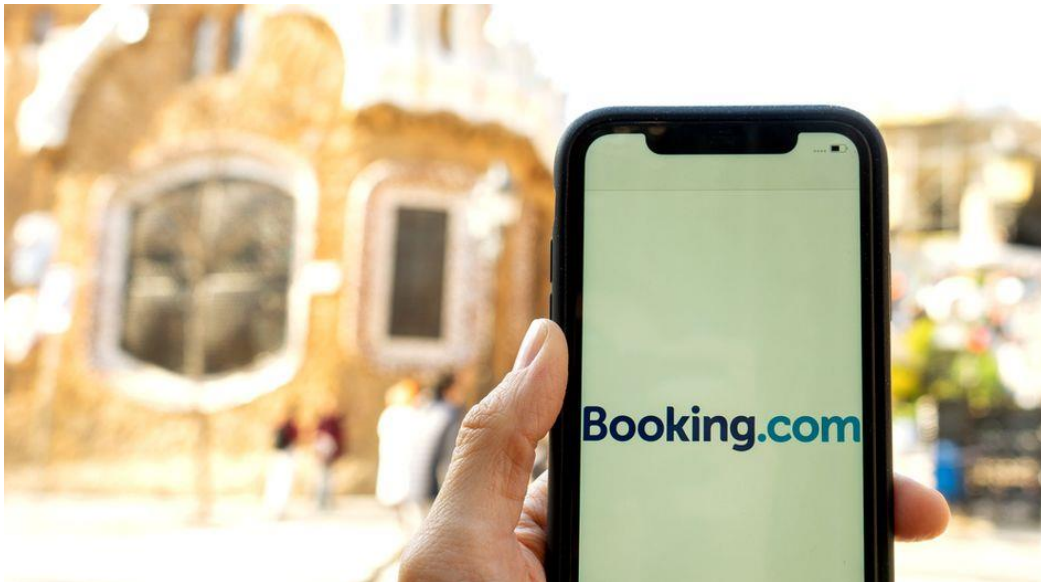




Booking.com faces pipeline of damages claims in Spain

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Hundreds of hotels are plotting damages actions against Booking.com following the issuance of a record Spanish abuse of dominance fine against the accommodation booking platform, with claimant lawyers actively seeking out further eligible plaintiffs.

Eskariam partner David Fernández told GCR that he is working with Compass Lexecon and boutique competition firm Règula to assess the harm caused by Booking.com, having been approached by more than 300 hotels that are interested in seeking damages.

The firm, together with the Spanish Association of Hotel Managers, which was one of the original complainants in the case, will now travel throughout Spain during the rest of the year to explain the decision to affected hoteliers, he added.

The firm is still in the process of estimating potential damages, Fernandez said. It is too early to say whether the claims will be brought as individual or collective lawsuits, or to estimate when they will be filed, he added.

The planned claims come after Spain's National Commission for Markets and Competition (CNMC) **fined** Booking last month for using unlawful and anticompetitive clauses in its contracts with accommodation providers.

Eskariam issued a statement the day after decision, confirming it had agreed with the Spanish Association of Hotel Managers to back accommodation providers in potential follow-on claims.

It noted that more than 10,000 accommodation providers could be eligible to claim damages, including any hotel, hotel complex, aparthotel and motel that contracted with Booking.com between 2019 and 2024.

The amount of potential damages will depend on the agreed conditions, the hotel's turnover and the number of years during which harm occurred, the law firm said.

Booking.com **knocked off** approximately €75 million of the originally proposed sanction by making changes to its parity clause policy, but still plans to challenge the decision to the Audiencia Nacional high court in Madrid.

Fernandez said Eskariam will support the Spanish Association of Hotel Managers and the CNMC during the appeal process.

The enforcer **opened** an abuse of dominance probe into the company in October 2022 following complaints from the Spanish Association of Hotel Managers and the Regional Hotel Association of Madrid.