

VARIATION TO UNDERTAKING TO THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B

BY

Airbnb Ireland UC (Ireland Company Registration Number 511825)

1. Person giving the Undertaking

- 1.1 This variation is given to the Australian Competition and Consumer Commission (**ACCC**) by Airbnb Ireland UC (Ireland Company Registration Number 511825) (**Airbnb Ireland**).

2. Background

- 2.1 On 20 December 2023, the ACCC accepted an Undertaking pursuant to section 87B of the *Competition and Consumer Act 2010* (Cth) from Airbnb Ireland (**Undertaking**).
- 2.2 On 5 February 2024, the ACCC accepted a variation to the Undertaking updating details about the appearance and operation of the portal through which eligible consumers may claim compensation and of the communications to be sent to those consumers.
- 2.3 As a result of additional quality assurance checks undertaken, Airbnb Ireland has on or before 17 May 2024 identified:
- (a) A cohort of additional Relevant Users who are in Class 1, Class 2 or Class 3 but who were not previously identified as falling within one of these classes; and
 - (b) certain users within Class 1, Class 2 or Class 3 who have additional Relevant Reservation(s) for which they are also entitled to receive compensation.
- 2.4 The purpose of this variation is to provide for any:
- (a) Relevant Users which were not identified by Airbnb Ireland at the time it first sent communications to Relevant Users pursuant to paragraph 6.2 of the Undertaking (including those described at paragraph 2.3(a)), to be included in the remediation program the subject of the Undertaking; and
 - (b) Relevant Reservations by Relevant Users that were not identified by Airbnb Ireland at the time it first sent a communication to those Relevant Users (including those described at paragraph 2.3(b)), to be paid or to be able to claim compensation for those additional reservations.

- 2.5 The ACCC is satisfied that the variation sought is appropriate in the circumstances.

3. Commencement of this Variation to the Undertaking

- 3.1 This Variation comes into effect when:
- (a) The Variation is executed by Airbnb Ireland;
 - (b) The Variation is executed by the Chair, and
 - (c) The ACCC accepts the Variation so executed.

4. Variation to Undertaking

4.1 The Undertaking is varied as follows:

(a) A new paragraph 4.2(i) is inserted as follows:

- (a) Identified Additional Relevant User: a Relevant User in Class 1, Class 2 or Class 3 identified by Airbnb Ireland on or before 17 May 2024, who was not previously identified by Airbnb as falling within one of these classes.
- (b) Identified Additional Relevant Reservation: a Relevant Reservation which falls within Class 1, Class 2 or Class 3 (including by reason of paragraphs 4.2(g) and 4.2(h)) which was identified by Airbnb Ireland on or before 17 May 2024 and after the initial communications in paragraph 6.2 were sent by Airbnb Ireland.
- (c) Additional Relevant User: means any Relevant User in Class 1, Class 2 or Class 3 identified by Airbnb after the initial communications in paragraph 6.2 were sent by Airbnb Ireland, excluding an Identified Additional Relevant User.
- (d) Additional Relevant Reservation: means a Relevant Reservation made by a Relevant User in Class 1, Class 2 or Class 3 that was not identified at the time that Airbnb Ireland sent an initial communication to that Relevant User, excluding an Identified Additional Relevant Reservation.

(b) A new paragraph 6.2A is inserted as follows:

Airbnb Ireland will by no later than the date this paragraph comes into effect:

(a) contact each Identified Additional Relevant User by sending them the following initial communications:

- (i) an SMS text message in the form prescribed in Annexure A (to those users who have a registered mobile phone number with Airbnb);
- (ii) an email sent from the Airbnb domain (airbnb.com) in the form prescribed in Annexure A; and
- (iii) a notification from the Airbnb Platform in the form prescribed in Annexure A.

(b) send an email to each Identified Additional Relevant User:

- (i) in Class 1, in the form prescribed in Annexure B; and
- (ii) in Class 2, in the form prescribed in Annexure C; and
- (iii) in Class 3, in the form prescribed in Annexure D.

(c) Paragraph 6.5(b) is replaced with the following:

a reminder email in the form prescribed in Annexure H; and

- (d) Paragraph 6.6(b) is replaced with the following:

a reminder email in the form prescribed in Annexure I; and

- (e) Paragraph 6.7(b) is replaced with the following:

a reminder email in the form prescribed in Annexure J; and

- (f) A new paragraph 6.3A is inserted as follows:

Airbnb Ireland will by no later than the date this paragraph comes into effect present:

(a) Relevant Users with an Identified Additional Relevant Reservation in Class 1, the email in the form prescribed in Annexure K; and

(b) Relevant Users with an Identified Additional Relevant Reservation in Class 2 or Class 3, the email in the form prescribed in Annexure L.

- (g) Paragraph 6.8 is replaced with the following:

Airbnb Ireland must continue to operate the portal for a period of 160 days after the communications in paragraphs 6.2A and 6.3A are sent.

- (h) A new paragraph 6.8A is inserted as follows:

For the Term of the Undertaking, if Airbnb Ireland receives any claims from users for Relevant Reservations for which the user did not receive an email as prescribed by paragraph 6.3 it will review the claim and assess whether the claim is an Additional Relevant User or Additional Relevant Reservation.

- (i) A new paragraph 6.8B is inserted as follows:

If Airbnb Ireland identifies any Additional Relevant Users or Additional Relevant Reservations, whether by reason of receiving a user claim in accordance with paragraph 6.8A or otherwise, Airbnb Ireland will:

(a) for any Additional Relevant Users or Additional Relevant Reservations identified by Airbnb Ireland (rather than in response to a user claim) after the period for operating the portal in paragraph 6.8 has concluded, Airbnb Ireland will contact the affected users by a notification on the Airbnb Platform, an SMS text message and/or by email; and

(b) use reasonable endeavours to provide compensation to those users calculated in accordance with paragraph 6.12 and, in the case of users in Class 2 and 3, subject to those users satisfying the relevant eligibility criteria.

- (j) A new paragraph 6.19A is inserted:

For the purposes of paragraphs 6.5 to 6.7:

(a) the date of the "initial communication" is the date of the email specified in paragraphs 6.2A(b), 6.3 or 6.3A; and

(b) Airbnb Ireland can comply with its obligation to send reminders by the date specified by sending the prescribed reminders up to two business days prior to the date specified.

(k) Following paragraph 8.1, the following heading is inserted:

9. Administration

(l) A new paragraph 9.1 is inserted:

The ACCC may authorise a member of the ACCC or an ACCC staff member to exercise a decision making function under this Undertaking on its behalf.

(m) A new paragraph 9.2 is inserted:

The ACCC may, from time to time, extend the date by which any of the obligations in this Undertaking is to be satisfied. Such a request for an extension must be express and in writing.

4.2 Annexures H, I and J are amended as set out on pages 6–8 of this Variation.

4.3 Annexures K and L are inserted as set out on pages 9–12 of this Variation.

5. Acknowledgements

5.1 Airbnb Ireland acknowledges that:

- (a) The ACCC will make this Variation available for public inspection, and
- (b) The ACCC may from time to time, refer to this variation including in news media statements and in ACCC publications.

Executed by

Airbnb Ireland Unlimited Company, Ireland Company Registration Number 511825 by its authorised representative:



.....
Signature of authorised representative

Killian Pattwell

.....
Name of authorised representative

This 2nd day of August 2024

Accepted by the Australian Competition and Consumer Commission pursuant to section 87B of the *Competition and Consumer Act 2010* (Cth) on:

16 August 2024

Date

and signed on behalf of the Commission:

Ly Cass. Jettis

Chair

16 August 2024

Date

Annexure H – 83-day reminder (Class 1 users)

SMS text message

A message from Airbnb. Reminder: You may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia. Please log in to your Airbnb account and check your notifications for more information. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~[insert day between 6 and 9] days left~~ to confirm your payment details.

Email message

Hi

Reminder: Our records indicate that you may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia.

Please log in to your Airbnb account and check your notifications for more information. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~[insert day between 6 and 9] days left~~ to confirm your payment details.

If you have questions you can contact Deloitte's dedicated support team by sending a message via the enquiry form on the Claims Portal. You can also contact them at 1800 931 206 if you have questions or are having difficulties accessing the Claims Portal. Deloitte's operators are online between 9:00 AM and 5:00 PM AEST, Monday to Friday (excluding Victorian Public Holidays).

This is an auto-generated message. Please do not reply to this email.

Platform notification

Reminder: You may be eligible for compensation. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~[insert day between 6 and 9] days~~ to make your claim.

Annexure I – 60-day reminder (Class 2 and Class 3 users)

SMS text message

A message from Airbnb. Reminder: You may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia. Please log in to your Airbnb account and check your notifications for more information. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~30 days left~~ to file a claim.

Email message

Hi

Reminder: Our records indicate that you may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia.

Please log in to your Airbnb account and check your notifications for more information. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~30 days left~~ to file a claim.

If you have questions you can contact Deloitte's dedicated support team by sending a message via the enquiry form on the Claims Portal. You can also contact them at 1800 931 206 if you have questions or are having difficulties accessing the Claims Portal. Deloitte's operators are online between 9:00 AM and 5:00 PM AEST, Monday to Friday (excluding Victorian Public Holidays).

This is an auto-generated message. Please do not reply to this email.

Platform notification

Reminder: You may be eligible for compensation. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent]~~30 days left~~ to file a claim.

Annexure J – 83-day reminder (Class 2 and Class 3 users)

SMS text message

A message from Airbnb. Final reminder: You may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia. Please log in to your Airbnb account and check your notifications for more information. You only have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent] ~~[insert day between 6 and 9] days left~~ to file a claim.

Email message

Hi

Final reminder

Our records indicate that you may be eligible to claim compensation from Airbnb following legal action by the ACCC in Australia.

Please log in to your Airbnb account and check your notifications for more information. You have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent] ~~[insert day between 6 and 9] days~~ to make a claim.

If you have questions you can contact Deloitte's dedicated support team by sending a message via the enquiry form on the Claims Portal. You can also contact them at 1800 931 206 if you have questions or are having difficulties accessing the Claims Portal. Deloitte's operators are online between 9:00 AM and 5:00 PM AEST, Monday to Friday (excluding Victorian Public Holidays).

This is an auto-generated message. Please do not reply to this email.

Platform notification

Final reminder: You may be eligible for compensation. You have until [insert day that is 90 days from date email referred to in paragraph 6.2A(b), 6.3 or 6.3A is sent] ~~[insert day between 6 and 9] days~~ to make a claim.

Annexure K – Email to users with an Identified Additional Relevant Reservation in Class 1

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Annexure L – Email to users with Additional Reservations in Class 2 or Class 3

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