



C/2024/5597

30.9.2024

Judgment of the Court (Second Chamber) of 29 July 2024 (requests for a preliminary ruling from the Bezirksgericht für Handelssachen Wien and the Nederlandstalige Ondernemingsrechtbank Brussel – Austria, Belgium) – Bundesarbeitskammer (C-771/22), A, B, C, D (C-45/23) v HDI Global SE (C-771/22), MS Amlin Insurance SE (C-45/23)

(Joined Cases C-771/22 ⁽¹⁾ and C-45/23, ⁽²⁾ HDI Global and MS Amlin Insurance)

(Reference for a preliminary ruling – Directive (EU) 2015/2302 – Package travel and linked travel arrangements – Article 12 – Right to terminate a package travel contract – Entitlement to a full refund of any payments made for the package – Unavoidable and extraordinary circumstances – COVID-19 pandemic – Article 17 – Insolvency of the travel organiser – Security for the refund of all payments made – High level of consumer protection – Principle of equal treatment)

(C/2024/5597)

Languages of the case: German and Dutch

Referring courts

Bezirksgericht für Handelssachen Wien, Nederlandstalige Ondernemingsrechtbank Brussel

Parties to the sets of main proceedings

Applicants: Bundesarbeitskammer (C-771/22), A, B, C, D (C-45/23)

Defendants: HDI Global SE (C-771/22), MS Amlin Insurance SE (C-45/23)

Operative part of the judgment

Article 17(1) of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC,

must be interpreted as meaning that the security conferred on travellers against the insolvency of the package travel organiser applies where a traveller terminates his or her package travel contract because of unavoidable and extraordinary circumstances pursuant to Article 12(2) of that directive and, after that termination, that travel organiser becomes insolvent, but that traveller has not, prior to the occurrence of that insolvency, received a full refund of any payments made to which he or she is entitled under the latter provision.

⁽¹⁾ OJ C 112, 27.3.2023.

⁽²⁾ OJ C 155, 2.5.2023.