

Case Details

Case Details

National ID	link
Member State	France
Common Name	link
Decision type	Other
Decision date	08/03/2012
Court	Cour de Cassation (Supreme court)
Subject	
Plaintiff	
Defendant	
Keywords	

Directive Articles

Package Travel Directive, [Article 4, 6](#).

Headnote

No headnotes available.

Facts

The company Oceane voyages sold a package travel deal to Mr x... including the organisation, for him and his family, of a stay on the island of Réunion from 4th – 16th April 2010 and return flights leaving from Paris. Due to a volcanic eruption which resulted in the closure of the air space, Mr x and his family were forced to extend their holiday and accept a return flight to Marseille on 20th April 2010. Mr x contended that he had been exposed to additional costs in relation to his accommodation, as well as that of his family, from 16th – 20th April 2010 and the cost of renting a car to ensure return to Paris and claimed reimbursement of these costs from the company. The company was ordered to pay damages to the amount of the additional costs pleaded by the claimant.

Legal issue

The Court of Cassation rejected the appeal. Although force majeure provided a defence to the strict liability of the travel agent provided in article L 211-16 of the Tourism Code, it did not free the agent from the duty to protect the client from an increase in price caused by the cost of replacement services, services which article L 211-15 requires to be proposed to the client once the trip has begun.

Decision

Full Text: [Full Text](#)

Related Cases

No results available

Legal Literature

No results available

