

1.4.3.1(a) each Cargo Executive Council for the country or group of countries, as appropriate, shall consist of:

Australia only:

Ten elected members, being:

- five representatives of carriers (“Carrier representatives”);
- five representatives of the recognised national agents' associations, chosen from its Board of Directors (or equivalent) and who are Agents (“Agent representatives”).

Except Australia:

not less than seven and not more than 16 elected members, including:

- not less than five and not more than 14 representatives of carriers (“Carrier representatives”);
- not more than two representatives of the recognised national agents' associations of the country or group of countries as appropriate, chosen from its Board of Directors (or equivalent) and who are Agents,
- and if no such association exists in the country or group of countries, not more than two cargo agent representatives designated by the Agency Administrator.

1.4.3.1(b) provided that no carrier shall have more than one representative on the Cargo Executive Council at any one time. The Agency Administrator shall be an ex-officio non-voting member of the Council;

1.4.3.2 Australia only: at least six members of which at least three are Carrier representatives and three are Agent representatives shall constitute the quorum. All decisions made by the Cargo Executive Council shall require a simple majority vote of each constituent part of the Council membership.

Except Australia: fifty percent of the current membership of the Executive Council shall constitute the quorum and all decisions shall be taken by a simple majority vote of the Council membership. Written records shall be kept by the Secretary who shall be provided by the Agency Administrator.

1.4.3.3 except as provided herein, the Cargo Executive Council shall establish its own procedures.

1.5 SPECIAL APPLICABILITY

Australia only: “Agent” or “IATA Cargo Agent” as used in this Resolution shall mean an “Intermediary” as defined in Resolution 823. “Cargo Agency Agreement” shall mean “Cargo Intermediary Agreement” as established by Resolution 809zz.

Section 2 — Qualifications for Registration and Retention

Any Person may become an Agent by meeting the minimum staff requirements prescribed in Paragraph 2.1 of this Section and the other qualifications established from time to time by the Cargo General Assembly and published in the Handbook, and by submitting an application to the Agency Administrator in the prescribed form. The requirements and qualifications must continue to be met in order to ensure retention as an Agent (in which event the term “applicant” where used in this Section shall be understood to include an IATA Cargo Agent). When there are reasons to believe that an Agent does not continue to meet such requirements and qualifications, the Agency Administrator shall on his own initiative or may, at the request of any Member, initiate a review of the Agent by the Agency Commissioner.

2.1 MINIMUM STAFF REQUIREMENT

2.1.1 The applicant shall employ a minimum two full time competent persons qualified to provide the services and handling functions described in Subparagraph 2.3;

2.1.2 A minimum of one such competent person who also holds certification in respect of Dangerous Goods Acceptance described in Subparagraph 2.1.2(b) of this Resolution is present at all places where air cargo is made ready for carriage whenever such places are open for business, and the applicant must supply evidence that:

2.1.2(a) two such persons hold the IATA/FIATA Introductory Course Diploma or have successfully completed an equivalent course offered by an IATA Member, where an examination was taken, or any other course acceptable to the Cargo Executive Council of the country(ies) concerned offered by an IATA/FIATA Authorised Training Centre, airline, commercial organization, or training institute; provided that any Agent whose name was entered on the Cargo Agency List prior to 1 April 1987 which does not meet this requirement shall demonstrate that its staff includes at least two full-time competent persons each with not less than 10 years' experience in providing the services and handling functions described in Paragraph 2.3 of this Section;

2.1.2(b) two such persons at the time of application and at all times subsequent to registration, hold a valid certificate, issued within the previous two years, or within such other period as may be specified by the competent local authority, attesting to the bearer's having followed a recognized training course in Dangerous Goods Acceptance and having passed a written examination based on that course. The names and registration numbers of such persons must appear in the national register of persons certified as competent in Dangerous Goods acceptance, in any country in which such a register is maintained; for the purpose of this Resolution, a recognized training course means:

2.1.2(b)(i) the IATA/FIATA Module 2 Course,

2.1.2(b)(ii) a Member's course of formal instruction in Dangerous Goods Acceptance,

2.1.2(b)(iii) a course of formal instruction offered by a training establishment which has been appraised and endorsed by the IATA Dangerous Goods Board;

2.1.2(c) provided, that all the above training courses shall, where required in the country of registration of the applicant, also be approved in advance by the governmental agency responsible for regulating Dangerous Goods matters in that country;

2.1.2(d) failure to renew the certificate of Dangerous Goods course of training by a date specified by the Agency Administrator, with the result that the Agent no longer fulfils the conditions of this Subparagraph, shall be grounds for the Agency Administrator to remove the Agent from the Agency List;

2.1.2(e) validation of the training described in Subparagraph 2.1.2(b)(i) shall be by an examination set and marked by IATA whose certificate shall be issued to each successful examination candidate;

2.1.2(f) validation of the training described in Subparagraph 2.1.2(b)(ii) shall be by; an examination set and marked by the Member or by the Dangerous Goods regulatory authority of the country concerned, where required. Such examination shall, as a minimum, be to the standard required by the IATA Dangerous Goods Board or by the Dangerous Goods regulatory authority of the country concerned; provided that the Member may elect to use the IATA examination in which case an IATA certificate will be issued to each successful candidate;

2.1.2(g) validation of training described in Subparagraph 2.1.2(b)(iii) shall be by an examination set by the Dangerous Goods regulatory authority of the country concerned, where required. In other cases the examination shall be to the standard required by the IATA Dangerous Goods Board;

2.1.2(h) the following details shall be published in advance by the organizers of instructional courses in the handling of Dangerous Goods, where the resulting certificate is to be relied upon for purposes of qualifying under these Rules:

- course objectives,
- detailed description of course contents,
- training method used,
- testing methods and pass levels applied to validate results.

2.1.1.3 the certificate awarded pursuant to Subparagraph 2.1.2(b) of this Paragraph shall include the name of the issuing authority and the date of issue, and shall confirm that:

2.1.1.3(a) the trainee has taken the examinations on the contents of the course, and has met the minimum standard required by the examination body;

2.1.1.3(b) the certificate is valid for two years from the date of issue, or such other period as may be specified by the competent local authority.

2.1.2 it being understood that, where the applicant's staff at such places is limited to two such persons, both shall meet the requirements set forth in Subparagraphs 2.1.2(a), 2.1.2(b) and 2.1.1.3 of this Paragraph.

2.1.3 in addition to the stated Dangerous Goods Acceptance training requirements, all persons assigned by the applicant to handle any consignments and/or make them ready for carriage shall have completed a Dangerous Goods Awareness course in accordance with national governmental agency and/or ICAO requirements.

2.2 PROMOTION AND SELLING

the applicant shall:

2.2.1 maintain and operate at least one office (or a department of such an office) actively and principally engaged in the promotion and sale to the general public of international air cargo transportation over the lines of Airlines, and the handling of consignments therein;

2.2.2 have been so engaged for a period of at least six months prior to the date of application;

2.2.3 have adequate insurance to cover its liability for loss of or damage to shippers' cargo.

2.3 PROCESSING AND HANDLING

the applicant shall maintain and offer the public the premises, staff and equipment necessary for the performance of the following functions as a minimum:

2.3.1 quoting Airlines' rates, charges and conditions pertaining to such rates and charges;

2.3.2 assisting customers in completing the required formalities for the transportation of cargo by air, including reservation services;

2.3.3 adhering to security control measures as prescribed by the responsible authority(ies), and supplemented from time to time by the Member. The Agency Administrator may, on his own initiative or at the request of a Member conduct an examination of Agent(s), to determine that such security control measures prescribed by the authorities are applied;

2.3.4 adhering to dangerous goods control measures as prescribed by the responsible authority(ies), and supplemented from time to time by the Member.

2.3.5 delivering (or arranging for delivery) of consignments to an Airline at any Airport designated by the Airline for general acceptance of all consignments ready for carriage;

AUSTRALIA ONLY: Where the applicant is delivering (or arranging for delivery) consignments in Unit Load Devices (ULDs) to an Airline ready for carriage, the person(s) assigned by the applicant to load such ULDs shall have

completed a Load Distribution and Restraint Course endorsed by the Cargo General Assembly.

NEW ZEALAND ONLY: Where the applicant is delivering (or arranging for delivery) consignments in Unit Load Devices (ULDs) to an Airline ready for carriage, the person(s) assigned by the applicant to load such ULDs shall have successfully completed a Load Distribution and Restraint Course endorsed by the Cargo General Assembly. Provided that the applicant shall employ a minimum of two such qualified persons to supervise and/or load such ULDs so that a minimum of one such qualified person is present and responsible at all locations(s) whenever cargo is made ready for carriage. Provided further that such persons at the time of application and at all times subsequent to registration, must hold a valid certificate issued within the previous three years.

2.3.6 accepting for carriage and delivering (or arranging for delivery) to an Airline restricted articles in accordance with the applicable Dangerous Goods regulations;

2.3.7 collecting charges from customers, and remitting monies due to carriers.

2.4 FINANCIAL STANDING

2.4.1 the applicant must be able to show satisfactory financial standing and ability to remain solvent and pay bills, and should provide the Agency Administrator with full statutory accounts including:

2.4.1.1 balance sheet in accordance with local legislation,

2.4.1.2 Full Trading Account,

2.4.1.3 profit and loss statement,

2.4.1.4 source and application of funds statement,

2.4.1.5 any other information and schedules as deemed necessary by the Agency Administrator;

2.4.2 the information supplied by the applicant must relate to the most recent financial year, although the Agency Administrator may require an interim set of accounts if he deems the circumstances so warrant;

2.4.3 the applicant shall also submit an appropriate corporate affairs certificate of incorporation of the Company or, in the case of an unincorporated entity, a statement of personal assets from its bank or lender confirming legal ownership of the net assets;

2.4.4(a) the Agency Administrator shall examine the information against criteria set by the General Assembly and contained in the Handbook; the following will be taken into account when assessing the applicant's financial standing:

2.4.4(a)(i) availability of adequate liquid funds to meet normal trading commitments,

2.4.4(a)(ii) paid-up capital required to be commensurate with fixed assets,

2.4.4(a)(iii) the existence of preferential claims on the assets and contingent liabilities;

2.4.4(b) the applicant may be required to provide further information or additional financial support in the form of recapitalisation, insurance bonds or bank guarantees approved by IATA. Failure on the part of an Agent to renew, before their expiry dates, any such insurance bonds or bank guarantees shall constitute grounds for the Agency Administrator to suspend the agent from CASS and to initiate a review of the Agent by the Agency Commissioner. In such event, the Agency Administrator shall so notify the Agent, all Members and where applicable, ISS Management. If, prior to the review, the Agency Administrator receives evidence that such insurance bonds or bank guarantees have been renewed as required, he shall terminate the review proceeding and suspension from CASS and so notify the Agent, all Members and, where applicable, ISS Management;

2.4.5 the Agency Administrator may, on his own initiative or at the request of a Member, conduct examinations of the financial standing of Agents. He may request, and the Agent concerned shall be under obligation to furnish, by the date specified in the Agency Administrator's letter of request, the documents deemed necessary by the Agency Administrator to conduct such examination. Failure by the Agent to submit such documents as prescribed shall be grounds for the Agency Administrator to suspend the Agent from CASS and initiate a review of the Agent by the Agency Commissioner;

2.4.6 when the Agency Administrator determines that an Agent may no longer satisfy the financial criteria incorporated in the Handbook, he may, if circumstances so warrant, prescribe in writing such conditions as he deems appropriate to be complied with by the Agent within 60 days of the date of such written prescription. The Agency Administrator shall determine if such conditions have been met. On finding that the Agent failed to comply, the Agency Administrator shall suspend the Agent from CASS and initiate a review of the Agent by the Agency Commissioner. The Agency Administrator shall notify the Agent, all Members and, where applicable, ISS Management accordingly;

2.4.7 if subsequent to the action taken under Subparagraphs 2.4.5 and 2.4.6 above, but prior to the decision of the Agency Commissioner, the Agent satisfies the Agency Administrator that the prescribed conditions have been met, the Agency Administrator shall terminate the review proceeding and suspension from CASS and notify the Agent, all Members and, where applicable, ISS Management accordingly;

2.4.8 when the financial position of an Agent is subject to review by the Agency Commissioner, and the Agent is unable to meet the financial criteria set by the General Assembly and contained in the Handbook, the Agency Commissioner shall take normal business fluctuations into account and provide the Agent with a reasonable period of time to meet those criteria.