

Case law

Case Details

National ID: C.14.0335.N

Member State: Belgium

Common Name:[link](#)

Decision type: Supreme court decision

Decision date: 13/03/2014

Court: Supreme Court

Subject:

Plaintiff: Jetair NV

Defendant: Unknown

Keywords: foreseeability, package travel, travel

Directive Articles

Package Travel Directive, [Article 4, 7](#).

Headnote

A force majeure event does not relieve the travel organizer of its obligation to offer the consumer suitable alternative arrangements or compensation, where applicable, under article 4, 7. Directive 90/314.

Facts

The defendants booked a holiday to India via the plaintiff, a travel organizer. On their journey back, the defendants stranded in Helsinki as a result of the eruption of the Eyjafjallajökull volcano. The defendants made additional costs to stay in Iceland and to plan their journey back to Belgium. They claimed the reimbursement of these costs from the plaintiff.

The plaintiff did not agree and the case ended up in appeal.

Legal issue

The appellate court ruled that according to article 4, 7. Directive 90/314 (implemented in Belgian law through article 15 of the Act of 16 February 1994) the plaintiff was indeed obliged to provide suitable alternatives or to compensate the consumer (where such alternatives are impossible or not acceptable to the consumer for good reasons). The fact that the plaintiff did not have a representative in Iceland was discarded as an invalid reason.

The appellate court further ruled that the force majeure event, caused by the volcano eruption, does not relieve the plaintiff from the aforementioned obligation.

The Supreme Court agreed with the motivation of the appellate court and confirmed the judgement.

Decision

Does a force majeure event, relieve the travel organizer of its obligation to offer the consumer suitable alternative arrangements or compensation, where applicable, under article 4, 7. Directive 90/314?

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Legal Literature

Sorted by [Member State](#) [Title](#) [Author](#) ▼

Member State: Belgium

Title: Force majeure applied to a travel contract

Author: GUYOT, C., DE PATOUL, O.

Result

The travel organizer was obliged to compensate the defendants.