

Case law**Case Details**

National ID: Court of Appeal, Budapest, Judgment Pf.20276/2021/5

Member State: Hungary

Common Name: N/A

Decision type: Court decision in appeal

Decision date: 05/10/2021

Court: Fővárosi Ítéltábla

Subject:

Plaintiff:

Defendant:

Keywords: travel, travel organiser, transposition, security

Directive Articles

Package Travel Directive, [Article 17](#) Consumer Rights Directive, [Chapter 1, Article 1](#) Consumer Rights Directive, [Chapter 1, Article 1](#)

Headnote

The Hungarian Government failed to properly implement D. 2015/2302 with regards to the organizer's insolvency security.

Facts

The case concerned a travel contract between the plaintiffs and a travel organizer business. The business did not fulfill its contractual obligation and refused to pay back the plaintiffs. The plaintiffs turned to the business' insolvency security provider, but it was only able to pay a fraction as the full insolvency security fund was not sufficient to cover the full claim of the plaintiffs. The plaintiffs then proceeded to sue the Hungarian Government, claiming that they faced damages due to improper implementation of the 2015/2302 Directive.

Legal issue

Whether the Hungarian Government properly implemented D. 2015/2302 with regards to travel organizer insolvency security?

Decision

The court of appeal ruled in conjunction with the court of first instance, noting that the Hungarian Government's relevant decree failed to properly implement the directive. It highlighted that said government decree had the effect that the legally mandated insolvency security fund was not sufficient to cover the full damages faced by the consumers. It also noted that given that the Directive's intention was to provide full compensation in case of the organizer's insolvency, the Hungarian Government's legislative failure to achieve this directly caused financial damage to the plaintiffs.

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court sustained the judgment of the court of first instance.