Minutes of the Distribution Working Group
20 November 2025, Online

Key action points

- HOTREC Secretariat to circulate a confidential paper on Booking.com's non-compliance with the DMA provisions on access to data and payments. DONE
- VISITA to share their findings on the issue related to Booking.com's BSB program.

The list of participants can be found here.
All presentations and additional information can be found on the meeting page here.

Participants gave consent for the meeting to be recorded.

1. **Welcome by the Chair and adoption of the agenda.**

   HOTREC members noted the antitrust statement and approved the draft agenda.

2. **Discussion on Digital Markets Act - Google**

Enrico Girotto (HOTREC) outlines the status of the Google case under the DMA. After being designated as a gatekeeper in 2023 and required to comply by March 2024, Google remains non-compliant according to the Commission's preliminary findings published in March this year. It is still visible that Google is practicing self-preference, adopting an unfair and unequal treatment in relation to direct providers and comparable platforms.

Concerns were also raised regarding Google's AI Search feature. Because the AI-generated summary is the user's first point of interaction, it often provides sufficient information without requiring users to visit the websites. This increases user dependency on Google while reducing visibility and traffic for other online operators. It remains nevertheless unclear to what extent the DMA can tackle this issue.

Markus Luthe (IHA/Germany) noted that the ongoing investigation into Google demonstrates that the European Commission continues to take action.

Enrico Girotto concluded the section by showcasing HOTREC's actions and next steps, including an upcoming meeting with the DMA Task Force on Google's latest compliance solution on November 25.

(Refer to the slides for further details.)

3. **Discussion on Digital Markets Act – Booking.com**

Enrico Girotto (HOTREC) provided an overview of the current situation with Booking.com under the DMA. HOTREC reported that several issues with the platform persist, such as: "indirect" parity practices, limitations on the use of alternative payment services and the withholding of key guest data.

In terms of next steps, HOTREC will:

- submit a paper on Booking.com's alleged non-compliance with the DMA provisions on payments and data access to the Commission's the DMA Task Force.
- conduct a study together with the European Hotel Forum on disparity clauses.

Marie Audren (HOTREC) urged Member States to share information so that national competition authorities are properly alerted with what is being done within HOTREC in the matter.

Enrico Girotto (HOTREC) also raised concerns regarding Booking.com and Expedia's integration into ChatGPT. This shift towards AI solution is likely to adversely affect hotels visibility.

Hotrec members also discussed Booking.com's BSB program which forces hotels to invoice guests even when Booking.com is the actual payer. Opaque commissions mean hoteliers do not know the exact amount paid, often issuing inaccurate invoices, thus creating compliance and fiscal risks.

Markus Luthe (IHA, Germany) acknowledged the need for additional information on this topic due to its potential consequences for taxation and business relationships.

Mattias Svanold (VISITA/Sweden) added that this issue had already been examined in Sweden. He stressed the complexity of the issue due to the unclear contractual structure. According to the documentation, the contractual party is expected to issue the invoice. He emphasized the need for a more in-depth discussion on the matter.

(Refer to the slides for further details.)

4. **ECJ judgement C-264/23 "Booking.com" - Private damages actions by European hotels**

Markus Luthe (IHA/Germany) provided an update on the Booking.com case. The process of converting 15,000 registrations into contracts is underway, though challenges persist: some hoteliers remain reluctant to pursue damages, while others are difficult to reach due to email spam filters. To address this, a 20-person team in Frankfurt is contacting registered hotels by phone, securing onboarding. The collective action is scheduled to launch on 31 January 2026. Meanwhile, the District Court of Amsterdam is expected to rule on 24 December 2025 regarding Booking.com's use of best price clauses, with a similar decision anticipated from the Berlin Regional Court on 16 December 2025.

Agni Christidou (HCH, Greece) noted that competition law proceedings typically require a significant amount of time to reach resolution.

5. **The DMA's path forward: review, compliance, and beyond - European Commission's DMA Task Force**

Denis Sparas, Legal & Policy Officer at the European Commission's DMA unit provided an overview of the DMA's ongoing proceedings initiated by the Commission, new developments, achievements, and preliminary findings from the ongoing review. He recalled that the Commission is required to report every three years to the European Parliament and the Council on the application of the DMA and the experience gained.

(Refer to the slides for further details.)

Markus Luthe highlighted a sector-specific concern, warning that the DMA may produce an unintended consequence: one gatekeeper gaining an advantage from the compliance solution implemented by another gatekeeper. He emphasized that this represents a serious issue for the hospitality industry.

Denis Sparas responded that the Commission is seeking solutions to prevent such effects. He stressed that regulatory dialogue has been ongoing since Booking.com was designated as a

gatekeeper. He stressed that the Commission is also considering engaging directly with accommodation providers to gather their feedback on specific issues related to Booking's DMA compliance.

Enrico Girotto asked about the main challenges the Commission faces in implementing and ensuring compliance with the DMA.

Denis Sparas notes that one major challenge arises when engaging with gatekeepers, particularly regarding obligations that may significantly affect their business models. In such cases, discussions often take on an adversarial tone reminiscent of traditional competition law. He emphasized that constructive dialogue should play a more prominent role in ensuring effective compliance.

Mattias Svanold discussed the process involving compliance workshops and reports, noting that while some gatekeepers have already entered a second reporting cycle, others have not. He recalled that Google and Amazon participated in a second round of compliance workshops over the summer, and asked whether a similar process is expected for Booking.com.

Denis Sparas clarified that Booking.com's reporting obligation is annual and aligned with its designation timeline. Since Booking was designated in November, its second compliance report is expected later this month. He encouraged members to provide feedback on the compliance reports and to share any views during the process. He further noted that the Commission is considering changes to the format of future workshops.

6. **Tour de table: recent developments with platforms at national level and EU level**

Markus Luthe informed members that the Dutch Advertising Code Committee (RCC) upheld a complaint by the German Hotel Classification against Booking.com's presentation of star ratings. The RCC ruled that the platform's use of stars without clarifying the underlying criteria is misleading under Article 7 of the Dutch Advertising Code. These stars are not official HSU classifications and often rely on self-reported data, potentially influencing booking decisions and misinforming consumers about hotel quality.

7. **HOTREC's annual distribution study**

Enrico Girotto (HOTREC) provided a brief update on the upcoming iteration of the HOTREC Distribution Study, conducted every 2 years, to gather valuable data on key topics, including AI adoption, undercutting, multi-sourcing, and OTA's online payment services. The survey is scheduled to launch in February next year.

(Refer to the slides for further details.)

The Chair of the group thanked the participants and closed the meeting.