

## Case Details

### Case Details

National ID	link
État membre	Belgique
Common Name	link
Decision type	Court decision in appeal
Decision date	08/05/2012
Jurisdiction	Hof van Beroep Brussel
Objet	
Demandeur	TOTAL Belgium NV
Défendeur	Multiservice Reizen NV and H.
Mots clés	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

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)?

### Décision

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.

Full Text: [Full Text](#)

### Related Cases

Member

Nation

Decision

State	al ID 🚩	Common Name	Directive Articles	Date
Belgique	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.				