

Case Details

Case Details

National ID	link
État membre	Belgique
Common Name	link
Decision type	Court decision in appeal
Decision date	10/02/2014
Jurisdiction	Hof van Beroep Antwerpen
Objet	
Demandeur	Jetair NV
Défendeur	Unknown
Mots clés	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

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?

Décision

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.

Full Text: [Full Text](#)

Related Cases

Member State	National ID 	Common Name	Directive Articles	Decision Date
Belgique	C. 14.0335. N	link	Package Travel Directive, Article 4, 7.	13/03/2014

Legal Literature

Member State 	Title	Author
Belgique	La force majeure appliquée au contrat de voyage	GUYOT, C., DE PATOUL, O.

Result

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