



Press and Information

Court of Justice of the European Union

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Judgment in Case C-573/13

Air Berlin v Bundesverband der Verbraucherzentralen und Verbraucherverbände

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## **A computerised booking system must, from the outset, indicate the final price to be paid for each flight from an EU airport in respect of which the fare is shown**

The German Federal Union of Consumer Organisations and Associations is challenging before the German courts the way in which air fares are presented in Air Berlin's computerised booking system, as configured in November 2008.

Once the date and airports of departure and arrival have been selected, the booking system displays a table of possible connections.<sup>1</sup> The final price<sup>2</sup> per person is indicated only for the connection pre-selected by Air Berlin or clicked on by the customer, and not for every connection shown. According to the Federal Union, this practice does not comply with the requirements of EU law regarding price transparency of air services.<sup>3</sup> The action for an injunction which the Federal Union brought against Air Berlin was upheld by the courts of first instance and of appeal. Air Berlin therefore turned to the Bundesgerichtshof (Federal Court of Justice, Germany). That court has asked the Court of Justice to interpret EU legislation<sup>4</sup> on the pricing of air services from an EU airport.<sup>5</sup>

By today's judgment, **the Court rules that**, in the context of a computerised booking system such as the system at issue here, **the final price to be paid must be indicated whenever the prices of air services are shown, including when they are shown for the first time. This applies not only to the air service specifically selected by the customer, but also to each air service in respect of which the fare is shown.**

That interpretation follows both from the wording and the broad logic and objective of the EU legislation, which is designed in particular to ensure that customers are able to compare effectively the prices for air services of different air carriers.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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<sup>1</sup> The table also shows departure and arrival times.

<sup>2</sup> The final price is composed of the fare for the flight concerned, taxes and charges, the fuel surcharge and a service charge.

<sup>3</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ 2008 L 293, p. 3).

<sup>4</sup> In particular, Article 23(1) of the regulation referred to above provides that **the final price to be paid is at all times to be indicated** and is to include the applicable air fare or air rate as well as all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable at the time of publication.

<sup>5</sup> More specifically, the legislation in question applies to airports located in the territory of a Member State to which the Treaty applies. However, the regulation encourages EU air carriers also to indicate the final price for their air services from third countries to the EU.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106