12 July 2016: Hotel booking platforms

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**The *Autorité de la concurrence* launches, in collaboration with 9 national competition authorities and the European Commission,
a survey among hoteliers in order to assess the effects of the remedies implemented
in Europe in the hotel booking platforms sector.**



> *Version française*

Background

Following the investigation steered by several national competition authorities, certain online booking platforms have modified the parity clauses in their contractswith hotels. These clauses wererestraining their commercial and tariff freedom by prohibiting hotels using online booking platforms to display lower night stay prices on other hotel distribution channels.

Thus, in France, Booking.com has committed before the *Autorité de la concurrence* to modify its parity clauses as of 1st July 2015 to restore hotels' commercial and tariff freedom[1]. As a reminder, this procedure occurred in the perspective of a reinforced European cooperation. Swedish, Italian and French authorities have worked together, in close coordination with the European Commission, to obtain similar commitments from Booking.com in each of these countries.

The commitments taken enable hotels to offer lower prices on platforms from Booking.com's competitors, as well as via direct off-line canals (telephone, e-mailings, instant messaging, physical outlets from travel agency, etc.) and a part of their online canals. These commitments have also given hotels the ability to

manage their availability and to allocate Booking.com a number of night stays below the one offered to the other platforms and/or on their own canals. For more details, see the press release of 21 April 2015.

Besides, Booking.com has extended the implementation of the commitments underwritten before the Italian, Swedish and French competition authorities, to the entirety of the European Economic Area (EEA) as of 1st July 2015[2] .

The Macron Law of 6 August 2015 henceforth prohibits any clause restricting tariff freedom of the hotel, allowing hotels to equally offer on their website prices lower than those offered by online booking reservation platforms.

Along with these measures, other remedies have also been adopted in some Member States of the Union[3] .

Formation of a working group to examine the effects of the different remedies adopted in Europe

In order to assess the effects of the different remedies implemented in the European Union, the *Autorité de la concurrence* is actively involved with 9 other national competition authorities[4] and the European Commission in a working group responsible for this unprecedented assessment. Within this framework, questionnaires will be submitted to hoteliers of these 10 countries under a homogenised methodology.

A survey conducted among hoteliers

This questionnaire is transferred to a range of representative hotels through electronic survey. The hotels wishing to participate while not being on part of the selected hotels, can answer it as well. The submission deadline is set to 8 August 2016. The survey is available online via the following link: https://ec.europa.eu/eusurvey/runner/EUSurveyADLC02.

The answers to this questionnaire will be processed confidentially and will only be used to assess the effects of the recent changes made in the online hotel booking sector. They may not be used as evidence in the ongoing or upcoming investigations engaged by the participating competition authorities. Any report concerning the restitution of group works will only contain anonymised and

aggregated data.
The working group should issue its conclusions by the end of the year.

An assessment of Booking.com's commitments before 1st January 2017

Alternatively to the working group's progress, the Autorité de la concurrence will proceed before 1st January 2017, in accordance with the schedule announced in the decision 15-D-06 on Booking.com's parity clauses, to the assessment of Booking.com's commitments' efficiency within the framework of a contradictory review point.

[1] See decision 15-D-06 of 21 April 2015.
[2] Procedures relating to Expedia and HRS are still ongoing.
[3] In Germany, the Bundeskartellamt has, in two decisions, prohibited all parity clause in contracts signed between HRS, Booking.com and their partner hôtels.
[4] The competition authorities of Member States of the European Union participating in this survey: Germany, Belgium, France, Hungary, Ireland, Italy, the Netherlands, Czech Republic, the United Kingdom and Sweden

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