



## French competition chief says Europe learned from Booking.com case – St Gallen ICF

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- EU's Booking.com experience provides a new way to handle digital cases
- French Competition chief de Silva sees earlier and increased role for EC
- 'It was interesting to try, to fail and to see what is effective' – de Silva

Lessons learned from the Booking.com investigation will help the European Competition Network (ECN) develop a fast-track procedure for similar digital cases best handled at the European Commission (EC) level, according to the president of the French competition authority.

Isabelle de Silva, the president of the French competition authority, speaking in St Gallen today (28 April), called the Booking.com investigation an occasion for national competition authorities (NCAs) to develop new ways to interact.

"For the first time the EC and the NCAs could look at the effect on the market of several decisions," she said. De Silva was speaking at a panel -- which brought together the heads of the national competition authorities of France, the UK, Belgium, Switzerland and Lithuania -- at the International Competition Law Forum in the Swiss town of St Gallen.

In April 2015, competition authorities in France, Italy and Sweden accepted the platform's commitments not to impose "wider parity clauses" which prevent a hotelkeeper from offering better conditions to other online travel agents.

Regulators said the company could retain its narrow clauses, however, which prohibited the hotelkeepers from offering cheaper rooms on their own websites.

Booking.com started applying these commitments across Europe, but in December 2015, the German authority banned the parity clauses outright.

A joint evaluation on the different commitments by 10 national competition authorities, under the aegis of the European Competition Network (ECN), was to come with a unified position.

But in the final report of that evaluation, published this month, the EC did not take a position in favour of one or the other solution.

"It was interesting to try, to fail and to see what is effective," de Silva said, adding that in her view there has not been a "major ECN failure."



Sector: Other  
Topics: Agencies

Grade: Confirmed

Companies  
Booking.Com BV

Agencies  
European Commission - Directorate General For Competition (EC - DG Comp)  
French Competition Authority - Autorité De La Concurrence  
European Commission  
International Competition Network  
European Union

There are no files associated with this Intelligence

The French competition chief proposed a “new fast-track procedure for digital cases, where we try to identify very fast cases where the best allocation would not be at NCA but at EC level,” she said.

Everybody is well aware – especially at EC level – that another similar case would require a different solution, and maybe the EC would take this issue at its level, she added.

She noted that the work of the competition authorities was complicated by national legislative initiatives which banned the parity clauses altogether.

Since the case involved a new digital platform, it sparked a lot of political interest, she said.

In February, Belgium was the fifth country in the EU to draft legislation prohibiting parity clauses. In France, the so-called Macron law soon overturned the country’s competition authority’s acceptance of Booking.com’s commitments.

by Simon Van Dorpe in St Gallen

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