

RESOLUTION 818a

EUROPE-ACCREDITED AGENT

PAC2(45)818a(EU/EEA & Switzerland) Expiry: Indefinite
Type: B

△ This Resolution is applicable in the following countries:

Andorra, Austria, Belgium, Bulgaria, Channel Islands, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Iceland, Ireland, Isle of Man, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom

WHEREAS the Passenger Agency Conference ('the Conference'), recognising the reality of the European Single Market, the drive to remove any remaining barriers to trade and attaining full freedom of establishment whereby Agents seeking to be established in more than one Member State will be able to operate throughout the EU, EEA and Switzerland on the basis of a single set of rules and a unified management and reporting system, it is

△ RESOLVED that, except as otherwise provided in Resolution 818, the following provisions are adopted and implemented in all member states of the European Union (EU), the European Economic Area (EEA), Switzerland, and other European countries as specified and approved by the Conference.

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Definitions

The definitions of terms and expressions used in this Resolution are contained in Resolution 866. The use of words and expressions in the singular shall, where the context so permits, be taken to include their use in the plural and vice versa. Paragraph headings are for ease of reference only and do not form part of these Rules.

Section 1 — Scope

Any legal person who meets the criteria described below may submit an application to IATA for accreditation as a Europe-Accredited Agent (EAA). Such criteria must continue to be met in order to ensure retention as a EAA.

△ 1.1 Once accredited as such, an EAA shall automatically acquire the right to open affiliated, subsidiary locations and inplants within the EU, EEA and Switzerland (hereafter refer to as Locations), without the need to seek individual accreditation for these entities on the condition that criteria as described under Resolution 818a is met. If the EAA is a Head Office (separate legal entity) or Branch location then the EAA shall be obliged to complete an Application Form as per Resolution 800a.

1.2 The Applicant for single European accreditation (*hereafter referred to as 'the Applicant'*) must provide evidence of compliance in respect of the following;

Section 2 — Financial Responsibility

2.1 The Applicant shall accept full financial responsibility to IATA and its Members for the performance of all of the Locations within its application for classification as a EAA and for any Locations subsequently added;

2.2 The Applicant shall be the Head Office of the controlling entity accepting financial responsibility.

Section 3 — Registration/Licence

△ 3.1 The Applicant and any of its Locations must be officially registered on the same register as companies established under the national law, of a Member State of the EU/EEA or Switzerland and/or licensed to trade and offer travel agency services, as prescribed by the national commercial or fiscal law of that Member State.

3.2 The EAA must be registered in the same Member State where it has its administrative head office.

Section 4 — Staff

△ 4.1 The Applicant and any of its Locations must have in its employment competent and qualified staff able to sell international air transportation and correctly issue electronic travel documents and report these to the BSP.

Section 5 — Premises

△ 5.1 The Applicant and any of its Locations shall be identified as a place of business for a travel agency in accordance with local commercial laws.

5.2 Each Location shall not be identified, or represent itself, as an office of an airline or Group of airlines, nor have a name the same as that of a Member of IATA, or of IATA.

5.2.1 When notifying the creation of a new Location in the EU, EEA or Switzerland, the EAA shall be obliged to indicate the name address and other relevant information of the new Location.

5.3 The Location shall not be in office space jointly occupied with an airline or an airline's General Sales Agent. Where an office/business space is jointly occupied with any other Travel Agency, not part of the EAA, each entity shall be responsible to report its sales under its separate IATA Numeric Code and be responsible to secure its separately allocated ticket stock.

Section 6 — Trading History

6.1 No person who is a director of, or who holds a financial interest or a position of management in the Applicant, shall have been a director of, or had a financial interest, or held a position of management in an Agent which has been removed from the Agency List or is under notice of default and still has outstanding commercial debts.

6.2 Without prejudice to 6.1, the Applicant may be approved if the Agency Services Manager is satisfied that such person was not responsible for the acts or omissions that caused such removal or default and is satisfied that the applicant can be relied upon to comply with the terms of the Sales Agency Agreement, these Rules and other Resolutions of the Conference.

6.3 The Applicant shall not trade as a General Sales Agent for any air carrier in the country where it is established.

6.4 The Applicant shall not trade as a Network Agent as provided under Resolution 842.

6.5 A successful Applicant shall also not thereafter apply for the category of, or trade as a Network Agent.

Section 7 — Security

7.1 An Applicant shall undertake to provide sufficient protection for:

7.1(a) all the Locations within its application for classification as a EAA;

7.1(b) the supply of industry Standard Traffic Documents in their (the Locations') possession; in accordance with the provisions detailed in Section 5 of Resolution 818;

7.1(c) the issuance of electronic tickets in accordance with the provisions detailed in Section 2.6 of Resolution 818.

7.2 When notifying the creation of a new Location, the EAA shall enclose a signed declaration that the premises of the new Location are fully compliant with the security criteria prescribed above.

7.2.1 In this declaration, the EAA shall acknowledge that it does not benefit from a waiver of responsibility, in case of theft or fraudulent use of traffic documents at the new Location, if the premises of the said Location do not comply with the stipulated security provisions in accordance with 7.1.

7.2.2 IATA may initiate a review of the premises of the new Location.

Section 8 — Finances

8.1 Applications

An Applicant consisting of a legal entity duly registered in a Member State for at least 12 months shall be submitted to a financial assessment as provided under sub paragraph 8.2.

8.2 Europe-Accredited Agents

8.2.1 Financial Assessment

EAA's shall submit a full set of their annual audited or official financial accounts in the format required under the national legislation of the Member State where it is registered.

8.2.2 Financial Criteria

The financial stability of the Applicant is assessed in relation to the funds at risk, taking into account net equity, net current assets compared to the net cash sales of an average prescribed reporting and remitting period.

8.2.2.1 The Applicant must provide accounts showing a satisfactory financial standing and ability to remain solvent and pay bills. The applicant shall submit independently produced financial statements prepared in accordance with local accounting practices.

8.2.2.2 To obtain a satisfactory evaluation, the Applicant may be required to provide further information or additional financial support/parent company guarantee. This support can be in the form of re-capitalisation, a bank guarantee, an insurance guarantee or other alternatives examined case by case.

8.2.3 Financial Guarantee

If at any time, the EAA does not comply with any of the above criteria, it will be requested to provide within thirty (30) days of a written notice, a guarantee equal to the funds at risk, taking into account the net turnover of IATA member airlines ticket sales (or estimated turnover for Applicants already in business) of an average prescribed reporting and remitting period.

8.3 An additional Location, falling under the auspices of a EAA shall not be subject to any of the above-mentioned financial requirements.

Section 9 — Change of Ownership

9.1 An EAA is obliged to submit a Notice of Change only when it undergoes a change in respect of the Head Office Location, which shall apply to all its Locations.

9.1.1 All changes of ownership, legal status, name or location that may impact an EAA's accreditation status as such, shall be notified to the Agency Administrator prior to the change to enable an evaluation as to whether the changes warrant the execution of a new EAA Agreement as per the terms of contract.

9.2 In the event of a change to an EAA, where the contract requires a new Agreement, notice shall be submitted to the Agency Administrator by the EAA and, if applicable, the new owner, at least seven days before the change is to be effected. As soon as practicable given the nature of the change, the EAA and/or, if applicable, the new owner, shall submit an application for accreditation in accordance with Sections 1 to 8 of these Rules.

9.2.1 Together with this application, the EAA and, if applicable, the new owner, must confirm the list of all its Locations for which it wishes to retain accreditation under its status as an EAA.

9.2.2 Upon receipt of the Notice of Change, the Agency Administrator shall execute a provisional Agreement, which shall have the same form and effect as a Sales Agency Agreement, with the EAA and/or, if applicable, the new owner, unless the application for accreditation fails to meet the criteria set forth in these Rules.

9.3 An EAA Agreement shall be subject to a process of review by the Agency Administrator any time there is a change in status.

Section 10 — Management and Rules for Technical Defaults

10.1 With regard to technical defaults the provisions in Section 8 of Resolution 818 shall apply.

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Attachment 'A'

APPLICATION FORM FOR APPROVAL AS A EUROPE ACCREDITED AGENT

The information requested below is required by IATA to assist in determining the eligibility of the applicant for accreditation as a Europe-Accredited Agent (EAA). The EAA shall accept full financial responsibility to IATA and its Members for the performance of all of the Locations within its application for classification as a EAA and for any Location subsequently added.

This application shall be made by the Head Office of the controlling entity accepting financial responsibility for specified affiliates or subsidiaries, in which it has at least a 51% ownership or financial interest. The applicant must be officially registered on the same register as companies established under the national law of a Member State of the EU/EEA or Switzerland for at least 12 months and/or licensed to trade and offer travel agency services as prescribed by the national commercial or fiscal law of that Member State. The EAA must be registered in the same Member State where it has its administrative head office.

Type or print clearly the answers to all questions on this form. Where additional space is required, or where you wish to supplement your answer and there is insufficient space, attach to this form additional sheets containing the data. Please retain a copy of this application for your permanent records as it forms an integral part of the Agency Agreement with IATA.

SECTION 1 — IDENTIFICATION OF AGENCY ENTITY HEAD OFFICE FOR WHICH EAA APPROVAL REQUESTED

1.1 Full Legal name, including company-type:

1.2 Trade name, if different from 1.1 above:

1.3 Full address of the administrative head office for which application for approval is made:

	Telephone No:
	Additional Telephone No :
	E-Mail :
	Telefax No :

1.4 If registration is required by law in your country, give:

1. the trade registration or license number of the agency;
2. the date this was granted:
3. please attach a copy of the official certificate of registration

1.5 Date on which this head office began to operate as a travel agency.

SECTION 2 — GENERAL INFORMATION

2.1 This approval is sought as

1. An administrative head office: Yes No
 If Yes, please indicate if this office already has an IATA
 Numeric code: -
2. If no, for any other type of office please describe

2.2 Specify the legal status of the EAA entity:

- sole proprietorship partnership limited liability company
 other (describe)
-

SECTION 3 — BUSINESS ENTITY

(Complete only one Section that applies to the EAA)

3.1 If SOLE OWNER:

Name	Address and Telephone Number	% of time devoted to the agency business

3.2 If PARTNERSHIP:

Name and Title of Partners	Address and Telephone Number	% of time devoted to the agency business	Financial Interest %

3.3 If CORPORATION

1) When and where incorporated:

2) Name of shareholders*	Address	% of time devoted to the agency business	Financial Interest % (i.e. share-holding)

* Except where your organisation is a legal entity whose shares are listed on a securities exchange or are regularly traded in an "over-the-counter" market.

3) Names and Titles of Directors and Officers

3.4 IF NONE OF ABOVE APPLIES, fully describe the type of business entity, when and where organized and the names and titles of persons holding a financial or managerial interest in the business, the nature and extent of their interest, their address and telephone numbers and percentages of their time devoted to the agency business:

3.5 If the travel agency business is owned by another organization, please answer the following with respect to the parent organization:

1. What is its legally registered name and address?
2. What is the principal business of this organization?

SECTION 4 — FINANCIAL INFORMATION OF BUSINESS ENTITY

Specify as applicable in respect of the legal entity applying for EAA:

4.1 Registered capital:

4.2 Paid-up capital:

4.3 Minimum paid-up capital required by the law of your country:

4.4 Attach a copy of the current full set of the annual audited or official financial accounts or financial statements, including balance sheet and profit and loss account certified by a chartered, certified public or certified general accountant, in respect of the EAA. These will be used to evaluate the financial standing of the entity accepting financial responsibility for any locations subsequently added.

SECTION 5 — AFFILIATED, SUBSIDIARY LOCATIONS AND IMPLANTS (within the EU, EEA & Switzerland)

5.1 The EAA shall complete Schedule “A” attached, by listing all of the current affiliated, subsidiary locations and implants (within the EU, EEA & Switzerland) that form part of this initial application for a single EAA accreditation.

5.2 The EAA acknowledges that it shall be obliged to notify IATA of the addition of any new location under the single EAA accreditation and that the EAA and its subsequent Locations must comply with the IATA Sales Agency Rules and confirm and provide evidence of compliance of the following :

5.3 Financial Responsibility

The EAA shall be the Head Office of the controlling entity accepting financial responsibility.

- Yes
- No

5.4 Registration and Licence

The EAA and its locations must be officially registered as companies established under national law, licensed to trade and offer travel agency services, as prescribed by the national commercial or fiscal law of the Member State(s).

- Yes
- No

△ 5.5 Staff

The EAA and its locations must have in its employment competent and qualified staff able to sell international air transportation and correctly issue electronic travel documents and report these to the BSP.

- Yes
- No

5.6 Premises

The EAA and its locations shall be identified as a place of business for a travel agency in accordance with local commercial laws. Each Location shall not be identified or represent itself as an office of an airline or group of airlines, nor have a name the same as that of a Member of IATA, or of IATA, nor be in office space jointly occupied with an airline or an airline’s General Sales Agent.

- Yes
- No

5.7 Trading History

Has any person who is a director of, or who holds a financial interest or position of management in the EAA or any of its Locations, been a director of, or had a financial interest, or held a position of management in an Agent which has been removed from the Agency List or is under notice of default and still has outstanding commercial debts.

- Yes
- No

If yes, please give the name(s) of the agency or agencies and location(s) involved, the relationship of the individual(s) with the agency or agencies, the date of the bankruptcy or default and all pertinent details:

5.8 Security

All EAA locations shall undertake to provide sufficient protection for the supply of industry Standard Traffic Documents in their possession and for the issuance of electronic tickets and to comply with minimum security requirements of the IATA Passenger Sales Agency Rules

- Yes
- No

SECTION 6 — AUTHORITY

Please provide the names of individuals authorized to sign, on behalf of the EAA:

SECTION 7 — CONTINUATION & ACKNOWLEDGEMENT

The EAA is obliged to submit a Notice of Change when it undergoes a change in respect of the Head Office and notify IATA in respect of any changes of ownership, legal status, name or location that may impact the EAA’s or any of its locations accreditation status.

On behalf of the EAA, I hereby certify that the foregoing statements (including statements made in any attachment hereto) are true and correct to the best of my knowledge and belief, and that I am authorized by the organization identified in the answer to Section I, to make these statements and file this document.

It is hereby agreed that this application shall become a part of the IATA Agency Agreement signed with Members of IATA for the sale of international air passenger transportation by the EAA and all its locations (as described herein).

The applicant hereby expressly waives any and all claims, causes of action or rights to recovery and agrees to indemnify and hold harmless IATA or any of its Members, their officers, employees, agents or servants, for any loss, injury or damage based upon libel, slander or defamation of character by reason of any action taken in good faith pursuant to this application, including but not limited to a notice of disapproval.

Signature of EAA Authorized Person

Country

Print/Type Name

Date

Title/Position

Schedule ‘A’

Please provide details - including the full legal name, trading name, manager-contact(s), telephone/fax/generic e-mail and full address(es) and IATA numeric code(s) where applicable - of affiliated or subsidiary travel agency entities for which the Europe-Accredited Agent will accept financial responsibility and is hereby applying for EAA status:

Signature of EAA Authorized Person

Country

Print/Type Name

Date

Title/Position
