

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

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Fajar Al-Eman Travels and Tours (Pvt) Ltd. (the “Agent”)
IATA Numeric Code 273 2256
Bahawalpur, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated following due process as a result of failing to renew its financial security (“FS”) by the deadline set by IATA.

In its request for a review the Agency's Owner stated that he had been preoccupied with obtaining treatment for his ill Mother which had involved travel to various centres but regrettably had ended with his Mother passing away. There were no BSP outstandings and the FS was now ready for submission and the Agent sought reinstatement of its accreditation.

IATA's summary of events recorded 6 contacts with the Agent over a period of 3 months seeking the submission of the FS which culminated in the termination action.

In considering this matter the writer can empathise with the situation faced by the Agency's Owner and as there are no outstandings is prepared to restore the Agent's accreditation.

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 submitted FS satisfactory the Agent's accreditation is to be reinstated.

Decided this 4th day of December 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 19 December 2019 and the 30 day time frame expires on 3 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 4 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

Regards,

Jorgen Foged
Travel Agency Commissioner Area 3