

Jurisprudence**Informations concernant l'affaire**

ID national: Court of Cassation, Judgement 17-31.319

État membre: France

Nom commun: N/A

Type de décision: Décision de la Cour suprême

Date de la décision: 27/03/2019

Juridiction: Cour de cassation

Objet:

Demandeur:

Défendeur:

Mots clés: Travel, sales contract, information obligation, prior information

Articles de la directive

Package Travel Directive, [link](#)

Note introductive

ECLI:FR:CCASS:2019:C100295

The seller of travel services is obliged to inform the buyer before the conclusion of the contract of the administrative formalities to be completed in the event of border crossings.

Faits

A contract for a stay including a return flight from Geneva to New York and three nights' hotel accommodation in New York was concluded via the Internet. Having been unable to board a flight to that city (New York) on the ground that he did not have the ESTA-type travel authorisation required by the US authorities to travel to the United States, the buyer summoned the vendor to pay compensation, even though the vendor of travel or holiday services had informed the consumer in writing, prior to the conclusion of the contract, of the administrative formalities to be completed by the consumer in the event of a border crossing.

Question juridique

Is the seller obliged to remind the consumer of the administrative formalities to be completed when crossing borders after the conclusion of the contract?

Décision

The Court noted that the seller of travel services must only provide this information at the time of the sale, which in this case is before the signature of the contract.

URL: <https://www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURITEXT000038373229>

Texte intégral: [Texte intégral](#)

Affaires liées

Aucun résultat disponible

Doctrine

Aucun résultat disponible

Résultat

The Court of Cassation annuls the judgement of the Court of First Instance.

The Court noted that the travel agency must only provide a certain amount of information to its travelling client at the time of the sale, that is to say before the signature of the contract.