

## eu travel tech's input to the Commission's guidelines on P2B Regulation's provisions on ranking

### General remarks

eu travel tech supports the underlying aims and many of the provisions in the Platform to Business (P2B) regulation and have always stood for fair and transparent information online.

Our members drive innovation and growth in the digital economy as well as offering an interface for thousands of travel **services'** suppliers – be that airlines, hoteliers, vacation rentals hosts or tour guides - to access markets and customers enabling businesses to function in the platform economy.

With a high volume of offers listed through platforms, an algorithm underpinning search results is necessary to enable consumers to reach the most suitable and valuable deal quickly and effectively, especially given the various parameters that determine consumer preference.

For travel services, comparison and Online Travel Agent platforms offer consumers flexibility and choice by filtering based on a multitude of different determinants including sorting by price, location, review score, amenities, accessibility, and so on. In the case of Online Travel Agencies specifically, the recommended sort feature can be presented on the basis of pro-consumer factors related to the quality of the various options and value of the offer. To place this in context however, it is important to understand that the recommended sort feature is only one of many ways that consumers can use to find the travel service (e.g., flight, hotel) they want.

The algorithms of our travel services comparison and Online Travel Agent **platforms'** members are designed to ensure a win-win for both customers and business users, i.e. **travel services' suppliers**. Customers want to see travel options that meet their expectations as quickly as possible, while business users want to stand out amidst their competition. It is crucial that the **Commission's guidelines on ranking transparency** requirements respect the need to preserve this balance.

We would also like to stress that B2B companies, such as Travel Management Companies (TMCs) for Business Travelers which display content in systems and applications for a specific corporate client but not for the general public, must retain their commercial freedom to conduct business and take into account client requirements, whilst complying with relevant legislation applicable to corporate travel agencies. The Platforms to Business

regulation does not apply to business travel platforms as the latter are subject to contract terms which must supersede any regulation on the subject.

1. Disclosure limited to main parameters determining ranking and further clarity on the actual meaning and implementation of the main parameters

Article 5(1) of the P2B Regulation requires providers of online intermediation services to set out in their terms and conditions the main parameters determining ranking. Recital 24 clarifies the objectives of this requirement: *“to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers”*. The same Recital further specifies that this obligation *“implies the identification of a limited set of parameters that are most relevant out of a possibly much larger number of parameters that have some impact on ranking”*.

- Travel services comparison and Online Travel Agent platforms rely on a large number of algorithms in order to run their services effectively and offer choice to consumers. **The Commission’s guidelines should recognise this and limit the disclosure obligation to the most relevant types of parameters, giving business users the greatest understanding and predictability, rather than asking platforms set out an exhaustive and infinite number of parameters, which may ultimately lead to gaming of the system by business users.**

It is important to note that many platforms already give their business users complete transparency about the main factors determining ranking and offer advice on how to improve their position.

**The P2B Regulation is not sufficiently clear as to the exact meaning of ‘main parameters’ and what indicators could be considered as such. The Ranking Transparency Guidelines must leave no room for interpretation about the meaning of the main parameters and also on how businesses are exempted to implement Article 5. Although we understand that a certain level of flexibility is required to accommodate different business models, we fear that the current text does not deliver on legal certainty and could lead to lack of harmonisation across the EU.**

2. Simple and clear **statement of reasons for the main parameters'** relative importance

In addition to the obligation for platforms to set out the main parameters determining ranking, Article 5(1) also requires platforms to provide reasons for the relative importance of those main parameters as opposed to other parameters.

- It should not be required to describe how one specific parameter may be more influential than another.
- In order to respect the objectives of this requirement, i.e. improving **business users' predictability** and understanding, this statement of reasons should be clear and simple.

3. Balance between transparency and protection against manipulation of search results

The Commission's guidelines need to ensure a careful balance between the requirements of Article 5(1) and the safeguard in Article 5(6), which clarifies that platforms should not be required to *"disclose algorithms or any information that, with reasonable certainty, would result in the enabling of deception of consumers or consumer harm through the manipulation of search results"*.

Any obligations on platforms to disclose more information than necessary to improve business users' understanding and predictability, could result in creating an unfair advantage, opening the door for manipulation of search results, and seriously undermining the trust in online intermediation services, to the ultimate detriment of consumers who rely upon these services.

4. Request for additional clarification on differentiated treatment/self-preferencing disclosure obligations

Further to the above, Article 7 of the Regulation provides for additional disclosure obligations in relation to differentiated treatment that complements the disclosure obligations under Article 5. However, unlike Article 5, Article 7 does not foresee additional Commission guidelines.

The problem of major dominant platforms and general search engines leveraging their dominant position to grant favoured treatment to their own products or services (self-preferencing) is well documented. It is widely known, and acknowledged by the Commission, that certain major online search engines use their dominant position to favour their own travel search products over those of competitors, to the detriment of consumers. The transparency

obligations set out in Article 7 of the Platform-to-Business Regulation are an important step to ensure a level playing field between the travel search products of the online search engines and those of their competitors.

Article 7 requires platforms and search engines to set out a description of any differentiated treatment. eu travel tech believes it is imperative that this description should cover in particular differentiated treatment through specific measures taken inter alia in relation to ranking. However, there is only limited information in the Regulation on how this information should be displayed.

We believe there is a scope for the Commission to provide helpful clarification in their guidelines on transparency obligations set out in Article 7 that could lead to a fairer marketplace for all.

For any questions:

Emmanuel Mounier

+32 499 80 13 74

[emounier@eustraveltech.eu](mailto:emounier@eustraveltech.eu)

About eu travel tech

eu travel tech represents the interests of travel technology companies. eu travel tech uses its position at the centre of the travel and tourism sector to promote a consumer-driven, innovative and competitive industry that is transparent and sustainable. Our membership<sup>1</sup> spans Global Distribution Systems (GDSs), Online Travel Agencies (OTA), Travel Management Companies in business travel (TMCs) and metasearch sites.

---

<sup>1</sup> eu travel tech's members include Amadeus, Booking.com, eDreams Odigeo, Expedia Group and Travelport. Associate members include SkyScanner, TripAdvisor and American Express GBT. Strategic Partners include Lastminute.com, etraveli, Trainline, Travix, Travelgenio, Hitrail, OAG and CWT.