

## Case Details

### Case Details

National ID	14-15720, 14-18014
Member State	France
Common Name	link
Decision type	Supreme court decision
Decision date	09/04/2015
Court	Court of Cassation
Subject	
Plaintiff	Caisse mutuelle complémentaire d'action sociale du personnel des industries électriques et gazières de Brest (for the Caisse centrale d'activités sociales du personnel des industries électroniques et gazières), Mutuelle du Mans assurance IARD, Association Sans Frontières, Mutuelle d'assurance des instituteurs de France, Caisse Primaire d'assurance maladie du Finistère
Defendant	Unknown
Keywords	liability, organizer, retailer

### Directive Articles

Package Travel Directive, [Article 2, 2](#). Package Travel Directive, [Article 2, 3](#). Package Travel Directive, [Article 5](#)

### Headnote

The liability regime of travel package sellers is applicable only if the seller obtains remuneration in consideration for its services.

### Facts

The Rennes Court of Appeal considered that the plaintiffs were statutorily liable for the damages resulting from the fall of the customer during a trip to Mexico since the Caisse centrale d'activités sociales du personnel des industries électroniques et gazières participated in the organization of the educational and teaching aspects of the trip, communicating with the members, and had an active role in managing the group, thus qualifying as a seller of a travel package.

### Legal issue

The Court of Cassation overturned the ruling of the Court of Appeal considering that the Court of Appeal did not provide a legal basis for its decision; the grounds of which did not allow to conclude that the plaintiff could be qualified as a travel package seller as it did not obtain remuneration for its services.

### Decision

Does the liability regime for travel package sellers apply where the latter does not obtain remuneration for its services ?

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#### **Related Cases**

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#### **Legal Literature**

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#### **Result**

Plaintiff's request was granted.

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