

Not Just the Ticket Price: A New EU Ruling Redefines Airlines' Responsibility

In a recent judgment, the Court of Justice of the European Union delivered a clear and instructive message on how liability should be interpreted in complex sales chains. The case concerned an everyday situation: passengers purchased flight tickets through an online intermediary, the flight was cancelled, and the airline refunded the ticket price—but did not reimburse the amount that the passengers had paid the intermediary as a commission. The question was whether this was lawful.

The situation will be familiar to many companies. The passengers did not buy tickets directly on the airline's website but through a major online ticketing platform. The tickets were issued in the airline's name and for its benefit, while the intermediary charged a separate fee for its services. When the flights were cancelled, the airline refunded the amount paid by the passengers but deducted the intermediary's commission, arguing that it was unaware of the fee and did not know its exact amount.

The EU Court, however, took a different view. The ruling establishes that if a company accepts that an intermediary sells on its behalf and for its benefit, it must also accept that the intermediary charges a fee according to its own business practice. In such a case, the commission cannot be considered a separate or "external" cost; it forms an inseparable part of the ticket price. From the passenger's perspective, the full ticket price is the amount actually paid, regardless of the internal accounting mechanisms used to allocate the funds among the parties.

The Court also emphasised that the airline's liability does not depend on whether it knew the exact amount of the intermediary's commission. The mere fact that it accepted the involvement of the intermediary and authorised ticket sales in its name is sufficient to make the collection of the commission foreseeable and permissible. Otherwise, the passenger protection rules guaranteed under EU law would be undermined, and the use of online intermediaries would become unnecessarily risky for consumers.

This ruling goes far beyond the airline industry. Its reasoning carries a general message for any company selling products or services through intermediaries, platforms, or agents. If a company allows others to act in its name on the market, it cannot shift the risks arising from internal cost-sharing in the sales chain onto the customer. From the customer's point of view, what matters is what they paid and what they are entitled to receive in return.

For businesses, the judgment is a warning that structuring sales arrangements solely according to internal contractual logic is insufficient. EU law examines the situation from the consumer's perspective, and from that viewpoint, intermediary fees may be considered part of the total price. This has not only legal but also financial and reputational implications, as the method of refunds directly affects customer trust.