



Press Release

Date

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COMCO prohibits anticompetitive contract clauses by hotel booking platforms

Berne, 6/11/2015 – The Competition Commission (COMCO) has closed its investigation against Booking.com, Expedia and HRS. COMCO prohibits the conduct of suppliers of booking platforms to extensively restrict hotels in their own supply policy. The contract conditions, which were recently modified by Booking.com and Expedia, do not fall under said prohibition. However, COMCO reserves the right to eventually a new investigation in this regard, if necessary.

The investigation, which was opened on 11 December 2012 mainly concerned the contract clauses that were demanded from the platforms, whereby hotels are not allowed to offer lower prices or a large quantity of rooms on any other distribution channel. Therefore, hotels cannot offer more profitable deals on distribution channels with lower commissions. COMCO considers the application of such comprehensive contractual clauses as a violation of the Cartel Act and has prohibited their application in its provision of 19 October 2015.

Recently, Booking.com and Expedia have introduced less restrictive provisions in Europe. Due to lack of significant empirical value, the final assessment of the modified provisions, in regard of the Cartel Act, is not yet possible. COMCO reserves the right to monitor the developments on the market and, if necessary, to open a new investigation.

Booking.com and Expedia are prohibited to reintroducing the unlawful contractual clauses. HRS is obliged to apply the appropriate modifications. COMCO will not impose a sanction on the involved undertakings, as their conduct does not fall under the category of practices with direct sanctions. Indications of a possible abuse of a dominant position on the market were not substantiated.

The decision of COMCO can be appealed before the Federal Administrative Court.

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