

Case law

Case Details

National ID: Pakkerejse-Ankenævnets kendelse i sag nr. 2010/0330

Member State: Denmark

Common Name: The Travel Industry Complaints Board's decision of 25 August 2011 in case 2010/0330

Decision type: Administrative decision, first degree

Decision date: 25/08/2011

Court: The Travel Industry Complaints Board

Subject:

Plaintiff: Unknown

Defendant: Unknown

Keywords: accommodation, package travel, transport

Directive Articles

Package Travel Directive, [Article 2, 1.](#) Package Travel Directive, [Article 2, 1., \(a\)](#) Package Travel Directive, [Article 2, 1., \(b\)](#) Package Travel Directive, [Article 2, 1., \(c\)](#)

Headnote

Overnight accommodation during transport is not considered "accommodation" in the meaning of Section 2(1)(1) of the Package Travels Act.

Facts

The plaintiff had purchased a return trip from Copenhagen to Oslo from the defendant. The trip included overnight accommodation in a cabin on the ship. However, the return trip was cancelled two months prior to departure. The defendant offered the plaintiff a ticket back to Copenhagen on another ship on the day after the originally scheduled date. The plaintiff accepted the offer, which meant that the plaintiff would have to pay for another day of accommodation in Oslo due to the prolonged stay.

Legal issue

The court reasoned that the contract between the plaintiff and the defendant in reality was a transport agreement and that accommodation during transport did not constitute "accommodation" in the meaning of Section 2(1)(1) of the Package Travels Act. The court consequently refused to admit the case on the grounds of the court not having jurisdiction.

Decision

Is overnight accommodation during transport considered "accommodation" in the meaning of Section 2(1)(1) of the Package Travels Act?

URL: https://www.pakkerejseankenavnet.dk/fileadmin/user_upload/Kendelser/2010.0330.pdf

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The case was dismissed.