

REMEDIES

ON THE CASE No. 11/01/10-41/2019

December 29, 2020

Moscow

The Commission of the Federal Antimonopoly Service for consideration of the case on violation of the antimonopoly legislation No. 11/01/10-41/2019 consisting of: <...> (hereinafter – the Commission),

guided by the Article 23, Part 1 of the Article 39, Part 4 of the Article 41, Article 50 of the Federal Law No. 135-FZ of July 26, 2006 "On Protection of Competition" (hereinafter – the Law on Protection of Competition), on the basis of its ruling of <...> 2020 on the case No. 11/01/10-41/2019 on the grounds of violation by Booking.com B.V. (Herengracht 597, 1017 CE, Amsterdam, Netherlands) of the Paragraph 3 of the Part 1 of the Article 10 of the Law on Protection of Competition,

ORDERS:

Booking.com B.V. (Herengracht 597, 1017 CE, Amsterdam, Netherlands) by February 15, 2021 eliminate the violation of the Paragraph 3 of the Part 1 of the Article 10 of the Law on Protection of Competition, expressed in the imposition on accommodation facilities operating within the territory of the Russian Federation of unfavorable terms of Partnership Agreement with Booking.com B.V. (agreement with accommodation facility), Terms and Conditions of Booking.com B.V., Preferred Partner Programme concluded between Booking.com B.V. (authorized person) and accommodation facilities, related to the compulsory provision of and compliance with the price, room, facilities parity clauses in all hotel services sales (distribution) channels (metasearch, travel agencies, other aggregators, accommodation facilities websites etc.), as well as related to terms of interaction between accommodation facilities and closed user groups, which lead to (may lead to) prevention, restriction, elimination of the competition in the market of the services of accommodation facilities information aggregators, as well as to infringement of the interests of accommodation facilities in the field of business activity, namely:

1. Terminate compulsory provision of and compliance with the price, room, facilities parity clauses in all sales (distribution) channels of hotel services (online and offline) (metasearch, travel agencies, other aggregators,

accommodation facilities websites, reception desk, phone etc.) on the part of accommodation facilities.

2. Exclude from Terms and Conditions of Booking.com B.V. and Preferred Partner Programme compulsory price, room, facilities parity clauses in all sales (distribution) channels of hotel services (online and offline) (metasearch, travel agencies, other aggregators, accommodation facilities websites, reception desk, phone etc.).
3. Exclude from Terms and Conditions of Booking.com B.V the provision on the terms of interaction between accommodation facilities and closed user groups.
4. Notify accommodation facilities providing hotel services with which Booking.com (authorized person) is bound by applicable contracts (agreements) on amendments specified in the Paragraphs 1-3 of the Remedies.

Notify the FAS Russia on the fulfillment of the Remedies no later than five days from the date of its fulfillment with the attachment of supporting documents

<...>