

Case law

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 ?

URL: <https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000030469979&fastReqId=1042306421&fastPos=1>

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Result

Plaintiff's request was granted.