

eu travel tech

Eu travel tech input to the public consultation on the New Competition Tool

The New Competition Tool is one of the measures foreseen by the European Commission and aimed at making sure that competition policy and rules are fit for the modern economy. It addresses gaps in the current EU rules identified on the basis of the Commission's experience with enforcing the EU competition rules in digital markets.

Eu travel tech fully shares the assessment made by the European Commission of the need to bring changes to the current competition rules to allow for enforcement action preserving the competitiveness of markets. Indeed, these last years have been the stage of a broad policy debate on this matter, stirred by the emergence of a subset of large consumer-facing digital platforms active in several markets whose systemic role threatens the fairness and openness of EU markets.

In the attached paper, eu travel tech sets out its views on how to complement the existing EU competition law toolbox in order to guarantee fair and undistorted competition and a level playing field in the internal market. Digital platforms, including **eu travel tech** members¹, provide consumers with significant benefits and account for around 60% of private consumption of digital goods and services². Yet, the growth of a subset of large digital platforms and their increasing tendency to move into new and unrelated markets, as well as to show preference to their own products and services to exclude rivals, has demonstrated the increased importance to have specific regulation that prevents abuse. Intervention based on competition law alone may not be sufficient to address and deter such conducts.

Rather, we believe that existing *ex post* enforcement should be complemented by an *ex ante* framework, which could address certain limitations of antitrust enforcement, ensuring EU markets remain fair and contestable to the benefit of consumers. In this regard, we support the general objective of this initiative: ensuring fair and undistorted competition in the internal market by complementing traditional antitrust enforcement with a new tool.

In this paper, eu travel tech does not address specifically the features of the New Competition Tool as presented by the Commission in its inception impact assessment and in this public consultation. Our reflections regarding the necessary changes to EU competition law, as set out in this paper, are however relevant for many aspects of the proposed New Competition Tool. They are borne out of our own experience in the travel market and reflect our thinking prior to the Commission's recent publications. We believe that the proposals made in this paper could prove useful to feed the Commission reflections on the New Competition Tool and in parallel on the *ex ante* regulatory

¹ 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

² Commission Staff Working Document, Proposal for a Regulation on promoting fairness and transparency for business users of online intermediation services, 26-4-2018

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instrument of very large online platforms acting as gatekeepers within the Digital Services Act.

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 spans Global Distribution Systems (GDSs), Online Travel Agencies (OTA), Travel Management Companies in business travel (TMCs) and metasearch sites.

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