



**Judgment of the Court (Fourth Chamber) of 15 January 2026 (request for a preliminary ruling from the Oberster Gerichtshof – Austria) – Verein für Konsumenteninformation v Koninklijke Luchtvaart Maatschappij NV**

(Case C-45/24, <sup>(1)</sup> Verein für Konsumenteninformation (Commission collected by an intermediary))

*(Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 8(1) – Reimbursement of the price of a ticket in the event of cancellation of a flight – Commission collected by a person acting as an intermediary between the passenger and the air carrier when the ticket was bought – Conditions for inclusion – Amount of commission allegedly fixed without the air carrier’s knowledge – Burden of proof)*

(C/2026/1173)

Language of the case: German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Applicant:* Verein für Konsumenteninformation

*Defendant:* Koninklijke Luchtvaart Maatschappij NV

**Operative part of the judgment**

Article 8(1)(a) of 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, read in conjunction with Article 5(1)(a) thereof,

must be interpreted as meaning that the price of the airline ticket to be taken into consideration for the purpose of determining the amount of 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 that air carrier, which corresponds to a commission collected by a company acting as an intermediary, without that air carrier being required to know the exact amount of that commission.

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<sup>(1)</sup> OJ C, C/2024/2730.