

## Rechtsprechung

### Rechtssachenbeschreibung

**Nationale Kennung:** 12 O 7134/11

**Mitgliedstaat:** Deutschland

**Gebrauchliche Bezeichnung:** N/A

**Art des Beschlusses:** Gerichtsbeschluss im Rechtsmittelverfahren

**Beschlussdatum:** 19/04/2011

**Gericht:** Landgericht München

**Betreff:**

**Kläger:**

**Beklagter:**

**Schlagworte:** consumer rights, terms and conditions

### Artikel der Richtlinie

Price Indication Directive, [Article 2, \(a\)](#) Price Indication Directive, [Article 3, 1.](#) Unfair Contract Terms Directive, [Article 3, 1.](#)

### Leitsatz

The clause "If there is an increase in a tax, charge, or levy indicated in the Ticket, you will be required to pay it before the flight" contained in general terms and conditions directed at consumers is invalid, because it does not constitute a fair balance of interests between the interests of the defendants and their customers and discriminates against the customer unreasonably.

### Sachverhalt

The defendant is the German branch of a business selling airline tickets online. The general business terms contain the following clause: "If there is an increase in a tax, charge, or levy indicated in the Ticket, you will be required to pay it before the flight."

### Rechtsfrage

Is the clause "If there is an increase in a tax, charge, or levy indicated in the Ticket, you will be required to pay it before the flight" contained in general terms and conditions directed at consumers valid under German law and the Directive?

### Entscheidung

The court ruled that the clause is not valid under German law and the Directive. The clause contains the possibility of a price adjustment. It allows the defendant to adjust an agreed fee without the contracting party being given the opportunity to resolve the contract upon adjustment. It binds the customer to the adjusted fee regardless of the extent of increase. This regulation does not constitute a fair balance of interests between the interests of the defendants and their customers and discriminates against the customer unreasonably.

URL: <http://openjur.de/u/490663.html>

Volltext: [Volltext](#)

### Verbundene Rechtssachen

Keine Ergebnisse verfügbar

### Rechtsliteratur

Keine Ergebnisse verfügbar

### Ergebnis

The appeal was successful. The application for an interim injunction was granted.