

## Съдебна практика

### Данни за случая

Национален идентификатор: Sofia City Court, Judgment 2315/2020

Държава-членка: България

Общоприето наименование: N/A

Вид решение: Съдебно решение в процес на обжалване

Дата на решението: 09/04/2020

Съд: Софийски градски съд

Заглавие:

Ищец:

Ответник:

Ключови думи: package travel

Членове от директивата

Package Travel Directive, [Article 13](#)

### Уводна бележка

The tour operator owes compensation for the property and non-property damages suffered by the travellers in case of poor performance of the contract for a package tourist trip, expressed in accommodation in a room significantly different from the originally agreed. In this case, travellers have the right to book a suitable room in another hotel and the tour operator is obliged to reimburse them for the costs incurred.

### Факти

The Sofia District Court upheld the claim of a family of three travellers, awarding them the property damages and compensation for non-pecuniary damages in the amount of BGN 1,500. The travellers signed a contract with a tour operator for a package trip for New Year to Dubai, which includes travel by plane and accommodation in an apartment with a bedroom for the parents and a separate bed for the child. Instead, on arrival, they were accommodated in a room with a double bed, in which there is no separate bed for the child, and the three were forced to sleep in one bed and with one blanket. In this situation, the travellers left the hotel and made and paid for a reservation for a suitable twin room in another hotel.

The travellers claim reimbursement of the amount paid for the reservation, as well as compensation for non-pecuniary damage caused by the stress and tension experienced, which led to the occurrence of a neuropsychiatric disorder of the wife.

### Правен въпрос

Should the tour operator pay the costs for the room booked by the travellers, when they have voluntarily and without coordination with him left the originally reserved hotel, and in what amount should the compensation for non-pecuniary damage be?

### Решение

The court considers that in the event of a drastic difference between the agreed and the actual accommodation provided, as is the case here, travellers have the right to leave the hotel and book a suitable room themselves, and the tour operator is obliged to reimburse them.

With regard to the non-pecuniary damage, the court considers that in the course of the proceedings stress and worries about the inconveniences were proved, but it was not established that they led to disease changes in the plaintiffs' psyche, thus reducing the amount of compensation awarded to them from 1500 BGN to BGN 500 for each of the plaintiffs and rejects their claims for the difference up to BGN 1500.

URL: <https://legalacts.justice.bg/Search/GetActContentByActId?actId=GVA2QuKtp9A%3D>

Пълен текст: [Пълен текст](#)

### Свързани случаи

Няма налични резултати

### Правна литература

Няма налични резултати

### Резултат

The Sofia City Court upheld the decision of the Sofia District Court regarding the awarded pecuniary damages and amended the decision by reducing the amount of the awarded non-pecuniary damages. The decision is not subject to appeal.