

Case law

Case Details

National ID: link

Member State: Belgium

Common Name: link

Decision type: Court decision in appeal

Decision date: 10/02/2014

Court: Court of Appeal Antwerp

Subject:

Plaintiff: Jetair NV

Defendant: Unknown

Keywords: foreseeability, package travel, travel

Directive Articles

Package Travel Directive, [Article 4, 7](#).

Headnote

A force majeure event does not relieve the travel organizer of its obligation to offer the consumer suitable alternative arrangements or compensation, where applicable, under article 4, 7. Directive 90/314.

Facts

The defendants booked a holiday to India via the plaintiff, a travel organizer. On their journey back, the defendants stranded in Helsinki as a result of the eruption of the Eyjafjallajökull volcano. The defendants made additional costs to stay in Iceland and to plan their journey back to Belgium. They claimed the reimbursement of these costs from the plaintiff.

Legal issue

The court ruled that according to article 4, 7. Directive 90/314 (implemented in Belgian law through article 15 of the Act of 16 February 1994) the plaintiff was indeed obliged to provide suitable alternatives or to compensate the consumer (where such alternatives are impossible or not acceptable to the consumer for good reasons).

The fact that the plaintiff did not have a representative in Iceland was discarded as an invalid reason.

Also, the fact that the problems occurred during the travel back to the country of departure, and not at the destination of the journey (i.e. India), is not deemed relevant. A flight back to the country of departure is considered part of the travel.

The court further ruled that the force majeure event, caused by the volcano eruption, does not relieve the plaintiff from the aforementioned obligation. This is nowhere provided in the relevant legal provision, as a result of which the travel organizer's obligations continue to apply without limitation in case of such an event.

Decision

Does a force majeure event, relieve the travel organizer of its obligation to offer the consumer suitable alternative arrangements or compensation, where applicable, under article 4, 7. Directive 90/314?

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Member State: Belgium

National ID: C.14.0335.N

Common Name: link

Directive Articles: Package Travel Directive, [Article 4, 7](#).

Decision Date: 13/03/2014

Legal Literature

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Member State: Belgium

Title: Force majeure applied to a travel contract

Author: GUYOT, C., DE PATOUL, O.

Result

The travel organizer was required to comply with its obligations under the package travel legislation.