

On 02/02/2017, the European Commission has initiated formal antitrust proceedings against four large European tour operators (Kuoni, REWE, Thomas Cook, TUI) and one hotel chain (Meliá Hotels) for a suspected breach of EU rules (Article 101 of the Treaty on the Functioning of the European Union). The initiation of proceedings is based on Article 11(6) of the Antitrust Regulation (Council Regulation No 1/2003) and Article 2(1) of its implementing Regulation (Commission Regulation No 773/2004).

The Commission intends to investigate agreements regarding hotel accommodation concluded between tour operators and hotels. The agreements in question may contain clauses that discriminate between customers, based on their nationality or country of residence - as a result customers would not be able to see the full hotel availability or book hotel rooms at the best prices. This may breach EU competition rules by preventing consumers from booking hotel accommodation at better conditions offered by tour operators in other Member States simply because of the consumer's nationality or country of residence. This would lead to the partitioning of the Single Market.

The initiation of proceedings does not signify that the Commission has made a definitive finding of an infringement but merely signifies that the Commission will deal with the case as a matter of priority.