

## Case Details

### 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

Member

Nation

Decision

State	al ID 🚩	Common Name	Directive Articles	Date
Belgium	C. 12.0617. N	link	Package Travel Directive, <a href="#">Article 2, 4.</a> Package Travel Directive, <a href="#">Article 2, 5.</a>	15/05/2014
<b>Legal Literature</b>				
No results available				
<b>Result</b>				
The court ruled that the rules on package travels should be applied to the case at hand.				