

E-ticket voucher not a valid ticket

20 May 2020 | Contributed by [Arnecke Sibeth Dabelstein](#)

Introduction
Facts
Decision
Comment

Introduction

A recent Eilenburg Local Court decision⁽¹⁾ highlighted that a booking or reservation confirmation issued to a passenger by a tour operator with whom a flight has been booked should not necessarily be regarded as a confirmed booking under Article 3(2)(a) of the EU Flight Delay Compensation Regulation (261/2004), even if the booking is referred to as an 'e-ticket voucher' (contrary to the Hamburg Local Court decision of 12 July 2018, 22a C 296/17).

The decision underlines that the burden of proof for the existence of a confirmed booking will be borne by the passenger.

Facts

The plaintiff demanded compensation from the defendant, an air carrier, under the EU Flight Delay Compensation Regulation. The plaintiff had booked a two-week trip to Southeast Asia with a tour operator and had received a travel confirmation from the operator. This included an e-ticket voucher. However, the voucher did not originate from the defendant. On the day of the planned flight, the plaintiff was refused carriage by the air carrier as she had not been booked on the flight. The plaintiff demanded €600 in compensation for having been denied boarding.

Decision

The local court dismissed the action as the defendant had not made a confirmed booking. The e-ticket voucher neither proved that the tour operator had made a reservation request to the defendant, nor that the defendant had confirmed the booking.

Article 3(II)(a) of the EU Flight Delay Compensation Regulation explicitly requires a 'confirmed booking', which can be made only by an air carrier. The plaintiff was unable to provide any evidence of this. The scope of application of the EU Flight Delay Compensation Regulation thus had not been opened.

Comment

The judgment is correct and strengthens the position of airlines. The plaintiff would probably have done better to direct her claim to the direct contractual partner (the tour operator) and not to the air carrier.

For further information on this topic please contact [Carsten Vyvers](#) at Arnecke Sibeth Dabelstein by telephone (+49 69 97 98 85 0) or email (c.vyvers@asd-law.com). The Arnecke Sibeth Dabelstein website can be accessed at www.asd-law.com.

Endnotes

(1) Eilenburg Local Court decision of 2 October 2019, Case 11 C 299/19.

AUTHOR

[Carsten Vyvers](#)

