

PRESS RELEASE – for immediate release

15 February 2019

**ETTSA WELCOMES THE COMPROMISE REACHED BY THE EU INSTITUTIONS ON THE PLATFORMS-TO-BUSINESSES REGULATION. THE NEW TEXT WILL FOSTER TRANSPARENCY AND CREATE A HARMONIZED REGULATORY FRAMEWORK.**

**This Regulation will provide more transparency on the terms and conditions binding platforms and business users while making clear that trading practices covered by the Regulation, such as MFN or parity clauses, have a legitimate purpose. The Regulation will also bring us closer to a level playing field with dominant online search engines, provided that the Commission combines its implementation with adequate enforcement of competition rules.**

Regarding MFN or parity clauses, the Regulation clearly acknowledges, once again, that they are legitimate to defend investments against free-riding and can create efficiencies for consumers. Any restrictions of these clauses need to be assessed under competition law on a case by case basis. Banning them would have been neither justified nor proportionate under EU law, as clearly established by the Impact assessment but also by the EU competition authorities after several years of investigation<sup>1</sup>. The additional restrictions on such clauses that have been adopted in Austria, Belgium, France and Italy under national laws are therefore in breach of Union law and will now need to be amended. ETTSA welcomes that a consolidated Digital Single Market approach has now been established and calls upon the four countries mentioned to swiftly align with the EU regulatory framework and the Commission to take any necessary action in this regard.

ETTSA also welcomes the positive steps forward in the text regarding the obligations imposed to the online search engines as to the information or the advertising services available through their platforms. It is widely known, and acknowledged by the Commission, that certain online search engines use their dominant position to favor their own travel search products over those of competitors, to the detriment of the consumers. This new set of obligations will contribute to ensure a level playing field between the travel search products of the online search engines and those of their competitors and will complement the enforcement of competition rules by the Commission. In this regard, ETTSA also encourages the Commission to conclude its ongoing relevant investigations.

*“We welcome the adoption of the text by the EU policymakers. It sets the right balance to face the many challenges and opportunities created by the emergence of the platform economy. The text clearly establishes that MFN or parity clauses are fully compliant with EU law and we now call upon Austria, Belgium, France and Italy to amend accordingly their national laws. It also rightly tackles the issue of the distorting practices implemented by certain online search engines to favour their own products and services”* says Emmanuel Mounier, Secretary General of ETTSA.

For further information please contact Emmanuel Mounier, +32 499 80 13 74, [emounier@etsa.eu](mailto:emounier@etsa.eu)

---

<sup>1</sup> According to the European Competition Network, restrictions on wide parity clauses for the booking of hotel accommodation can be justified but additional restrictions on narrow parity clauses are not justified as such clauses have actually a positive effect on competition. The conclusions of the ECN led to commitments by ETTSA members on the removal of wide parity clauses, implemented since 2016.

**Notes to editors**

The European Technology and Travel Services Association represents and promotes the interests of travel technology companies in Europe, including global distribution systems (GDSs), online travel platforms and metasearch sites. The association, based in Brussels, encourages and supports full transparency, fair competition and consumer choice in the travel distribution chain.

ETTSA's members include Amadeus, Booking.com, Expedia, eDreams Odigeo, Sabre, Travelport. Associate members include SkyScanner, TripAdvisor and American Express GBT. Strategic Partners include Lastminute.com, etraveli, Travix, Travegenio, Hitrail, OAG and Carlson Wagonlit Travel.