

## Case law

### Case Details

**National ID:** [link](#)

**Member State:** Belgium

**Common Name:** [link](#)

**Decision type:** Court decision in appeal

**Decision date:** 08/05/2012

**Court:** Court of Appeal Brussels

**Subject:**

**Plaintiff:** TOTAL Belgium NV

**Defendant:** Multiservice Reizen NV and H.

**Keywords:** travel

### Directive Articles

Package Travel Directive, [Article 2, 4](#). Package Travel Directive, [Article 2, 5](#).

### Headnote

A package travel contract, concluded between an entity which is not the actual traveller, and the travel organizer, falls under the scope of the rules set out in Directive 90/314 (and the Belgian Act of 16 February 1994 which implements this Directive).

### Facts

Defendant periodically organized, as a travel organizer, incentive business trips for the plaintiff. After a certain time, a discussion arose between the parties and they ended up before court for unpaid invoices. Whereas plaintiff invoked the protection provided by the provisions set out in Directive 90/314 (implemented into Belgian law in the Act of 16 February 1994), the defendant stated that this Directive/Act cannot be applied as the contract was concluded between two corporate entities, and not between a traveller (natural person) and the travel organizer.

### Legal issue

According to the court, the definition of traveller, as set out in the Directive/Act, is sufficiently clear to determine that the travel contract must not be concluded by the traveller itself. It suffices that the contract is concluded to the benefit of the traveller.

### Decision

Does a package travel contract, concluded between an entity which is not the actual traveller, and the travel organizer, fall under the scope of the rules set out in Directive 90/314 (and the Belgian Act of 16 February 1994 which implements this Directive)?

Full text: [Full text](#)

### Related Cases

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**Member State:** Belgium

**National ID:** C.12.0617.N

**Common Name:** [link](#)

**Directive Articles:** Package Travel Directive, [Article 2, 4](#). Package Travel Directive, [Article 2, 5](#).

**Decision Date:** 15/05/2014

### Legal Literature

No results available

### Result

The court ruled that the rules on package travels should be applied to the case at hand.