

Legal Literature

Legal Literature Details

Member State: Slovenia

Title: Non-material damages for loss of enjoyment of holidays: Leitner in Slovenia

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Directive Articles

Package Travel Directive, [link](#)

Headnote

The author presents the judgment of the ECJ in the case Leitner v. TUI (C-168/00) which acknowledged "non-material damages" resulting from a breach of a package holiday contract. It describes the effects of the judgment in Austrian law and refers to the recognition of loss of enjoyment of holidays in other European countries. Recently, the High court of Maribor has decided a similar case, but has rejected the claim on the grounds that the Slovenian Code of Obligations does not recognize such loss and that interpretation in accordance with EU law is not possible. The author disagrees with this view and claims that there is no *numerus clausus* of cases where monetary compensation of non-material loss is recognized in Slovenian law. Interpretation in accordance with EU law is possible and would be a far better solution with regard to the judgment than the alternatives. Based on the Code of Obligations and the Directive, such loss could be recognized as mental suffering due to diminishment of life activities or due to infringement of personality rights.

General Note

Related Cases

No results available