



Press and Information

Court of Justice of the European Union

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Judgment in Case C-601/17

Dirk Harms and Others v Vueling Airlines SA

In the event of cancellation of a flight, the airline company must also reimburse commissions collected by intermediaries when tickets are bought, as long as it was aware of them

Mr Dirk Harms bought, for himself and his family, on the website opodo.de, tickets for a flight from Hamburg (Germany) to Faro (Portugal) with Vueling Airlines. As the flight was cancelled, the Harms family requested that Vueling Airlines reimburse it the price of €1108.88 which the family had paid to Opodo when those tickets were bought. Vueling Airlines agreed to reimburse the amount which it received from Opodo, namely €1031.88. However, it refused to also reimburse the remaining €77, which Opodo collected as commission.

The Amtsgericht Hamburg (Local Court, Hamburg, Germany), before which the proceedings were brought, asks the Court of Justice to interpret in that context the air passenger rights regulation.¹

The Amtsgericht Hamburg wishes to know **whether the price of the ticket to be taken into consideration for the purposes of determining the reimbursement owed by the air carrier to a passenger in the event of cancellation of a flight includes the difference between the amount paid by that passenger and the amount received by the air carrier, which corresponds to a commission collected by a person acting as an intermediary between those two parties.**

By today's judgment, the Court answers that question in the affirmative, unless that commission was set without the knowledge of the air carrier, which it is for the referring court to ascertain.

That interpretation of the regulation corresponds to its objectives, which are to ensure a high level of protection for passengers while striking a balance between the interests of passengers and those of air carriers.

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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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

¹ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1)