

Information from D.LIVE on purchasing tickets via secondary ticket markets:

The sale of tickets via secondary ticket markets is widespread. This topic is usually relevant for (major) events with high demand up to the point of events selling out.

Buyers are frequently unaware that ticket exchanges, such as Viagogo, are not ticket sellers. Excessive ticket prices and tickets that do not actually entitle the holder to attend the event are causing justified criticism and anger. Although the sales contract is usually concluded between the attendee and the organiser or, in the case of secondary sales, the reseller, event venues and arenas are the sites where problems arise, for example when admission is refused.

Organisers have the option to exclude or restrict, in their General Terms and Conditions, the purchase of tickets via secondary ticket markets. In the latter case, only secondary ticket markets authorised by the organiser (such as "Fan sales" by Eventim etc.) are permitted. In such cases, there is also a limit on price surcharges when tickets are resold.

The European legislator has also reacted to the current problems associated with secondary ticket markets. On 17 April 2019, an amendment to the "Directive concerning unfair business-to-consumer commercial practices 2005/29/EC ("Unfair Commercial Practices Directive") was adopted. Specifically, "ANNEX I – Commercial practices which are in all circumstances considered unfair" (referred to as "Black List") will be revised. Accordingly, certain practices are generally considered unfair and thus illegal.

The adopted amendment is expected to be made to item no. 23a of the "Black List" that will declare the following commercial practices unfair:

"Reselling events tickets to consumers if the trader acquired them using automated means

to circumvent any limit imposed on the number of tickets that a person can buy or any other rules applicable to the purchase of tickets."

In addition, organisers also have the option of offering personalised tickets.

This is, however, frequently countered by a great deal of effort in tracking or checking during admission.

Source: EVVC.org, Thomas Rüsche, LL.M., Lawyer (Loehr Law Firm, Bonn)