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 The purpose of this Variation to the Undertaking is to update 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 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) Paragraph 6.19 is amended by adding the underlined words as follows:

If:

(a) The day for compliance with any of the obligations in paragraphs 6.1 to 6.4, 6.6 and 6.8 to 6.18 falls on a day which is not a business day in the State of Victoria, then that obligation may be complied with on the next business day after the day on which compliance is required;

(b) the day for compliance with any of the obligations in paragraphs 6.5 or 6.7 falls on a day which is not a business day in the State of Victoria, then that obligation may be complied with on the prior business day to, or the next business day after, the day on which compliance is required.

4.2   The first paragraph of each of Annexures B, C and D is amended as follows:

> Following action in the Federal Court of Australia by the ACCC, you may be eligible for a refund of $X for your Airbnb booking/s on [insert date/s], ~~which was~~ paid for in United States Dollars (USD)

4.3   Annexures E, F, G, H and J are amended as set out on pages 4 to 13 of this Variation.
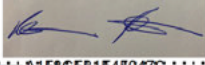
5.   Acknowledgements

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
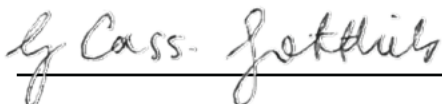
This   day of   2024

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

 5 February 2024
_____

Date

and signed on behalf of the Commission:

_____
Chair
5 February 2024
_____

Date

2

Annexures:

- **Annexure E – Web form for Class 1 users**

- **Annexure F – Web form for Class 2 users**

- **Annexure G – Web form for Class 3 users**

- **Annexure H – 83-days reminder (Class 1 users)**

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

Annexure E – Web form for Class 1 users

[The web form will contain the following features, presented in a clear, prominent and easy-to-read format]

Our records indicate that the bookings set out below for accommodation in Australia were transacted in USD.

[Insert table setting out details of relevant bookings with the reservation codes, reservation dates and reservation locations]

1. Confirm payment details

In order to process your refund please provide your preferred bank account details ~~and click the update button~~. Note, all fields are mandatory.

[Option for user to provide bank account within Australia or outside of Australia via a 'Country' field with drop down list. If 'Australia' is selected:]

~~Account number: [field for user to enter account number]~~

BSB: [field for user to enter BSB]

[Portal will automatically populate bank details]

Account number: [field for user to enter account number]

Account name: [field to enter account name]

~~[Consumer clicks 'update' button to add bank details.]~~

[If 'Outside Australia' is selected:]

SWIFT/BIC code: [field for user to enter SWIFT/BIC code]

IBAN (if available): [field for user to enter IBAN (if available)]

Bank name: [field for user to enter bank name]

Branch address: [field for user to enter branch address]

Branch country: [field for user to enter branch country]

Account type: Overseas Account Number: [field for user to enter overseas account number]

Overseas Account Name: [field for user to enter overseas account number]

Overseas Residential Address: [field for user to enter overseas residential address]

2. Claim foreign transaction fees

Completing this section is not mandatory.

If you were also charged a foreign transaction fee and would like to claim reimbursement of this fee, please enter the amount of the foreign transaction fee here:

[uneditable field with the relevant reservation code, date and location is displayed]

Did you incur Foreign Transaction fees which you would like to claim for?

[Drop down box from which user can select yes or no]

[If the user selects yes, a notification will appear below the drop down box stating *"Please provide evidence that the foreign transaction fee was charged. For example, please upload a photo or extract of your bank statement or credit card statement showing your full name, the Airbnb transaction, date, currency and the foreign transaction fee charged. If desired, you can redact the other transactions. Please remember to save your form before adding any attachments."*

Foreign transaction fees (AUD)

[editable text field for the user to enter the value of the fee charged]

Description of ~~support~~ Supporting Documents

[editable text field for the user to enter the type of supporting document to be uploaded, e.g. credit card statement]

I confirm that I have attached my ~~support~~ supporting documents in the "Attachments" tab

[check box for user to check]

Attachments can be uploaded in the following file types: pdf, .doc, .docx, .xla, .xls, .xlb, .csv, .png, .jpeg, .jpg, .svg, .txt, .msg. Please note there is a 24 mb maximum file size for each attachment. Please contact us via the enquiry form tab above if you have any questions.

[If a user has more than 7 eligible reservations, they may be provided with an excel spreadsheet (Foreign Transaction Fee Schedule) to download that sets out the details of each of the relevant reservations and column fields for each of the above questions so that they can claim their foreign transaction fees.

A user who has more than 7 eligible reservations will have a tick box to confirm they have filled out and attached the Foreign Transaction Fee Schedule, together with their supporting documents.]

[Once web form has been submitted, the following text appears] Thank you. We have received your details. If you have not heard from us after 60 days, please contact us via the enquiry form ~~here [insert link]~~ tab accessible here [insert link] or on 1800 931 206.

You can review your submitted case using the 'View My Details' button below. Your reference number is shown on the page under the "Your Form" tab. Your reference number begins with "ABB" followed by 7 numbers (for example ABB0000123).

["View My Details" button]

Annexure F – Web form for Class 2 users

[The web form will contain the following features, presented in a clear, prominent and easy-to-read format]
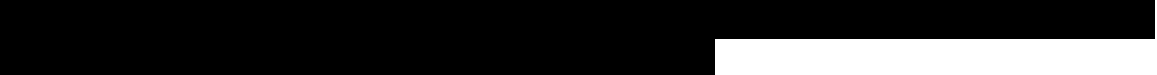
<u>1. Confirm affected bookings</u>

Our records indicate that the bookings set out below for accommodation in Australia were transacted in USD. Please check and confirm these details are correct.

[Insert table setting out details of relevant bookings with the reservation codes, reservation dates and reservation locations]

If any of these details are incorrect, please contact us via the enquiry form <u>tab</u> ~~here [insert link]~~ <u>above</u> or on 1800 931 206. Our operators are online between 9:00 AM and 5:00 PM AEST, Monday to Friday (excluding Victorian Public Holidays).

<u>2. Eligibility</u>

██

████████████████████████████████████

3. Confirm payment details

In order to process your refund please provide your preferred bank account details ~~and click the update button~~. Note, all fields are mandatory.

[Option for user to provide bank account within Australia or outside of Australia via a 'Country' field with drop down list. If 'Australia' is selected:]

~~Account number: [field for user to enter account number]~~

BSB: [field for user to enter BSB]

[Portal will automatically populate bank details]

Account number: [field for user to enter account number]

Account name: [field to enter account name]

~~[Consumer clicks 'update' button to add bank details.]~~

[If 'Outside Australia' is selected:]

SWIFT/BIC code: [field for user to enter SWIFT/BIC code]

IBAN (if available): [field for user to enter IBAN (if available)]

Bank name: [field for user to enter bank name]

Branch address: [field for user to enter branch address]

Branch country: [field for user to enter branch country]

Account type: Overseas Account Number: [field for user to enter overseas account number]

Overseas Account Name: [field for user to enter overseas account number]

Overseas Residential Address: [field for user to enter overseas residential address]

4. Claim foreign transaction fees

Completing this section is not mandatory.

If you were also charged a foreign transaction fee and would like to claim reimbursement of this fee, please enter the amount of the foreign transaction fee here:

[uneditable field with the relevant reservation codes, date and location is displayed]

Did you incur Foreign Transaction fees which you would like to claim for?

[Drop down box from which user can select yes or no]

[If the user selects yes, a notification will appear below the drop down box stating *"Please provide evidence that the foreign transaction fee was charged. For example, please upload a photo or extract of your bank statement or credit card statement showing your full name, the Airbnb transaction, date, currency and the foreign transaction fee charged. If desired, you can redact the other transactions. Please remember to save your form before adding any attachments."*

Foreign transaction fees (AUD)

[editable text field for the user to enter the value of the fee charged for each eligible reservation]

Description of ~~support~~ Supporting Documents

[editable text field for the user to enter the type of supporting document to be uploaded]

I confirm that I have attached my ~~support~~ supporting documents in the "Attachments" tab

[check box for user to check]

Attachments can be uploaded in the following file types: pdf, .doc, .docx, .xla, .xls, .xlb, .csv, .png, .jpeg, .jpg, .svg, .txt, .msg. Please note there is a 24 mb maximum file size for each attachment. Please contact us via the enquiry form tab above if you have any questions.

[If a user has more than 7 eligible reservations (following the confirmation / declaration process), they may be provided with an excel spreadsheet (Foreign Transaction Fee Schedule) to download that sets out the details of each of the relevant reservations and column fields for each of the above questions so that they can claim their foreign transaction fees.

A user who has more than 7 eligible reservations will have a tick box to confirm they have filled out and attached the Foreign Transaction Fee Schedule, together with their supporting documents.]

[Once web form has been submitted, the following text appears] Thank you for submitting your claim for compensation. If you have not heard from us after 60 days, please contact us via the enquiry form tab accessible here [insert link] or on 1800 931 206.

You can review your submitted case using the 'View My Details' button below. Your reference number is shown on the page under the "Your Form" tab. Your reference number begins with "ABB" followed by 7 numbers (for example ABB0000123).

["View My Details" button]

Annexure G – Web form for Class 3 users

[The web form will contain the following features, presented in a clear, prominent and easy-to-read format]

1. Confirm affected bookings

Our records indicate that the bookings set out below for accommodation in Australia were transacted in USD. Please check and confirm these details are correct.

[Insert table setting out details of relevant bookings including the reservation codes, reservation dates and reservation locations]

If any of these details are incorrect, please contact us via the enquiry form tab above here [insert link] or on 1800 931 206. Our operators are online between 9:00 AM and 5:00 PM AEST, Monday to Friday (excluding Victorian Public Holidays).

2. Eligibility

███████████████████████████████████████

3. Confirm payment details

In order to process your refund please provide your preferred bank account details ~~and click the update button~~. Note, all fields are mandatory.

[Option for user to provide bank account within Australia or outside of Australia via a 'Country' field with drop down list. If 'Australia' is selected:]

~~Account number: [field for user to enter account number]~~

BSB: [field for user to enter BSB]

[Portal will automatically populate bank details]

Account number: [field for user to enter account number]

Account name: [field to enter account name]

~~[Consumer clicks 'update' button to add bank details.]~~

[If 'Outside Australia' is selected:]

SWIFT/BIC code: [field for user to enter SWIFT/BIC code]

IBAN (if available): [field for user to enter IBAN (if available)]

Bank name: [field for user to enter bank name]

Branch address: [field for user to enter branch address]

Branch country: [field for user to enter branch country]

Account type: Overseas Account Number: [field for user to enter overseas account number]

Overseas Account Name: [field for user to enter overseas account number]

Overseas Residential Address: [field for user to enter overseas residential address]

4. Claim foreign transaction fees

Completing this section is not mandatory.

If you were also charged a foreign transaction fee and would like to claim reimbursement of this fee, please enter the amount of the foreign transaction fee here:

[uneditable field with the relevant reservation ~~ID~~code, date and location is displayed]

Did you incur Foreign Transaction fees which you would like to claim for?

[Drop down box from which user can select yes or no]

[If the user selects yes, a notification will appear below the drop down box stating *"Please provide evidence that the foreign transaction fee was charged. For example, please upload a photo or extract of your bank statement or credit card statement showing your full name, the Airbnb transaction, date, currency and the foreign transaction fee charged. If desired, you can redact the other transactions. Please remember to save your form before adding any attachments"*

Foreign transaction fees (AUD)

[editable text field for the user to enter the value of the fee charged for each eligible reservation]

Description of ~~support~~ Supporting Documents

[editable text field for the user to enter the type of supporting document to be uploaded, e.g. credit card statement]

I confirm that I have attached my ~~support~~ supporting documents in the "Attachments" tab

[check box for user to check]

Attachments can be uploaded in the following file types: pdf, .doc, .docx, .xla, .xls, .xlb, .csv, .png, .jpeg, .jpg, .svg, .txt, .msg. Please note there is a 24 mb maximum file size for each attachment. Please contact us via the enquiry form tab above if you have any questions.

[If a user has more than 7 eligible reservations (following the confirmation / declaration process), they may be provided with an excel spreadsheet (Foreign Transaction Fee Schedule) to download that sets out the details of each of the relevant reservations and column fields for each of the above questions so that they can claim their foreign transaction fees.

A user who has more than 7 eligible reservations will have a tick box to confirm they have filled out and attached the Foreign Transaction Fee Schedule, together with their supporting documents.]

3. Declarations

I declare as follows:
1   The information provided in this claim form is true and correct.
2   I understand if my claim is accepted and I have already received some refund or payment from Airbnb in relation to my booking, any refund I receive will be adjusted by the amount of the initial refund.
3   I understand that if the claim is accepted and a payment is made by way of redress then any subsequent claim I may make for loss or damage will be reduced by the amount accepted by way of this redress.

[Insert a field for the user to insert their name, a digital signature, and a field for the user to enter the date the declaration was made]

You can also download and sign a copy of the form here [insert a download button]

If you choose to download and sign a copy of the form, please upload the form or email it to [insert email address]

[insert upload button].

[Once web form has been submitted, the following text appears] Thank you for submitting your claim for compensation. If you have not heard from us after 60 days, please contact us via the enquiry form tab accessible here [insert link] or on 1800 931 206.

You can review your submitted case using the 'View My Details' button below. Your reference number is shown on the page under the "Your Form" tab. Your reference number begins with "ABB" followed by 7 numbers (for example ABB0000123).

["View My Details" button]

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 ~~7~~ [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 ~~7~~ [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 to claim compensation. You only have ~~7~~ [insert day between 6 and 9] days to make your 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 ~~7~~ [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 ~~7~~ [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 206if 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 to claim compensation You have ~~7~~ [insert day between 6 and 9] days to make a claim.