

Reply to Call for Evidence Consumer Agenda 2025-2030 and action plan on consumers in the Single Market

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Introduction

Pearle*-Live Performance Europe, representing over 13,000 organisations and companies in the music, performing arts, and live events sectors, welcomes the opportunity to contribute to the consultation on the upcoming Consumer Agenda 2025–2030 and the Action Plan on Consumers in the Single Market.

As a general principle, Pearle* endorses the policy priorities outlined in the call for evidence and the forthcoming Action Plan. We look forward to seeing more details on the proposed Digital Fairness Act and the review of consumer protection rules, as we support initiatives that further strengthen consumer protection cooperation.

The 2020–2025 Consumer Agenda¹ laid important foundations by addressing the green transition, the digital transformation, the enforcement of consumer rights, the needs of vulnerable groups, and international cooperation. While these priorities remain highly relevant, the experience of recent years shows that stronger and more coherent action is needed to ensure that consumer protection keeps pace with fast-changing markets and technologies. In particular, the new Consumer Agenda should better address cross-border challenges, close enforcement gaps, and provide clearer, harmonised rules in the digital environment. Strengthening transparency, ensuring effective enforcement across the Union, and fostering trust in consumer markets will be essential to make the Single Market fairer, more resilient, and more accessible for all citizens.

The cultural and creative industries, and in particular the live performance sector, are central to Europe's social cohesion, democratic values, and competitiveness. As millions of Europeans engage with cultural and live events every year, consumer protection rules in the Single Market must safeguard trust, fairness, and accessibility.

The Consumer Agenda is particularly relevant for the live performance sector in two ways: firstly, through the sale of tickets that enable audiences to attend shows and events, and secondly, through the provision of creative content to consumers via online streaming services.

¹ [New Consumer Agenda Strengthening consumer resilience for sustainable recovery](#)

In this regard, the new consumer agenda should include a socio-cultural dimension, as consumers are also participants to cultural and social life, where both are often entangled with each other.

This means that consumer protection rules need to be aligned with broader policy priorities, including the objective of ensuring that culture is accessible to all and that non-discrimination is safeguarded. In many countries, specific groups such as minors, students, retired persons, people with disabilities, people with low income, and schools benefit from reduced tariffs on tickets or are even granted such reductions by law, particularly in the case of public bodies and subsidised organisations.

While we highlight these socio-cultural aspects, our main priority remains to strengthen the effective implementation of the existing consumer protection rules and enforcement before introducing new obligations or additional regulatory layers.

In this contribution, we wish to highlight three key issues that directly affect both consumers and the sustainability of the live performance sector:

- **Secondary ticketing**, which continues to create unfair commercial practices and expose consumers to fraud.
- **Dynamic pricing**, which can offer benefits if applied transparently but requires clear safeguards.
- **Online piracy of live events**, a growing problem that undermines consumer rights and weakens the economic viability of cultural production.

Comments

1) Secondary ticketing²: protecting consumers and cultural operators from unfair practices

Over the past decade, illicit secondary ticketing has become one of the most persistent consumer challenges in the live performance sector. Despite national initiatives and EU-level provisions under the **Unfair Commercial Practices Directive**³ and the **Digital Services Act**⁴, consumers remain exposed to misleading offers, inflated prices, and fraudulent transactions. The business model of professional resellers and ticket scalpers continues to divert money away from the cultural and creative industry and audiences, undermining trust in the Single Market, and providing for the necessary income to invest in new creative and artistic content.

Court cases in several Member States, along with campaigns led by industry and consumer organisations, have underlined the scale of the problem. Some Member States have introduced national legislation prohibiting resale above face value, but enforcement remains inconsistent and fragmented. As a result, protection for consumers depends largely on where they buy their tickets and which national laws apply. Individuals travelling across borders for cultural events or festivals face particular disadvantages when resale rules differ from one Member State to another. In conclusion, this demonstrates a real single market problem that requires European-wide concerted action.

² On secondary ticketing, Pearle* is partnering with [FEAT](#), the Face-Value European Alliance for Ticketing.

³ [Unfair Commercial Practices Directive](#)

⁴ [Digital Services Act](#)

At EU level, the Digital Services Act has provided new tools, such as trusted flaggers and obligations for platforms to react to illegal content. However, experience so far shows that responses are slow and ineffective, with resale websites often ignoring complaints and continuing to profit from misleading offers. **A missing piece in current EU rules is ticket transparency of resale websites: consumers rarely know the original face value, the official seller, or whether resale is authorised. This lack of clarity is at the core of many consumer detriments.**

Unfair practices remain widespread in the secondary ticketing market. Automated software or “bots” are routinely used to bypass purchase limits and acquire large numbers of tickets the moment they go on sale, leaving ordinary consumers with little chance of buying at face value. Tickets are then resold at multiples of their original price, sometimes even before the official sale has started, in clear violation of consumer protection principles. Misleading marketing further aggravates the situation, with platforms often presenting themselves as authorised sellers, concealing the true origin of the ticket, or suggesting scarcity to push buyers into hasty decisions.

Although the Unfair Commercial Practices Directive already recognises the use of bots for mass ticket purchases as an unfair practice, enforcement remains patchy, and the complex structure of secondary platforms makes it difficult for national authorities to intervene effectively. The result is a market in which consumers are misled into paying inflated prices, artists and organisers lose control over access to their events, and the cultural sector as a whole suffers reputational damage.

Key concerns for Pearle*:

- **Lack of transparency:** On many resale platforms, consumers cannot see the original face value of tickets or identify the official seller.
- **Misleading advertising:** Search engines frequently display resale platforms as top results in paid listings for popular events, creating the impression that these entities are authorised or official sellers.
- **Unfair commercial practices:** Automated tools (bots) allow professional traders to acquire large volumes of tickets, later resold at inflated prices.
- **Fragmented legal landscape:** Rules differ across Member States, leaving consumers with uneven levels of protection.
- **Weak enforcement:** Platforms often operate from outside the EU, making enforcement difficult and leaving consumers unprotected when resale is illegal under national law.

Recommendations:

- **Harmonising EU-wide rules,** ensuring that tickets sold online clearly indicate the face value and official seller, applicable categories of ticket, and whether resale is authorised.
- **Strengthen enforcement through coordinated actions** at the EU level, including renewed “sweeps” of secondary ticketing websites under the Consumer Protection Cooperation Network.
- **Ensure that Digital Services Coordinators under the DSA cooperate effectively** with cultural and consumer authorities to remove unlawful listings quickly, and provide sector-specific training to enhance their understanding of the live event and cultural field

- **Develop international cooperation frameworks** to close loopholes allowing platforms to operate from “safe havens” outside the EU, including countries such as Switzerland, where major resellers are registered.
- **Explore the use of secure technologies** (e.g. European Digital Identity) to guarantee the authenticity of online tickets.
- **Support consumer education campaigns** that highlight the risks of buying tickets on non-authorised resale platforms.

2) Dynamic pricing: Balancing flexibility, transparency, and accessibility

Pearle* believes that it is important to highlight that dynamic pricing can be applied across various areas beyond the music industry (where its use became more notorious recently⁵) including both the subsidised and commercial live performance sectors. There is broad recognition among our members that, **when implemented fairly and transparently, dynamic pricing can offer advantages, such as increased revenue and an incentive for earlier purchases. However, it must not compromise audience satisfaction.** Regulation and enhanced transparency are necessary to ensure fair implementation, but an outright ban should be avoided, as it could disproportionately impact organisations that benefit from dynamic pricing in a balanced and equitable manner.

Dynamic pricing has the potential to enhance pricing strategies and increase revenue. It can motivate early purchases and encourage buyers to secure tickets at the lowest prices available. Early bird pricing or package sales (e.g. festival passes) are commonly used but vary across organisations. It can also help expand pricing tools and increase profit from ticket sales, with even slight price adjustments generating significant financial impact. Dynamic pricing may also be applied to reduce ticket prices when demand is low, in order to attract a larger audience and fill seats. This is usually a reactive measure rather than a structured, ongoing dynamic pricing strategy.

When implemented effectively, dynamic pricing can help customers find tickets within their budget by guiding them toward specific event dates, times of the year, or seating areas that match their price range. This is part of active communication and digital marketing with customers. However, if applied poorly, ticket prices may become misaligned with demand, leading to unsold seats. Pricing is inherently complex, as it requires balancing different buyer segments while ensuring fair pricing for individuals. Dynamic pricing serves as a tool to determine optimal price points, and when properly adjusted based on demand, it can help achieve a fair and sustainable pricing strategy for a diverse audience.

Key principles for fair dynamic pricing:

- **Transparency and clarity:** Safeguards such as clear pricing structures and effective communication are vital. Price fluctuations at different purchase times may cause audience resentment, which can be avoided if consumers are fully informed.
- **Final price certainty:** The total price should be clearly indicated at the start of the purchase process and should not change during it. Consumers must remain free to decide whether to buy at the indicated price.

⁵ *Oasis Concert case* on dynamic ticket pricing, which sparked public debate on transparency and fairness in ticket sales.

- **Clear labelling:** Ticket labels should accurately reflect the pricing model, to avoid misleading implications of enhanced seating or additional benefits.
- **Accessibility:** Affordability and inclusivity must remain central, particularly for subsidised cultural institutions whose mission is to ensure broad participation.

Finally, it must be underlined that there are still many legal uncertainties surrounding the regulation of dynamic pricing, with potential conflicts between EU-level rules and national frameworks. **Any EU initiative should therefore aim at clarifying rights and obligations while leaving sufficient flexibility for different cultural and business models to operate.**

3) Online piracy of live events⁶: Protecting consumers and copyrights

Piracy of live cultural and sports events has become a growing concern across Europe. The combination of technological advances, weak enforcement, and high consumer demand for real-time access has made unlawful live streaming both widespread and increasingly profitable for illegal operators. **For consumers, this environment creates confusion between legitimate and illicit offers, often exposing them to fraud, unsafe and unreliable websites, and a lack of legal protection.** For event organisers, artists, and cultural professionals, piracy directly undermines revenues, discourages investment in high-quality productions, and erodes confidence in the digital transition.

Although the Commission adopted a **Recommendation on combating online piracy of sports and other live events in 2023**⁷, practical results remain limited. The key challenge is the **time-sensitive nature of live events**: when illegal streams are not removed immediately, the damage is irreversible once the event ends. Current provisions referring to “expeditious removal” are therefore inadequate for live content. In contrast, unlawful broadcasts of concerts, theatre productions, or sporting competitions must be tackled **in real time**, before the end of the performance, if consumer rights and cultural value are to be safeguarded.

From the consumer perspective, online piracy means that users of illegal services are routinely exposed to scams, phishing attempts, identity theft, malware infections, and data breaches. It is well-documented that pirate streaming sites frequently host malicious advertising (“malvertising”), install spyware or ransomware without user consent, or unlawfully harvest personal data.

Beyond this, VPN services are increasingly promoted alongside illegal IPTV and streaming offers, encouraging copyright circumvention, misleading consumers, and exposing them to significant cyber risks. These unauthorised IPTV subscriptions (marketed as low-cost alternatives to licensed services) are often linked to organised criminal groups and offer no consumer guarantees such as refund rights, continuity of service, or reliability. Allowing illegal operators to compete directly with official providers creates an unfair market, weakening consumer trust and damaging legitimate operators who comply with EU rules.

Moreover, online piracy jeopardises Europe’s broader cultural ecosystem. Live streaming and digital platforms have the potential to expand access, create new professional opportunities, and reinforce economic sustainability. Yet this potential can only be realised if piracy is

⁶ Pearle* is a member of the [Live Content Coalition](#) which brings together leading European live content producers, broadcasters, exhibitors, and ticket sellers to fight against the piracy of live events.

⁷ [Commission Recommendation \(EU\) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events](#)

effectively addressed, ensuring that creators, venues, and consumers all benefit from a fair digital marketplace.

Key recommendations:

- Clarify that “expeditious removal” for live events must mean **immediate takedown**.
- Integrate **consumer protection principles** into the anti-piracy framework by acknowledging the risks stemming from the consumption of illegal content (malware, data theft and others). Recognising that consumers who lawfully purchase access must be shielded from perilous activities conducted by illegal operators.
- **Reinforce cooperation** between rights-holders, cultural organisations, and enforcement authorities at the EU and international level to dismantle illegal streaming networks. This can only be efficient should the European Commission propose specific legislation addressing the illegal distribution of live content.
- **Enhance the role of Digital Services Coordinators** to ensure rapid, consistent, and effective removal of pirated live content across Member States.
- **Support consumer education campaigns** that highlight the risks of engaging with illegal streams and direct audiences toward safe, authorised services.
- **Address the link between geo-blocking and piracy**, consumers often resort to unlawful sources when legitimate cultural or sports content is unavailable across borders. A more consistent Single Market approach to cross-border access would help reduce incentives for piracy while improving consumer choice.

Conclusion

Pearle* believes that the upcoming Consumer Agenda 2025–2030 offers a unique opportunity to strengthen consumer trust in the Single Market while supporting the resilience and sustainability of Europe’s cultural and creative industries, building further on the consumer regulatory acquis already achieved. The live performance sector directly engages millions of citizens every year, and ensuring fair, transparent, and accessible consumer protection rules is therefore essential.

Addressing illicit secondary ticketing, establishing safeguards for dynamic pricing, and tackling the growing threat of online piracy will not only protect consumers but also reinforce Europe’s cultural ecosystem. These measures are crucial to restore confidence in cultural markets, prevent fragmentation of consumer rights across borders, and create a level playing field for legitimate operators.

By embedding transparency, effective enforcement, and international cooperation in the new Agenda, the EU can ensure that consumers are empowered to make informed choices while cultural organisations and professionals continue to innovate and thrive. Strengthening these frameworks will help deliver on the Union’s goals of fairness, competitiveness, and social cohesion, and secure a vibrant cultural future for European citizens.