

Commitments

Booking.com B.V. (“**Booking.com**”) of Herengracht 597 Amsterdam 1017CE Netherlands voluntarily commits to the following:

- where applicable, not to continue or repeat any conduct which contravenes with these commitments made;
- not to engage in such conduct in the course of its accommodation business;
- not to consent to or connive in the carrying out of such conduct by a subsidiary in the course of its accommodation business
- to comply with all the measures set out in these commitments
- to apply these measures in all EU and EEA countries.

Booking.com will implement these commitments at the latest by 16 June 2020.

The commitments aim at Booking.com being compliant with the requirements of the Directive 2005/29/EC on Unfair Commercial Practices (“UCPD”). For the avoidance of doubt, these commitments do not amount to an admission that Booking.com has infringed the law.

DEFINITIONS

Access route means a way for a user of the website to access information, including but not limited to links, pop-ups and hover text.

Accommodation means any separately listed lodging, including but not limited to hotels, hostels, bed and breakfasts, guesthouses, vacation rentals, and holiday apartments.

Accommodation business means providing online search and standalone booking of Accommodation.

Accommodation provider means any business or entity making one or more accommodations available to book through the website by consumers.

Booking conditions mean the non-price conditions on which a room is made available to a consumer, including but not limited to whether or not cancellation is available, and on what terms, the timing of the payment and whether breakfast, early check-in or late check-out or other ancillary amenities are made available without an additional charge.

Clear and clearly means that information must be available in clear words, easily understandable, accurate and not misleading, both by action or by omission.

Destination means a location, i.e. a particular city, country or another subset thereof (such as a region) which a consumer can input in the search criteria on the Website.

Discount means a reduction to the standard rate price.

Offer price means a price for a specific accommodation, room type and booking condition, that is bookable on the website.

Pre-determined slot means a specific slot, reserved for or allocated in advance for selected accommodations.

Position means the place at which an accommodation appears in the ranking or search results.

Prominent and prominently means information must be presented so that it is

- noticeable to consumers in a font, size, colour and position to enable the consumer to easily identify, read and understand the information, including as compared with other information on the page and
- does not require the user to take any action to access the information.

Ranking means the relative prominence given to an accommodation in the search results.

Search results means the list of accommodations presented on the websites after consumers input their search criteria (e.g. one or more of destination, stay dates, room type, booking conditions and occupancy level).

Standard rate price means a genuinely available price for an accommodation matching all of the consumer's search criteria, including but not limited to the destination, stay dates, room type, booking conditions and occupancy level searched for.

Static text means text (or other information) which is automatically displayed on the face of the Website without the need for any triggering action from the consumer.

Total price means the total price payable by the consumer, including all unavoidable charges, fees and taxes that are reasonably calculable in advance based on the search criteria, including but not limited to service-, cleaning- and resort fees, and local taxes and that a consumer is obliged to pay, whether up front at the time of booking or otherwise at the accommodation.

Website means www.booking.com. Unless otherwise agreed with CPC Authorities, the requirements of these commitments will also apply equally to any other internet-based site,

platform or facility (in any form, including but not limited to 'mobile' and 'App' based formats) operated by or on behalf of Booking.com in connection with online accommodation booking services and which is directed in any way to EU/EEA consumers.

TRANSPARENCY ON SEARCH RESULTS

Consumers must be able to distinguish between the different listings on the search results page. To ensure that consumers are not misled, they must be informed about how the search results are ranked and if payments made by the accommodation provider to Booking.com have influenced the position of an accommodation.

If payments made may affect the position of an accommodation, Booking.com should:

1) *include an explanation, that payments may affect the ranking of search results, in a clear and prominent way in a static text*

- a. on the same webpage, screen or equivalent as the search results; or
- b. on any webpage, screen or equivalent where a consumer can carry out a search for accommodations; or
- c. on a webpage, screen or equivalent presented during the period from when the consumer carries out a search for accommodations until immediately before the consumer is presented with the search results;

and provide further details about how money paid by the accommodation provider may affect the position via an appropriate access route.

2) *ensure that listings guaranteed to appear in a specific pre-determined slot on the results page solely as a result of extra payments made to Booking.com are:*

- a. clearly and prominently labelled as such; and
- b. differentiated from other listings.

COMPARISONS WITH PRICES IN DIFFERENT CIRCUMSTANCES

To ensure that consumers are not misled by comparisons with prices in different circumstances (e.g. comparisons with prices for different stay dates) or with offers available elsewhere, Booking.com should take the following steps:

- 3) *When making a comparison between the offer price and another price payable in different circumstances Booking.com will not create the impression that the comparison shows a discount. For example, but not limited to, Booking will:*
 - a. clearly and prominently identify and differentiate between the relevant features of the comparison through permanent static text immediately adjacent to the comparison;
 - b. not present the comparison with a strike-through line or any equivalent that is normally used to indicate a discount;
 - c. not use phrases that present the outcome of the comparison as a discount, such as "% off", "reduced", "great deal" or any other equivalent wording that is normally used to indicate a discount; and
 - d. not accompany the comparison with specific value claims (e.g. "great value") that are used to indicate a discount, unless the wording that accompanies these claims refers to the comparison (e.g. "great value as compared to...").

- 4) *Where an accommodation offer is compared with another accommodation offer that is bookable on another site (e.g. on an accommodation provider's or another booking-site), Booking.com will:*
 - a. clearly and prominently identify and differentiate between the two offers, including by clearly and prominently displaying the name of the accommodation provider or booking site in permanent static text immediately adjacent to the comparison;
 - b. clearly provide details of the comparison offer e.g. via an access route;
 - c. take appropriate steps to ensure the offer is genuinely available to book at the time the comparison is made and that the comparison does not become misleading in circumstances where the accommodation offer made elsewhere has changed; and
 - d. not create the impression that the comparison shows a discount, For example, but not limited to, Booking.com will:
 - avoid the comparison, unless it is made between offers with the same stay dates, comparable room types and comparable booking conditions; or
 - clearly and prominently identify and differentiate between the relevant features of the two, through permanent static text immediately adjacent to the comparison and by taking into account 3b-3d.

DISCOUNTS

To ensure that consumers are not misled and that price comparisons that are presented as a discount represent a genuine saving for consumers, Booking.com will take the following steps:

- 5) *When showing a discount, set either by Booking.com or by the accommodation provider, Booking.com will provide details about what the Standard rate price refers to via an appropriate access route.*
- 6) *Where a discount is set by Booking.com, Booking.com will take all steps that are reasonably practicable to ensure that the price used as a comparator is the Standard rate price that a consumer would have genuinely had to pay in circumstances matching their search criteria.*
- 7) *Where the discount is set by the accommodation provider, Booking.com will:*
 - a. refer the accommodation provider to the applicable law or national guidelines, if available;
 - b. put in place appropriate mechanisms to ensure that the offered price is the standard rate price and is genuinely payable, such as regular audits or other technical means available to Booking.com; and
 - c. take appropriate action to ensure compliance when an accommodation provider's Standard rate prices were not genuine prices.

DISPLAYING THE TOTAL PRICE

Consumers must not be misled about the amount they will have to pay, and wherever a price is displayed, the total price must be displayed.

- 8) *In particular, Booking.com must ensure that where:*
 - a. elements of the total price are calculable in a foreign currency, the approximate total must be calculated and included in the total price, and that an explanation of how the amount has been calculated (e.g. the currency exchange rate used) is provided, either via an appropriate access route or clearly and prominently displayed, no later than the stage at which the consumer will complete their booking;
 - b. Booking.com also displays a breakdown of the price, the total price is still displayed clearly and prominently next to the constituent elements;
 - c. a consumer requests that search results are ordered according to price, search results are ordered according to the total price. This will not prevent search results from

being ordered according to non-total price where this is specifically requested by the consumer;

- d. a consumer requests that search results are ordered according to a combination of price together with another criteria (e.g. star rating, customer reviews), Booking.com will use the total price as the price element it uses to ascertain the order of the search results; and
- e. a consumer has selected optional extra products or services, thereafter Booking.com will include the cost of these in the price displayed to consumers.

STATEMENTS ABOUT POPULARITY, AVAILABILITY, AND PRICE

9) *Booking.com must ensure that statements made on the website about the popularity and availability of accommodation must:*

- a. be clear;
- b. disclose the assumptions, limitations and qualifications that are relevant to the statement; and
- c. be substantiated by Booking.com's data.

10) *In particular:*

- a. if a statement is not based on real time data it must disclose the time period to which the statement relates (e.g. "in the last x minutes") in at least the same format, and as clearly and prominently, as that used to display the statement. For example, if the statement is displayed in permanent static text, the time period to which the statement relates must also be displayed by way of permanent static text;
- b. if statements about the number of users viewing, booking or searching for a destination, accommodation or room type do not relate to the same destination, accommodation, stay dates or other search criteria selected by the consumer then this must be explained in at least the same format, and as clearly and prominently, as that used to display the statement;
- c. statements about the availability of accommodation or room types for a destination must state in at least the same format, and as clearly and prominently, as that used to display the statement that this represents the availability on the website; and
- d. statements about the number of available rooms in an accommodation must include any applicable qualifications (e.g. that the statement only applies to rooms available at a particular offer price or of a particular type and not to all rooms).

TIME LIMITED OFFERS

- 11) *Booking.com will take steps to ensure that it does not present an offer price as being time limited in circumstances where the offer price will continue to be made available after the expiry of the stated period, including but not limited to the steps set out below.*
- 12) *Booking.com will:*
 - a. refer the accommodation provider that submits such offer price to these principles; and
 - b. put in place appropriate mechanisms to ensure that the offer price will not continue to be available after the expiry of the stated period. Such mechanisms may include, but are not limited to, appropriate audit mechanism or other technical means available to Booking.com.
- 13) *Booking.com will ensure that the presentation of non-time limited offer prices does not include countdown timers or other messages or graphics which imply there is a deadline after which the offer price will no longer be available.*
- 14) *A previously time limited offer price can be available on the website at a future time provided that:*
 - a. the offer price was not presented as a unique offer that would not be repeated; and
 - b. a reasonable period of time has elapsed after the expiry of the stated time period.

SOLD-OUT ACCOMMODATION

- 15) *Booking.com should not include sold-out accommodations in pre-determined slots in search results. This does not prevent Booking.com from including sold-out accommodations in search results:*
 - a. if absent the ranking system specifically placing sold-out accommodations in pre-determined slots, the ranking system should ordinarily place that accommodation in the same position, or where this is not possible, a substantially similar position had it not been sold out, based on the search criteria; or
 - b. where this is not possible, the position of a sold-out accommodation is appropriate within the search results based on the search criteria; or
 - c. unless included in search results, sold-out accommodations only appear after all listings that are available to book.

IDENTIFICATION OF TRADERS AND/OR PRIVATE HOST PEERS

Consumers must be able to distinguish whether an accommodation is offered by a private or a professional host (a trader) from the very first moment a property is presented to them. Whenever the nature of the host is not obvious or self-evident (e.g. from the name or other explicit characterisations of the accommodation), Booking.com should find an adequate solution to differentiate between the two categories of hosts (private or professional) in a clear and prominent way.