

## Legal Alert: FNE launches new market study: Hospitality Market and impact on digital platforms



March 24, 2023 | By [Sofía O’Ryan](#) and [Trinidad Puga](#)

The National Economic Prosecutor's Office ("FNE" in Spanish) launched on March 22 the market study, focused on the hospitality market (the "**Study**"), which will especially evaluate the impact of the entry of digital platforms for advertising and booking intermediation. The study will be conducted in the three market segments: advertising, booking channel, and hosting.

The FNE has based its decision to proceed with the study on the following reasons:


- Analyze whether the regulatory framework applicable to both hosts and platforms is adequate to maintain competitive conditions** considering the impact of the entry and expansion of new digital platforms.
- Analyze whether price suggestion mechanisms by intermediation platforms could be softening competition.**
- Review the generalized application of clauses possibly restricting competition.**

Below is a brief description of the stages of the study and the timeframes in which they should be carried out according to the schedule published by the FNE.

| Stage | Description | FNE Deadline |
|-------|-------------|--------------|
|-------|-------------|--------------|

|                              |  |                           |
|------------------------------|--|---------------------------|
| Launch                       | Official commencement of the study, stating the reasons or concerns that motivated the study.  | March 22 of 2023          |
| Data collection and analysis | At this stage, the FNE may request information <u>directly and compulsorily</u> from both market participants and public entities.   | March to November of 2023 |
| Preliminary conclusions      | The FNE prepares a preliminary conclusion and submits it to the scrutiny of the interested parties.  | December of 2023          |
| Final Report                 | Publication of the Final Report, the FNE, together with the conclusions, may provide solutions, opting for: (i) a recommendation for regulatory modification; (ii) modifications in practices to State agencies; (iii) recommendations to market competitors; (iv) initiation of an investigation; (v) a new market study. | March of 2024             |

Considering the relevance of market studies for the FNE, industry players should be attentive to possible requests for information and the results that the study may yield.

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