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Commission fines hotel group Meliá €6.7 million for discriminating between customers

BY ANASTASIA DRITSA, FENIA MYLONAKI

On February 21st, the EU Commission fined Spanish hotel group Meliá €6.678.000 for including restrictive clauses in its agreements with tour operators.

In February 2017 the Commission opened antitrust investigations into agreements regarding hotel accommodation concluded by Meliá, following complaints by consumers. The investigation also covered similar agreements concluded by the four largest European tour operators (Kuoni, REWE, Thomas Cook, TUI). The investigations against the tour operators were later dropped.

More specifically, the Commission found that during 2014 and 2015, Meliá concluded a large number of agreements with tour operators including standard terms and conditions which discriminated against consumers within the EEA area on the basis of their place of residence; this resulted in a restriction of active and passive sales in the market for hotel accommodation and violated EU competition rules.

In particular, a clause in Meliá's standard terms and conditions for contracts with tour operators prescribed that those contracts were **valid only for reservations by consumers who were resident in specified countries**. Therefore, the tour

operators were restricted from freely selling hotel accommodation in all EU member-states and from accommodating consumers who were residents outside the defined countries. The specific practices constituted a restriction of passive sales and resulted in the partitioning of the European Single Market, limiting consumer choice and better prices for consumers in the EU.

Meliá expressly acknowledged the facts and the infringement of EU competition rules and cooperated on the provision of evidence. As a result, the Commission granted Meliá a 30% fine reduction in return for its cooperation.

The hotels booking Decision was one of the three investigations¹ the Commission opened into suspected anticompetitive practices in eCommerce. Such practices concern restrictions that may make cross-border shopping or online shopping in general more difficult and can ultimately harm EU consumers.

¹ See Commission Decisions on Consumer electronics AT. 40465(Asus), AT. 40469(Denon & Marantz), AT. 40181 (Philips), AT. 40182(Pioneer). See Statements of Objections on the video games investigation AT.40413 (Focus Home), AT.40414 (Koch Media), AT.40420 (ZeniMax), AT.40422 (Bandai Namco), AT.40424 (Capcom)

Contact Us



Anastasia Dritsa

PARTNER

a.dritsa@kglawfirm.gr



Follow Us

ATHENS OFFICE

28, Dimitriou Soutsou Str.,
115 21 Athens

T +30 210 817 1500

F +30 210 685 6657-8

E kg.law@kglawfirm.gr

THESSALONIKI OFFICE

17, Ethnikis Antistasseos Str.,
551 34 Thessaloniki

T +30 2310 441 552

E kg.law@kglawfirm.gr

www.kglawfirm.gr

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