

Rechtspraak

Bijzonderheden van de zaak

Nationaal ID: TOTAL Belgium NV / Multiservice Reizen NV and H.

Lidstaat: België

Gangbare benaming: N/A

Soort beslissing: Rechterlijke beslissing in beroep

Datum beslissing: 08/05/2012

Gerecht: Hof van Beroep Brussel

Onderwerp:

Eiser:

Verweerder:

Trefwoorden: travel

Richtlijnartikelen

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

Koptekst

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).

Feiten

Defendant periodically organized, as a travel organize, 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.

Juridische kwestie

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)?

Uitspraak

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.

Integrale tekst: [Integrale tekst](#)

Verwante zaken

gerangschikt op [Lidstaat](#)[Nationaal ID](#)[Gangbare benaming](#)[Richtlijnartikelen](#)[Datum beslissing](#) ▼

Lidstaat: België

Nationaal ID: C.12.0617.N

Gangbare benaming: N/A

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

Datum beslissing: 15/05/2014

Rechtsleer

Geen resultaten

Resultaat

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