

# **UEFA EURO 2028 - commercial rights protection: Public consultation**

**April 2024**

# UEFA EURO 2028 - commercial rights protection: Public consultation

## 1. Introduction and background

### 1.1 Purpose of the survey

The UEFA European Championship, also referred to as 'EURO', is a four yearly tournament. It is held between UEFA's [national member football associations](#). It is one of the most prestigious international men's football tournaments. Scotland will co-host EURO 2028 as part of a joint UK and Ireland Championship. The event is expected to take place in Summer 2028 and last around four weeks.

We are working closely with UK Government, Welsh Government, Northern Ireland Executive and Irish Government on the operating environment for EURO 2028.

Matches in Scotland will be played at Hampden Park. It is one of 10 stadiums proposed to host EURO 2028. UEFA will confirm the final match split. Glasgow will be one of nine host cities across the UK and Ireland. Hampden Park and potential fan zones at locations in Glasgow will be 'event zones' during the event. Legislation for EURO 2020 originally set event zones at Hampden Park, Merchant City and George Square.<sup>1</sup> When the event took place in 2021, the actual event zones were at Hampden Park and Glasgow Green.

Some mega sporting events require certain protections. For some, like the Olympics or Commonwealth Games, specific legislation needs to be put in place as a result.<sup>2</sup> For EURO 2028, UEFA has requirements to protect its own and event sponsors' commercial rights during the event. It also requires a ban on ticket touting. This survey is seeking views on the commercial rights protection measures that should be put in place in Scotland for this event.

### 1.2 Who we want to hear from

This survey is aimed at:

- Street traders, media owners and other businesses who may be based in event zones and have external advertising, for example, bars and restaurants. These businesses could be affected by measures put in place for EURO 2028.
- People living in places where measures are likely to apply, and groups who represent them. Some measures, for example on street trading, would only affect event zones. Others, such as ticket touting measures, would apply throughout Scotland. We are therefore seeking views from people throughout Scotland.

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<sup>1</sup> Maps of these event zones are at Schedule 3 of [The UEFA European Championship \(Trading and Advertising\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](#)

<sup>2</sup> [Birmingham Commonwealth Games Act 2020 \(legislation.gov.uk\)](#); [London Olympic Games and Paralympic Games Act 2006 \(legislation.gov.uk\)](#)

We are seeking views on:

- What the impacts were of the measures put in place for UEFA EURO 2020, which took place in 2021.
- How business could be impacted by the measures that are likely required by UEFA for EURO 2028.
- What kinds of measures and exemptions would be most appropriate to meet likely UEFA requirements.

## **2. Requirements to Host the Championships**

UEFA's full requirements are not yet confirmed. The proposals set out for this survey are based on government guarantees made to UEFA when bidding for EURO 2028, and experience from EURO 2020, when Scotland was one of eleven host nations. That event was postponed to 2021 due to the Covid-19 pandemic.

An Act and Regulations were put in place in Scotland for EURO 2020.<sup>3</sup> They were supported by guidance for businesses from Glasgow City Council. The Act and Regulations drew on legislation that was put in place for the 2014 Glasgow Commonwealth Games.<sup>4</sup> This experience and early discussion with UEFA suggests it is likely that rights protection legislation is required in order to host EURO 2028 matches in Scotland.

For EURO 2028, it is likely UEFA will require additional protections, including relevant criminal offences and enforcement powers, around:

- Unauthorised street trading
- Unauthorised advertising
- Unauthorised resale of tickets

### **2.1 Objectives of proposed legislation**

Any proposed legislative measures would aim to meet UEFA's requirements by:

- Protecting commercial rights by prohibiting unscrupulous touting of match tickets, often at significantly inflated prices, both in person and by electronic methods. This could also support a safe and secure event taking place.
- Protecting UEFA's commercial rights and those of its sponsors and licensees, and preventing ambush marketing.
- Protecting the character and integrity of EURO 2028 by eliminating inappropriate advertising and street trading, including pedlars.

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<sup>3</sup> [The UEFA European Championship \(Scotland\) Act 2020](#), [The UEFA European Championship \(Trading and Advertising\) \(Scotland\) Regulations 2020](#), [The UEFA European Championship \(Scotland\) Act 2020 \(Ticket Touting Offence\) \(Exceptions for Use of Internet etc.\) \(Scotland\) Regulations 2020](#), and [The UEFA European Championship \(Scotland\) Act 2020 \(Compensation for Enforcement Action\) \(Scotland\) Regulations 2020](#).

<sup>4</sup> [Glasgow Commonwealth Games Act 2008](#), [Glasgow Commonwealth Games Act 2008 \(Ticket Touting Offence \(Exceptions for Use of Internet etc.\) \(Scotland\) Regulations 2012](#), [Glasgow Commonwealth Games \(Trading and Advertising\) \(Scotland\) Regulations 2013](#), and [Glasgow Commonwealth Games Act 2008 \(Duration of Urgent Traffic Regulation Measures\) Order 2014](#)

- Controlling advertising and street trading in designated areas to ensure the safety and the free flow of spectators to and from the event zones.

The proposed measures would aim to ensure the effective running of the event. They would not be required once the event was completed. They would therefore end a reasonable period after event activity finished.

Mega events such as UEFA EURO attract large audiences and have positive values associated with their brand. This makes them attractive to businesses seeking to promote their goods or services. Such businesses often pay significant sums to the organisers of these events to become official sponsors and licensees. This gives them the exclusive right to promote themselves and their goods or services as associated with the event.

Selling these commercial rights provides significant revenue for the event. Without it, an event might have to rely more on public funding. We have heard from the events sector that it has been more challenging to secure sponsorship and other types of commercial revenue following the pandemic, with many previous sponsorship arrangements having been scaled back because of increased costs for sponsors or changes in their commercial priorities.<sup>5</sup> This makes protecting sponsors' and other commercial rights even more important.

If sponsors and other commercial partners are not confident that such sponsorship and commercial rights are exclusive, it can reduce their value as a source of revenue. Ambush marketing is when companies or advertisers try to capture these benefits without the event organiser's permission. It is also called parasitic marketing. These companies gain the benefits of association through unauthorised advertising and promotion without paying the sponsorship fee. Not paying this fee allows them to put more resource into traditional marketing activities. This makes it more difficult for an event to attract private investment, which undermines its revenue base. UEFA obliges host nations to put in place protections against ambush marketing to protect major events rights owners and their commercial partners.

Often ambush marketing creates an association through being close to or intruding into venues where the event is being held. Ambush marketers could put in place adverts (such as banners or blimps) around venues. They could also hand out free branded merchandising (such as T-shirts) to spectators that could be carried into venues. These adverts could then be seen by spectators or picked up on television.

The [Town and Country Planning \(Scotland\) Act 1997](#), the [Trade Marks Act 1994](#), the [Trade Descriptions Act 1968](#), the [Control of Misleading Advertisements Regulations 1988](#) and the common law of "passing off" already provide some protection against these activities. Nonetheless, the nature of this protection, coupled with the short term, high profile nature of EURO 2028 means that it could be targeted by ambush marketing strategies which could operate successfully within the law.

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<sup>5</sup> [Consultation on Restricting Alcohol Advertising and Promotion: Analysis of responses - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/Consultation-on-Restricting-Alcohol-Advertising-and-Promotion-Analysis-of-responses.pdf)

## 2.2 Street trading

For EURO 2020, unauthorised outdoor trading was prohibited in event zones when these were in operation. This was needed to meet UEFA's requirements to host the event. It may also help manage the flow of people into and out of the event zones by keeping thoroughfares clear. It was intended to restrict market clutter, prevent inappropriate marketing, and protect the high standards associated with the event. It also aimed to protect the integrity of the event and prevent over-commercialisation.

We are discussing detailed requirements for EURO 2028 with UEFA. Measures would be expected to restrict street trading activity in the event zones. There would be an event zone around Hampden Park (using the event zone for EURO 2020<sup>6</sup> as a basis), and an event zone in part of Glasgow City centre. For EURO 2020, trading was the sale or offer for sale, in an open public place, of an article or service.

Street trading by a non-UEFA partner would not be allowed when the event zone was operational. For Hampden, this would be for the whole tournament and a period before this. There could be exemptions to this. For EURO 2020, exemptions included permission for selling newspapers, busking, and public transport services.<sup>7</sup>

There are currently approximately 146 street trading licences for the area around Hampden Park. There are currently approximately 3 street trading licences for Glasgow City Centre. A total of 94 Pedlars Licenses were issued nationally between 2 April 2023 and 2 April 2024.

For EURO 2020, the penalties for committing the street trading offence were:

- on summary conviction, a fine not exceeding £20,000,
- on conviction on indictment, to a fine.

For EURO 2028, we propose that similar measures and penalties should apply for street trading (including for pedlars).

It is proposed that Police Scotland and officers appointed by Glasgow City Council would enforce the proposed street trading offence. This is considered appropriate given the likely nature of the proposed offence and the need to target resources effectively. For someone to be appointed as an enforcement officer, they would require similar skills and experience as were required for EURO 2020.<sup>8</sup> The proposed enforcement powers would be developed taking account of relevant previous legislation. This includes the Glasgow Commonwealth Games Act 2008, the UEFA European Championship (Scotland) Act 2020, and the Birmingham Commonwealth Games Act 2020.<sup>9</sup>

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<sup>6</sup> A map of the 2020 Hampden Park event zones is available at Schedule 3 of [The UEFA European Championship \(Trading and Advertising\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](#)

<sup>7</sup> [The UEFA European Championship \(Trading and Advertising\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](#)

<sup>8</sup> [UEFA European Championship \(Scotland\) Act 2020 \(legislation.gov.uk\)](#)

<sup>9</sup> [Birmingham Commonwealth Games Act 2020 \(legislation.gov.uk\)](#)



putting these kinds of exemptions in place again for proposed legislation for EURO 2028.

For EURO 2020, the penalties for committing the advertising offence were:

- on summary conviction, to a fine not exceeding £20,000,
- on conviction on indictment, to a fine.

For EURO 2028, we propose that similar advertising measures and penalties should apply.

It is proposed that Police Scotland and officers appointed by Glasgow City Council would enforce the proposed advertising offence. This is considered appropriate given the nature of the proposed offence and the need to target resources effectively. For someone to be appointed as an enforcement officer, they would require similar skills and experience as were required for EURO 2020.<sup>11</sup> The proposed enforcement powers would be developed taking account of relevant previous legislation. This includes the Glasgow Commonwealth Games Act 2008, the UEFA European Championship (Scotland) Act 2020, and the Birmingham Commonwealth Games Act 2020.<sup>12</sup>

We propose that guidance for businesses would be issued to help them to understand and comply with the advertising measures.

## Questions

Were you aware of advertising laws put in place in event zones for EURO 2020?  
Yes/No/Don't Know

What impact, if any, did those advertising laws have on you (as a resident, business or visitor)?

What impact do you think the proposed measures on advertising in EURO 2028 event zones might have on you (as a resident, business or visitor)?

Do you think there are any exemptions or other measures that could be applied to help manage any adverse impacts from the proposed advertising measures?  
Yes/No/Don't Know

Can you explain your answer to the above question?

## 2.4 Ticketing

Demand for tickets for EURO 2028, both in Glasgow and in other host cities, is expected to exceed the number of tickets that will be available. UEFA is the only authorised seller of Championship tickets. In the past, UEFA has had its own fan resale platform. People who had purchased tickets that they then could not use could sell these at face value on the platform.

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<sup>11</sup> [UEFA European Championship \(Scotland\) Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2020/12/section/1)

<sup>12</sup> [Birmingham Commonwealth Games Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2020/12/section/1)

For EURO 2020, the touting of tickets was prohibited both in person and online. This was to act as a deterrent to touts who would seek to profit (potentially significantly) from resale of tickets. It provided a basis for both preventative and punitive action in the event of any breach. These measures were to protect UEFA's rights and additionally, supported fair access to tickets and helped to ensure public confidence in the event. Prohibiting unauthorised resale could also contribute to the safety and security of the event. For EURO 2020 there were exemptions in place. These included for charity auctions and certain electronic communications or the storage of data.<sup>13</sup>

In early discussions on measures, UEFA has suggested that measures on ticketing for EURO 2020 in Scotland did not go far enough and should be strengthened for 2028. This is because resale was only prohibited above face value or at a profit. UEFA would prefer that the proposed legislation for EURO 2028 prohibits any unauthorised resale, and that it does not include a charity exemption or any other exemption.

For EURO 2020, a person convicted of a ticket touting offence was liable on summary conviction to a fine not exceeding level 5 on the standard scale. This is £5,000. The approach the Scottish Government takes in proposing maximum fine levels for legislation is that offences which attract a Level 5 (£5,000) penalty should be capable of causing, or be liable to cause, substantial and direct damage to the property or interests of others or of the community as a whole.

The Glasgow Commonwealth Games Act 2008 originally considered the appropriate penalty for ticket touting in Scotland and established a precedent for using a maximum fine level of £5,000 through Scottish legislation for relevant events where ticket touting needs to be regulated. Since then, there has been an increase in the use of the internet and smartphones. This could make it easier for significant profit to be made from touting at scale (rather than an individual touting one or two tickets). We are considering whether a penalty of £5,000 remains appropriate or if it should be set at a higher level. For example, it may be considered appropriate for it to be adjusted to be in line with the penalty for the street trading and advertising offences (£20,000). Separately, it is noted that the penalty in Scotland for touting Birmingham Commonwealth Games tickets (which was set through UK Government legislation) was a fine not exceeding £50,000.<sup>14</sup> However, other legislation in force in England and Wales sets the penalty at £5,000.<sup>15</sup>

The proposed legislative enforcement powers would be developed taking into account relevant previous legislation. This includes the Glasgow Commonwealth Games Act 2008, the UEFA European Championship (Scotland) Act 2020, and the Birmingham Commonwealth Games Act 2020.<sup>16</sup>

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<sup>13</sup> [UEFA European Championship \(Scotland\) Act 2020 \(legislation.gov.uk\)](#)

<sup>14</sup> [Birmingham Commonwealth Games Act 2020 \(legislation.gov.uk\)](#)

<sup>15</sup> [Criminal Justice and Public Order Act 1994 \(legislation.gov.uk\)](#)

<sup>16</sup> [Birmingham Commonwealth Games Act 2020 \(legislation.gov.uk\)](#)

## Questions

Were you aware of ticket touting laws put in place for EURO 2020? Yes/No/Don't Know

What impact, if any, did those ticket touting laws have on you (as a resident, business or visitor)?

What impact do you think the proposed measures on ticket touting for EURO 2028 might have on you (as a resident, business or visitor)?

Do you think there are any exemptions or other measures that could be applied to help manage any adverse impacts from the proposed ticket touting measures? Yes/No/Don't Know

Can you explain your answer to the above question?

Which level of penalty for ticket touting offences do you think would be most appropriate for EURO 2028?

- £5,000
- £10,000
- £20,000
- £50,000
- Don't know

Why?

### 3. Impacts

We have published a [Partial Business and Regulatory Impact Assessment](#) alongside this survey.

We are also considering what impacts the proposals in this survey may have on people with protected characteristics and in terms of the Scottish Government's aim to create a fairer Scotland.

## Questions

Do you have any feedback on the partial Business and Regulatory Impact Assessment published alongside this survey?

In what ways, if any, do you think the proposed legislation would affect some groups of people differently than others? This might be based on where people live, their socioeconomic status or their [protected characteristics](#).<sup>17</sup>

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<sup>17</sup> The nine protected characteristics under the [Equality Act 2010](#) are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### **4. Other mega events and events more generally**

This survey focuses on potential measures for commercial rights protection for EURO 2028. However, we understand that there may be areas more generally where changes to the regulatory environment in Scotland could be explored to help Scotland maintain its reputation as the Perfect Stage for events. In considering this, it may be helpful to look at best practice from around the world.

##### **Question**

Do you have any further comments about the regulatory context for events in Scotland? In your response you may wish to reflect on how Scotland can maintain its reputation for hosting events.

#### **5. Responding to this Consultation**

We are inviting responses to this consultation by 26 July 2024.

Please respond to this consultation using the Scottish Government's consultation hub, [Citizen Space](#). Access and respond to this consultation online at the [EURO 2028 commercial rights protection survey](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 26 July 2024.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

EURO 2028 Unit  
Scottish Government  
2G South  
Victoria Quay  
Edinburgh, EH6 6QQ

##### **5.1 Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see the privacy notice in the [Respondent Information Form](#).

## **5.2 Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **5.3 Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at

[majorevents@gov.scot](mailto:majorevents@gov.scot)

Email address for Major Events in the Scottish Government.

## **5.4 Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online on [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83601-210-8 (web only)

Published by The Scottish Government, May 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1449518 (05/24)

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