

Νομολογία**Στοιχεία της υπόθεσης****Εθνικός αναγνωριστικός αριθμός:** Court decision number 301/2011**Κράτος μέλος:** Ελλάδα**Κοινή ονομασία:** N/A**Είδος απόφασης:** Πρωτοβάθμια δικαστική απόφαση**Ημερομηνία απόφασης:** 31/01/2011**Δικαστήριο:** Ειρηνοδίκηio Αθηνών**Θέμα:****Ενάγων:** Unknown**Εναγόμενος:** Unknown**Λέξεις-κλειδιά:** consumer, organizer, performance, retailer**Άρθρα της οδηγίας**Package Travel Directive, [Article 5, 1](#).**Περίληψη**

The organizer and/or retailer who are parties to the contract are liable to the consumer for the proper performance of the obligations arising from the contract, irrespective of whether such obligations are to be performed by that organizer and/or retailer or by other suppliers of services without prejudice to the right of the organizer and/or retailer to pursue those other suppliers of services.

Πραγματικά περιστατικά

The plaintiffs had taken part in a package travel during their Christmas holidays. However, there was an extended delay regarding the arrival of their luggage as one of the defendants (the airline company), had not loaded the luggage on the airplane due to overweight, despite the fact that it had previously accepted to load the luggage under no conditions. In none of the defendants notified the plaintiffs that their luggage had not been loaded on the airplane. Therefore, the plaintiffs filed a claim before the district court of Athens against a) the company who sold the package travel to them, b) the company responsible for the ground operations and c) the airline company which overloaded the airplane and as a result their luggage were discharged.

Νομικό ζήτημα

Who is responsible for the proper performance of the obligations arising from a package travel contract?

Απόφαση

The court ruled that the liability towards a consumer regarding the proper performance of package travel contract lies with the organizer, i.e. the natural or legal person who by profession organizes package travels and sells or offers them for sale, whether directly or through a retailer or the retailer, i.e. the natural or legal person who sells or offers for sale the package travel put together by the organizer. Those persons are the contracting parties in the package travel contract executed with the consumers. In fact their liability applies regardless of whether they perform the services personally or the services are provided by third parties who act as the suppliers of the services. The organizer/retailer can then turn against those suppliers to seek for damages.

Πλήρες κείμενο: [Πλήρες κείμενο](#)**Συναφείς υποθέσεις**

Δεν υπάρχουν αποτελέσματα

Νομική βιβλιογραφία

Δεν υπάρχουν αποτελέσματα

Αποτέλεσμα

The court granted partially the plaintiffs' claim