

Jurisprudência**Informações sobre o processo****ID nacional:** 614/09.3TVLSB.L1-7**Estado-Membro:** Portugal**Designação comum:** N/A**Tipo de decisão:** Decisão judicial objeto de recurso**Data da decisão:** 24/02/2015**Tribunal:** Tribunal da Relação de Lisboa**Assunto:****Requerente:** A.**Requerido:** AA. and COMPANHIA DE SEGUROS**Palavras-chave:** liability, package travel, supplier, travel, travel organiser**Artigos da diretiva**Package Travel Directive, [Article 5](#)**Nota introdutória**

A travel agency shall be liable towards its clients for the damages arising from the provision of services by third parties when such services are integrated in the relevant package travel.

Factos

The plaintiff and the defendant concluded a contract under which the defendant sold a package travel to the plaintiff. While travelling, the plaintiff suffered an accident during an excursion with a buggy which was included in the relevant package travel. The defendant claimed he was not liable for such accident given that it was not included in the insurance policy of the travel agency and such activity was performed by a third party service provider.

Questões jurídicas

Shall a travel agency be liable towards its clients for the damages arising from the provision of services by third parties when such services are integrated in the relevant package travel?

Decisão

The court considered that the travel agency should be liable for the accident as the organizer and/or retailer party to the contract is liable to the consumer for the proper performance of the obligations arising from the contract, irrespective of whether such obligations are to be performed by that organizer and/or retailer or by a third party service provider in accordance with Article 29 of Decree-Law 61/2011 of 6 of May of 2011 which implemented Article 5 of Directive 90/314/EEC.

URL: <http://www.dgsi.pt/jtrl.nsf/33182fc732316039802565fa00497eec/02eda586c36b6f4780257e03003ab43a?OpenDocument>

Texto integral: [Texto integral](#)

Processos conexos

Sem resultados disponíveis

Bibliografia jurídica

Sem resultados disponíveis

Resultado

The court upheld the first instance court's judgment.