



### **Distribution Working Group**

Thursday, 20 November 2025 – 10:00-12:00

**Online - Zoom meeting can be accessed [here](#)**

**Chair: Markus Luthe (IHA, Germany)**

### **Agenda**

Members are invited to note the Antitrust statement

1. Welcome by the Chair and adoption of the agenda
2. Discussion on Digital Markets Act – Google
  - Update on latest developments
  - Discussion & next steps
3. Compliance with Digital Markets Act – Booking
  - Update on latest developments
  - Discussion & next steps
4. ECJ judgment C-264/23 “Booking.com” - Private damages actions by European hotels
  - Update and discussion
5. Tour de table: recent developments with platforms at national level and EU level
6. HOTREC’s annual distribution study
  - Discussion & timeline
7. The DMA’s path forward: review, compliance, and beyond – Speaker from the European Commission’s DMA Task Force **(TBC)**

## Reading material

### 1. Discussion on Digital Markets Act – Google

In early September 2023, Alphabet (Google) was designated as a gatekeeper platform under the Digital Markets Act (DMA). As a result, one of its core services, Google Search, is required to comply with the obligations set out in the legislation, including the prohibition of self-preferencing. This requirement is particularly relevant to the hospitality sector, as the current product design tends to disadvantage hotels, especially small and medium-sized enterprises (SMEs), while favoring online travel agencies (OTAs). The visibility of hotels on the search results page is increasingly tied to advertising spend, potentially pushing small independent hotels further down the rankings.

On 19 March 2025, the European Commission issued preliminary findings to Google regarding its compliance with Article 6(5) of the DMA. The changes made to Google Search were found to be non-compliant. More information is available.

On 8 July 2025, the European Commission held a stakeholder meeting where Google presented updated mock-ups. However, these proposals failed to adequately address HOTREC's concerns. Subsequently, on 9 September 2025, HOTREC met with the DMA Task Force, alongside the European Hotel Forum, Airlines for Europe, and the European Regions Airline Association, to highlight the shortcomings of Google's proposed solution.

In October 2025, Google circulated a revised mock-up related to its compliance proposal for hotel listings. While it included some minor improvements, it still does not ensure equal treatment between OTAs and independent hotels. HOTREC is currently preparing input to share with the Commission.

#### Timeline

- Q4 2025 (TBC) – Google's new mock-ups
- May 2026 – European Commission's evaluation of the DMA
- TBC – Possible fine for Google.

### 2. Update on Digital Markets Act (DMA) – Booking

As of 14 November 2024, Booking.com has been subject to the DMA. Notably, the DMA's prohibition on self-preferencing includes a ban on parity clauses, enabling businesses to offer better deals outside the platform. In response, HOTREC issued a [press release](#). However, since then, HOTREC has observed that Booking.com has adopted practices that indirectly discourage hotels from deviating from price and availability parity, effectively circumventing the DMA's intent.



HOTREC has continued to advocate for a thorough review of Booking.com's compliance measures. A detailed [compliance paper on price parity clauses](#) was prepared and shared with the European Commission. On 15 September 2025, HOTREC met with the DMA Task Force, which expressed interest in examining Booking.com's broader commercial strategy and its implications for DMA compliance. HOTREC is supported in this effort by consultancy firm Forward Global, which provides legal and strategic guidance.

Additionally, HOTREC is finalizing a second compliance paper focused on data access and payment practices. This document aims to provide further evidence of Booking.com's non-compliance and will be submitted to the European Commission.

On 24 September 2025, HOTREC submitted its [response to the Commission's consultation on the review of the DMA](#), highlighting, among others, the adverse impact of Booking.com's compliance solutions.

**Timeline:**

- H1 2026 (TBC) – European Commission's decision on Booking.com's compliance.