

Rättspraxis

Uppgifter om ärendet

Nationellt id-nummer: Svea Court of Appeal, Judgement FT 2961-19

Medlemsstat: Sverige

Vedertaget namn: N/A

Beslutstyp: Domstolsbeslut överklagat

Beslutsdatum: 24/02/2020

Domstol: Svea Hovrätt

Ämne:

Kärande:

Svarande:

Nyckelord: Package, package travel, reasonable time

Direktivartiklar

Package Travel Directive, [Article 13, 2.](#)

Huvudanmärkning

Even though the Directive (EU)2015/2302 does not apply in case where consumers merely purchase a flight ticket, the introduction of the Directive into national law does not change anything with regard to the period within which consumers may complain to the trader.

Relevance: The decision is not final, however, it upholds previous case law related to what is deemed a reasonable period for complaining to a trader.

Omständigheter

The plaintiffs had purchased two flight tickets from the defendant who is a commercial airline company. The arrival of the plaintiffs at their destination was delayed by more than three hours and therefore the plaintiffs asked for compensation according to Articles 5 and 7 of the Regulation (EC) No 261/2004 five months after the date of the flight. The defendant refused to pay the compensation claiming that the plaintiffs did not inform her within a reasonable time period. The plaintiffs claimed that Directive (EU) 2015/2302 in Article 14.6 introduced a two-year limitation period for claims and therefore this period should also apply in case of the Regulation.

The Court of First Instance decided that according to existing case law, air passengers must complain within a reasonable time which has been found to be about two months after the incident in question has taken place. The introduction of the Directive did not introduce any new rules with regard to what a reasonable time for complaining to the trader is since even according to Article 13.2 of the Directive, consumers must inform traders without undue delay. In the case in question there seems to be no specific reasons why the plaintiffs informed the defendant five months after the delay. The same was the case under the national legislation before the new Directive. Therefore, the Court did not find reasons for changing the existing understanding on what is a reasonable time period for complaining to the trader, which is within two months.

Juridisk fråga

What is considered a reasonable time period for complaining to a trader with regard to a trip?

Beslut

The Directive does not apply in case where consumers purchase only flight tickets. However, the introduction of the new Directive does not change the understanding of what constitutes a reasonable period for complaining against a trader. The principles for complaining in case of air passengers' rights were established by the Supreme Court in 2018 and declare that a reasonable period for complaining is two months and the Directive does not change that.

Hela texten: [Hela texten](#)

Ärendesamband

Inga träffar

Doktrin

Inga träffar

Resultat

The Court of Appeal affirmed the decision of the Court of First Instance.