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On October 21, 2026, the European Commission (the **"Commission"**) opened formal proceedings against Booking.com, which was designated a Very Large Online Platform ("VLOP") on April 25, 2023, under Regulation (EU) 2022/2065 (Digital Services Act – **"DSA"**). The proceedings follow a preliminary review of Booking.com's risk assessment reports for 2026 and the three preceding years, its transparency reports and its replies to requests for information during 2025-2026 period. The case offers useful insights into the Commission's enforcement priorities under the DSA and raises questions of practical relevance for its application in the Greek market.

Scope of the Proceedings

According to official press release, the Commission's investigation focuses on three issues:

1. ***Fraudulent listings (Articles 34–35 DSA)***: whether the platform has properly assessed and mitigated the risks of fake or non-compliant accommodation listings.
2. ***Phishing (Articles 34–35 DSA)***: whether the platform has assessed and mitigated the risks of phishing scams that exploit reservation and guest data shared with accommodation providers or the platform's messaging service.
3. ***Paid ranking (Article 26(1) DSA):*** whether accommodation offers (hotels, apartments and other rentals) promoted in search results against payment are clearly identified as advertisements, and whether users receive the required information about them.

The Commission's Enforcement Orientation

The case, together with recent proceedings against other online marketplaces, confirms that DSA enforcement has moved beyond content moderation on social media, to platforms/ marketplaces. The focus is increasingly shifting towards consumer-facing harms, including transparency in commercial practices, highlighting the growing intersection between the DSA and consumer protection law.

Why this matters to businesses in Greece

The Booking.com investigation has implications beyond the travel and accommodation sector. While the DSA's obligations to assess and mitigate systemic risks (Articles 34–35) apply specifically to very large online platforms, the rules on advertising transparency under Article 26 apply to all online platforms (excluding certain small enterprises under Article 19).

These recent developments reflect a broader trend towards increased DSA scrutiny of online platforms and marketplaces. Greek businesses operating in the digital space should therefore be aware of this evolving enforcement landscape and pay particular attention to the transparency of paid promotions, preferential rankings and other commercial practices that may influence users' purchasing decisions.

The Greek regulatory framework

In Greece, Law 5099/2024 sets out the national framework for the application of the DSA and designates the Hellenic Telecommunications and Post Commission ("EETT") as Digital Services Coordinator, responsible, among other things, for

enforcing the advertising transparency rules of Article 26 DSA. To date, the EETT has not issued any implementing act, explanatory notes or guidelines on the application of Article 26.

Intermediary service providers that have their main establishment in Greece, or that are not established in the EU but whose legal representative resides or is established in Greece, must be entered in the Registry of Intermediary Service Providers kept by the EETT (Article 15 of Law 5099/2024) and fall within its competence.

Key takeaways

A key question arises in this respect: **when is paid visibility an "advertisement"?**

Article 3(r) DSA defines an advertisement as information presented against remuneration paid specifically for promoting it. Booking.com's case raises a question that matters beyond these proceedings: does better ranking count as advertising when it results from program participation or higher commission levels, rather than from a separate payment for placement? Paid ranking is not a new concern for EU law: two other instruments already address it, each from a different angle. P2B Regulation (Regulation (EU) 2019/1150) requires platforms to explain, in their T&Cs for **business users**, whether ranking can be influenced by "direct or indirect remuneration" (Article 5(3)). The Unfair Commercial Practices Directive turns to **consumers** prohibiting the presentation of online search results without clearly disclosing paid advertisements or payments specifically made to secure higher ranking (Annex I, point 11a). Article 26 of the DSA builds on **both** and goes further: every advertisement must be identifiable in real time, together with information on whose behalf it is presented, who paid for it and the main targeting parameters. The proceedings may therefore clarify how the DSA definition works alongside these rules.

Commission's reading of Article 26, and especially of what counts as an "advertisement" under Article 3(r) DSA, is likely to shape national supervision, given the DSA's aim of consistent enforcement across the EU, which national coordinators and the Commission pursue together within the European Board for Digital Services, a body which is entrusted to support cooperation among competent authorities, contribute to the development of common approaches, and promote the consistent application of the DSA across the EU. (Article 63 DSA). Although the investigation is still ongoing, it highlights the regulatory focus on transparency in the way online platforms promote and rank products, services and commercial offers.

In light of this evolving enforcement landscape, businesses operating online platforms in Greece that offer sponsored, boosted or commission-based placements, should review how these are labelled and presented, ensuring that users can clearly distinguish paid promotions from organic search results and that all relevant information is disclosed in accordance with the DSA's transparency requirements.

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