re-validate the Agency details by the deadlines given. The Agent stated that it had "been sincerely trying to re-validate the Agency details however the same was not happening." Against that background the Agent sought the removal of the Notice of Termination.

IATA's submission mirrored the sequence of events described by the Agent and stated that there had been an issue with its Customer Portal but that had been fixed before the Agent was guided on how to submit. The required information was lodged on 29 November 2019.

In considering this matter the writer concludes that the Agent had difficulties in grasping the process of actioning the Annual Revalidation exercise. It is not alone in having experienced difficulties in completing that input successfully. The Agent demonstrated an earnest determination to comply with IATA's requirement but was fazed by the seen complexity of the information submission process. The Agent was accredited in 2007. The Agent should not be penalised in the manner currently extant.

However, it is expected that the lesson learned through this experience will prevent any future occurrence.

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 Notice of Termination and Notice of Administrative Non-Compliance are to be withdrawn together with any monetary charge that may have been applied.

Decided this 4<sup>th</sup> day of December 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 19 December 2019 and the 30-day time frame expires on 4 January 2020.

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 January 2020 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**