

Pomery, Simon

From: Pomery, Simon
Sent: Friday, 19 August 2016 12:19 PM
To: 'Wouter Groenewold'
Cc: Fleming, Richard; Scott, Tim
Subject: TRIM: RE: ACCC letter - Booking.com [SEC=UNCLASSIFIED]
Attachments: ACCC letter to Booking.com re confirmation of commitments - 19 August 2016.pdf

HP TRIM Record Number: D16/121456

Security Classification:
UNCLASSIFIED

Dear Mr Groenewold

Please find attached a letter from Mr Richard Fleming, General Manager of Enforcement ACT, regarding the confirmation of the commitments made by Booking.com.

Kind regards

Simon

Simon Pomery
Assistant Director | Enforcement ACT
Australian Competition & Consumer Commission
23 Marcus Clarke Street Canberra 2601 | <http://www.accc.gov.au>
T: 02 6243 4983

From: Wouter Groenewold [mailto:wouter.groenewold@booking.com]
Sent: Wednesday, 17 August 2016 5:55 AM
To: Pomery, Simon
Cc: Fleming, Richard; Scott, Tim
Subject: RE: ACCC letter - Booking.com [SEC=UNCLASSIFIED]

Dear Mr Pomery,

Thank you for this window, we agree to this approach.

We highly appreciate the opportunity you grant us.

We have started informing our accommodation partners of the contemplated amendment of the contract.

Best regards,
Wouter

Wouter Groenewold
Associate General Counsel / Compliance & Ethics Officer

Booking.com International B.V.
Herengracht 597
1017 CE Amsterdam
The Netherlands

T (direct) +31 20 713 3571
T (general) +31 20 712 5600
M +31 6 5134 7667

E wouter.groenewold@booking.com
I www.booking.com

From: Pomery, Simon [<mailto:simon.pomery@acc.gov.au>]
Sent: Tuesday, August 16, 2016 9:25 AM
To: Wouter Groenewold
Cc: Fleming, Richard; Scott, Tim
Subject: RE: ACCC letter - Booking.com [SEC=UNCLASSIFIED]

Dear Mr Groenewold

Further to your letter dated 10 August 2016, we can confirm the following addition information:

1. The ACCC intends to provide an advanced copy of its proposed media statement 72 hours prior to its intended publication, to provide Booking.com with the opportunity to comments on any incorrect or misleading statements it may contain. The ACCC has made the same commitment to Expedia.
2. The ACCC confirms that it's intention is for both Booking.com and Expedia to commence the commitments on 1 September 2016.

In relation to both these points, it is our expectation that the ACCC's media statement will be the first public announcement regarding the agreement by Booking.com and Expedia to amend their contracts, to ensure a clear and consistent message is conveyed to the Australia accommodation industry.

Can you confirm that Booking.com agrees to this approach.

Kind regards

Simon

Simon Pomery
Assistant Director | Enforcement ACT
Australian Competition & Consumer Commission
23 Marcus Clarke Street Canberra 2601 | <http://www.accc.gov.au>
T: 02 6243 4983

From: Wouter Groenewold [<mailto:wouter.groenewold@booking.com>]
Sent: Wednesday, 10 August 2016 11:52 PM
To: Fleming, Richard
Cc: Scott, Tim; Pomery, Simon
Subject: RE: ACCC letter - Booking.com [SEC=UNCLASSIFIED]

Dear Mr Fleming,

Please find attached our confirmation (with a small clarification in the commitments (see the markup document) to avoid confusion or misunderstanding on the scope and interpretation of the commitments).

We will roll out the amendment of the existing contracts and update the template general delivery terms for new partners within the coming days in order to have the commitments in place and effective as per 1 September 2016.

I trust to have informed you sufficiently.

Yours sincerely,

Wouter Groenewold
Associate General Counsel / Compliance & Ethics Officer

Booking.com International B.V.
Herengracht 597
1017 CE Amsterdam
The Netherlands

T (direct) +31 20 713 3571
T (general) +31 20 712 5600
M +31 6 5134 7667
E wouter.groenewold@booking.com
I www.booking.com

From: Fleming, Richard [<mailto:richard.fleming@accc.gov.au>]
Sent: Wednesday, August 03, 2016 9:19 AM
To: Wouter Groenewold
Cc: Scott, Tim; Pomery, Simon
Subject: ACCC letter - Booking.com [SEC=UNCLASSIFIED]

Good morning Mr Groenewold

Please find our letter attached.

Kind regards

Richard

Richard Fleming
General Manager | Enforcement ACT
Australian Competition & Consumer Commission
23 Marcus Clarke Street Canberra 2601 | <http://www.accc.gov.au>
T: +61 2 6243 1278 | M: +61 437 275 905 | F: +61 2 6243 1047

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Australian
Competition &
Consumer
Commission

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

www.accc.gov.au

Our ref: CS1000133
Contact officer: Simon Pomery
Contact phone: (02) 6243 4983

19 August 2016

Mr Wouter Groenewold
Associate General Counsel
Booking.com International B.V.

By email: wouter.groenewold@booking.com

Dear Mr Groenewold

Re: Booking.com Use of Parity Clauses

I refer to your correspondence dated 10 August 2016 where you confirmed that Booking.com is willing to accept the commitments set in the letter from Mr Marcus Bezzi dated 3 August 2016¹ and implement the commitments for Australian properties before 1 September 2016.

On the basis of these commitments, the ACCC confirms that will close its investigation into this matter following the successful implementation of the commitments by Booking.com from 1 September 2016.

As per the ACCC letter dated 3 August 2016, I request that Booking.com provide the ACCC with copies of amended or new contracts with Australian accommodation providers, as well as any communication to accommodation providers regarding the changes resulting from implementation of the commitments, as soon as practicable, but no later than 7 September 2016.

I can also confirm that the ACCC will send Booking.com an advanced copy of its proposed media statement 72 hours prior to its intended publication.

If you wish to discuss this matter further, please feel free to contact me by phone on (02) 6243 1278 or by email richard.fleming@acc.gov.au.

Yours sincerely

Richard Fleming
General Manager
Enforcement ACT

¹ Reference to the commitments includes the definitional amendments made by Booking.com, which were attached to Booking.com's letter dated 10 August 2016.