

The B&B Association's class action against Booking.com: Considerations for UK accommodation providers

The Bed and Breakfast Association – the UK trade association for B&Bs and guesthouses - has had a longstanding involvement in campaigning against harmful anti-competitive practices affecting UK accommodation providers, including, in particular, those of **Booking.com** ("Booking"). The B&B Association's view is that Booking's practices have, for many years, stifled price competition in the online booking market, to the detriment of all UK accommodation providers, including in particular small, independent B&Bs and hotels. This led to the B&B Association making five formal complaints to the CMA in relation to those practices, including on 'price parity' matters, in 2017.

The B&B Association's claim against Booking

On 14 August 2025, the B&B Association confirmed that it recently **secured litigation funding in respect of proposed opt-out collective proceedings against Booking on behalf of all UK-based accommodation providers**, including hotels and B&Bs of all sizes, who used Booking's services between 2019 and 2024 (the "Represented Class").

In broad summary, the B&B Association's claim, which will shortly be filed with the UK's Competition Appeal Tribunal, concerns Booking's 'price parity' policies, which prevent accommodation providers from charging lower room prices on other platforms. These policies protect Booking from competition, allowing it to set its commissions at anti-competitive levels.

As the claim will be brought on 'opt-out' basis, during the proceedings **there will be no need for any participation by any members of the Represented Class**. Furthermore, as the claim is being pursued on a no-win no fee basis, unless a successful outcome is achieved, **the Represented Class will not be required to make any contribution towards the costs** of the proceedings.

The B&B Association has instructed an experienced team of solicitors, barristers and economists in support of its proposed collective proceedings against Booking, who it anticipates will ensure that the Represented Class receive the redress they deserve. The case team comprises Stephenson Harwood, Robert Palmer KC, Alan Bates, and Hugh Whelan of Monckton Chambers, and economic consultancy Fideres.

The Stephenson Harwood team, led by Genevieve Quierin, Ben Sigler and Tim Knight, said: *"We are grateful that the B&B Association has instructed Stephenson Harwood on this important matter, and we look forward to working with the Association to secure compensation for all UK accommodation providers who have been affected by Booking.com's conduct."*

Other claims against Booking

The B&B Association is aware of a pan-European initiative promoted by HOTREC (a Belgian-headquartered association of European hotels, restaurants and cafes) and various national hotel associations, concerning similar issues, which is currently seeking participants for claims to be pursued in the Netherlands. Specifically, the B&B Association understands that UK accommodation providers are being asked to assign their claims against Booking to a special purpose vehicle ("SPV") incorporated in the Netherlands which it is proposed would bring claims on their behalf. UK accommodation providers that agree to assign their claims in this manner may **no longer be eligible to participate in the B&B Association's claim**. The B&B Association firmly believes UK accommodation providers are better served by its UK 'opt out' claim than the initiative promoted by HOTREC, for the following reasons:

First, the B&BA's action is a collective proceedings claim, meaning that it will be brought on behalf of a group (or "class") of claimants that have suffered similar losses following a breach of competition law (i.e. the Represented Class). It is an 'opt-out' claim, which means that **members of the Represented Class will automatically be included in the action** (unless they take specific steps to opt-out). This means that, unlike in other proceedings, such as the HOTREC initiative, **class members will not need to take any steps to be a part of the action or authorise the B&B Association to pursue the action on their behalf**.

Secondly, by contrast with the HOTREC initiative, **individual class members will not need to be named or identified in the B&B Association's action**. There is therefore no need for accommodation providers to worry about their involvement having a negative impact on their relationship with Booking.

Thirdly, the B&B Association's action is to be brought before the UK's Competition Appeal Tribunal, a specialist tribunal experienced in determining complex competition claims. As the B&B Association's action is to be brought on behalf of UK accommodation providers and concerns anti-competitive conduct and matters of UK law, the B&B Association considers the Tribunal to be the appropriate forum for proceedings against Booking by UK accommodation providers. The HOTREC initiative would, if pursued, entail claims affecting UK accommodation providers being determined in another jurisdiction (i.e. the Netherlands). By contrast, the B&B Association's action straightforwardly involves **UK accommodation providers' claims being litigated by English lawyers before a UK tribunal**. Those claims will be the sole focus of the B&B Association's claim, rather than a peripheral aspect.

Fourthly, the B&B Association's action seeks aggregate damages. This means that **there is no need for class members to provide evidence of their individual losses** (or otherwise to participate in the proceedings). Instead, the Tribunal will determine the total losses suffered by all class members in the aggregate based on expert economic methodologies. Working with a specialist claims administrator, the B&B Association would then oversee the distribution of any damages awarded to individual class members. By contrast, participants in the HOTREC initiative are required to provide the SPV with any documents, financial information, or records that it may require to pursue its claim.

Fifthly, the B&B Association anticipates that given the specialised nature of the UK Competition Appeal Tribunal and the more focussed nature of its claim, it is expected that the B&B Association's action will be resolved more quickly than those being pursued in the pan-European HOTREC initiative.

Next steps for UK accommodation providers

For the avoidance of doubt, as explained above, **there is no need for members of the Represented Class to take any further steps** to participate in the B&B Association's claim as **they are included in it automatically**, unless they opt out.

However, if UK accommodation providers have engaged with HOTREC's initiative, which it is understood, involves the assignment of their claims, as explained above, they may **no longer be eligible to benefit from the B&B Association's claim**. If UK accommodation providers have already engaged with the HOTREC initiative, and have any queries about the B&B Association's claim, they are welcome to contact Stephenson Harwood at bookingenquiries@stephensonharwood.com.