



NOEL ROCK TD

Dublin North West Constituency

Competition and Consumer Policy Section
Department of Jobs, Enterprise and Innovation
Earlsfort Centre
Lower Hatch Street
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To whom it may concern,

Please find accompanied with this letter my submission for the Consultation on the Resale of Tickets for Entertainment and Sporting Events.

I am satisfied to see this is being discussed by your Department. I, along with Deputy Stephen Donnelly, have previously submitted the Prohibition of Above-cost Ticket Touting Bill 2017, which is due for second stage in the next few months.

It is also relevant that the Competition and Consumer Protection Commission (CCPC) recently launched an investigation into the anti-competitive conduct in the ticketing industry. It is also relevant that previously, Belgium has legislated for the prohibition of above cost ticket touting and outlawed websites such as Seatwave. It should also be noted that the UK will also implement some form of legislation.

However, more than anything else, this is about the uncomfortable relationship between the largest primary ticket seller in the market (Ticketmaster) being in charge of regulating the market while simultaneously owning the largest secondary selling site. This completely skews priorities to reduce or eliminate inflated levels of secondary selling, and such, requires external regulation or, indeed, legislation.

I look forward to the publication of the report from your office.

Kind Regards,

Noel Rock T.D.

Submission in response to Consultation on the Resale of Tickets for Entertainment and Sporting Events by Noel Rock TD

Question 13

Should websites which sell tickets for an event on the primary market redirect purchasers to secondary platforms selling tickets to the same event? Should any such redirection be subject to a requirement that the consumer be informed of the status of the secondary site and that ticket prices are likely to be higher?

This issue is one of critical importance. 25% of UK customers that used a secondary ticketing site were unaware that they were not the initial seller.

Many of these sites are intentionally vague about their status as a reseller, not an original seller. Please see below for the solution to this through increased information requirements.

There is also a potential for a significant conflict of interests with companies like Ticketmaster to have control over both the primary and secondary markets.

This enables them to sell tickets initially for a cheaper price, all the while knowing that they will likely make more money off the same tickets when they enter the secondary market. It also means that it is not in Ticketmaster's best interest to restrict secondary ticket selling when they profit directly from it.

Question 15

Is a dynamic pricing approach to event tickets likely to be adopted on a significant scale? If so, when and for what type of event is this likely to occur? If not, what are the main reasons why it will not be pursued?

Particularly in regards to sporting events, I believe that a dynamic pricing structure would have negative consequences on consumers. In particular, the prices of tickets for students, children, and the elderly, which help protect access to sporting events for consumers no matter what age or financial situation, could be negatively affected by a dynamic pricing structure. This could yield a scenario in which only the wealthiest fans could attend instead of a more equal mix of fans.

Question 18

Are personalised or paperless tickets an effective method for curbing ticket resale? What drawbacks, if any, are associated with such approaches? Has experience with these methods in Ireland been positive, negative or mixed?

As Glastonbury has shown, the use of personalised ticketing can be hugely effective. However, the downside of this system is that every person entering an event must be physically checked in by an attendant.

This is easier to achieve in a concert situation where people arrive over many hours, if not days. However, this would be an onerous requirement for sporting events because so many people arrive in the last 30 minutes before the match.

Paperless ticketing is more promising but has the potential of leaving out those individuals that do not have access to a smartphone or similar resources.

Question 21

Should legislation be introduced to regulate ticket resale and the secondary ticketing market? If so, what form should such legislation take and what penalties should apply to breaches of its provisions? If not, what are the reasons why legislative measures should not be pursued?

It is vital that legislation is brought in this area as it has many knock-on effects and results in people making money off the backs of artists or sports-organisations that do not see any share in it. It also has the effect of reducing the amount of fans that can afford to attend some events and can result situation where only wealthy fans can attend which would be hugely negative.

Sport and music are two of the great levellers, providing a cultural common ground for society, and anyone should be able to go and enjoy a rugby match or watch Ed Sheeran without incurring outrageous mark-ups.

As we have already mentioned it is not in Ticketmaster's best interest to restrict secondary ticket selling. This means that any change in this industry must be brought in through legislation as we cannot rely on one of the largest suppliers in the field to address an issue that they profit from. This further emphasises the need for legislative intervention.

Although it is very difficult to effectively ban the reselling of tickets at higher prices we believe there are solutions that can be brought in to reduce its effects.

The Prohibition of Above-cost Ticket Touting Bill 2017 that has passed its first stage in the Dail restricts the selling of tickets in excess of the officially designated price. This will reduce much of the ticket touting on the ground but will have many of the same difficulties as other similar pieces of legislation. Nevertheless, this it is a vital first step and can only improve the situation.

Through communication with a Belgian colleague Jef Van den Bergh we have received more information on the long term effects of a bill which restricts reselling without the direct permission of the primary seller.

The Belgian approach has been hampered by the fact that many of these secondary companies are international and cannot be restricted by Belgian law. They have now

focused on the requirement for a more combined approach either internationally or Europe-wide.

They also highlighted the fact that many of these secondary sellers use the Google Adwords system to ensure that they are the first response when there is a google search for the specific tickets in question. For example when you google U2 Dublin the first 4 responses are; Seatwave, StubHub, Viagogo and Safetickets, not the original seller.

If this could be dealt with then it would hugely reduce the access that middlemen have to consumers, thereby protecting consumers from inflated prices and ensuring that they can make an informed decision on whether they wish to buy a ticket from a second-hand source.

This can be accomplished by introducing strict requirements on the information provided to consumers when re-selling a ticket including; the Original price, a link to the original sellers website, and most importantly the seat or ticket number.

This will allow the primary sellers who wish to restrict reselling to do so by enabling them to cancel those tickets that go on resale when it is contrary to the contract of sale.

The firms that do not follow these restrictions would be caught by the google adwords system and would not come up in an initial search for tickets. See their rules on Misrepresentation in prohibited Practices;

We don't want users to feel misled by ads that we deliver, and that means being upfront, honest, and providing them with the information that they need to make informed decisions. For this reason, we don't allow the following:

- *promotions that prompt users to initiate a purchase, download, or other commitment without first providing all relevant information and obtaining the user's explicit consent*
- *promotions that represent you, your products, or your services in a way that is not accurate, realistic, and truthful*

