

T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Clare Adamson MSP  
Constitution, Europe, External Affairs and  
Culture Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

[ceeac.committee@parliament.scot](mailto:ceeac.committee@parliament.scot)

02 May 2024

Dear Clare,

I am writing to update you on the 2028 UEFA European Football Championship (EURO 2028), specifically commercial rights protection.

My predecessor as Minister for Culture, Europe and International Development, Christina McKelvie MSP, wrote to the Committee about the success of the UK and Ireland bid on 19 October 2023. Since then my officials have been working with partners from the other governments and the five football associations on transitional arrangements for this event. Areas of transition work include governance arrangements, programme assurance, continued development of a legacy programme, and government guarantees (including on rights protection).

### **EURO 2028: commercial rights protection – public consultation**

It is this last area of transition work that I wish to provide the Committee with a more detailed update on now. For UEFA EURO 2020, the UEFA European Championship (Scotland) Act 2020 (2020 Act) was in place to provide for certain measures in relation to ticket touting, street trading and advertising. We are currently working with other government partners on what might be needed in this space for EURO 2028.

Today the Scottish Government has launched a 12-week public consultation to seek views on potential commercial rights protection measures and exemptions to these measures for EURO 2028. This will involve:

- A public consultation paper published on the Scottish Government website supported by a Citizen Space survey.
- Targeted engagement during the consultation period with those most likely to be affected and groups representing these interests.

Parliament has been informed of this public consultation launch via a Government Initiated Question.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

## Partial Business and Regulatory Impact Assessment

A partial Business and Regulatory Impact Assessment on EURO 2028 rights protection measures has been published to inform the public consultation.

### The UEFA European Championship (Scotland) Act 2020 – Partner feedback

I would also like to update the Committee on feedback on how the 2020 Act operated in practice. During the passage of the 2020 Act, the Culture, Tourism, Europe and External Affairs Committee's stage 1 report included a recommendation, which the Scottish Government accepted, that a formal evaluation of the operation of the legislation's provision in practice should be undertaken.

Scope to report on, and evaluate, the EURO 2020 Act was severely limited due to the impact of the Coronavirus pandemic. The rescheduled event took place in 2021 with a limited number of spectators present. Public health considerations were of paramount importance and a number of mitigations were put in place for the event in order to reduce the risk of transmission. Glasgow City Council oversaw compliance with these measures.

The Scottish Government was unsuccessful in procuring an independent evaluation of the operation of the measures provided for by the EURO 2020 Act and associated regulations. However, feedback on operation of the legislation was gathered from event partners, including Glasgow City Council and UEFA. A summary of feedback from partners has been provided to Parliament in my response to Parliamentary Question S6W-27180. The summary and fuller details of the feedback gathered from event partners is attached at **Annex A** of this letter.

I hope the above information is helpful. I look forward to continuing engagement with the Committee on EURO 2028 on commercial rights protection and more generally, as we seek to ensure that this event delivers a range of benefits for Scotland.

Yours sincerely,



**KAUKAB STEWART**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE**<sup>™</sup>  
We invest in people Silver



## ANNEX A

### PARTNER FEEDBACK ON IMPLEMENTATION OF THE UEFA EURO 2020 ACT

#### Summary feedback

- Crown Office and Procurator Fiscal Service (COPFS) have not received any reports under the EURO 2020 Act. As far as COPFS officials are able to identify, COPFS did not receive any reports in relation to ticket touting, illegal street trading or illegal advertising with offence dates between 11 June and 12 July 2020.
- Glasgow City Council noted that the legislation was essential in ensuring restrictions could be put in place. However, it would have been useful for event partners to have agreed upon the requirement to implement legislation sooner, particularly had the original 2020 dates taken place. This would have allowed for a fuller public consultation and more notice to traders of the restrictions being implemented;
- The Scottish Football Association echoed the point around the need for identifying a legislative solution sooner, in the context of the originally scheduled EURO 2020. However, the Scottish Football Association recognised that the Scottish Government successfully managed to expedite a process, timetable and resource base that provided considerable comfort and confidence to key project stakeholders – UEFA, the Scottish Football Association, and Glasgow City Council; and
- UEFA noted that, despite the strong and clear wording of the legislation, implementation of the legislation was challenging. Whilst UEFA considers that Glasgow City Council Trading Standards' level of resource and patrolling was sufficient, it has also observed that Glasgow City Council Trading Standards did not feel comfortable going above and beyond what they would do in normal circumstances against infringing activities.

#### Detailed feedback as provided by stakeholders

##### **Crown Office and Procurator Fiscal Service**

- Crown Office and Procurator Fiscal Service (COPFS) have not received any reports under the EURO 2020 Act.
- As far as COPFS officials are able to identify, COPFS did not receive any reports in relation to ticket touting, illegal street trading or illegal advertising with offence dates between 11 June and 12 July 2020.

##### **Glasgow City Council**

- Glasgow City Council consider that the legislation was essential in ensuring restrictions could be put in place regarding unauthorised street trading.
- The amount of street traders who applied to Glasgow's Licensing department for a temporary licence as a result of not being able to trade in their usual place for the championships was in single figures.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



- Street traders seemed to be generally fine with having to relocate given legislation was in place, though it's felt that this wouldn't have been the case had there been no legislation.
- It would have been useful to have the initial legislative process underway sooner, had the 2020 dates for EURO 2020 held, simply to give more notice to traders of the restrictions being implemented.
- Smaller crowds at Hampden as a result of the Covid-19 restrictions – and having only one event zone – may mean that scale of detected offending at the Euro 2020 event is not representative of the type and scale of offending which could take place in an event without the same restrictions.
- There were a few limited issues with some street traders, but none that would have merited a report to the Procurator Fiscal. Many of which were not in an event zone, for example around Glasgow Green, Merchant City, George Square.

## Scottish FA

- The Scottish FA believes the need for a legislative solution capable of enforcing the commercial obligations synonymous with UEFA EURO 2020 could have been agreed upon sooner. Accordingly, with hindsight, the timetable and planning for the review and introduction of the 2020 Act should have afforded a much longer lead time (and consultation period) than it ultimately provided.
- However, when it was finally acknowledged that legislation was required to be introduced in Scotland, the Scottish Government successfully managed to expedite a process, timetable and resource base that provided considerable comfort and confidence to key project stakeholders – UEFA, the Scottish FA, and Glasgow City Council.
- The Scottish FA wishes to acknowledge that the observations made by UEFA relative to GCC Trading Standards / Police Scotland resource and support, and would confirm that this was a matter of some discussion between the respective parties well in advance of the tournament.

## UEFA

- UEFA were very excited about the legislation and were looking forward to seeing how it would work in practice. However, despite the strong and clear wording of legislation, UEFA considers that implementation was a real challenge.
- In Glasgow during UEFA EURO 2020, the enforcement against infringing activities was led by Glasgow City Council Trading Standards. UEFA considers that the level of resource (in terms of number of officers) from Trading Standards was good and there was a sufficient level of patrolling around the Event Zones before the matches.
- However, UEFA has noted that Trading Standards did not feel comfortable going above and beyond what they would do in normal circumstances against such activities. As such, even though legislation was in place, UEFA felt that Trading Standards operated as they would do under existing laws, not making use of the legislation as they could have.

UEFA reports that the legislation was essential in ensuring restrictions could be put in place regarding:

- I. **Unauthorised trading:** In normal circumstances, Trading Standards would take action against sellers selling counterfeit products but will not take action against all other street traders. Articles 5-8 of the legislation made clear that all street trading is prohibited around event zones, even where traders have an existing licence. Despite this, UEFA has assessed that Trading Standards were slow to move sellers that did

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

not have counterfeit products (and in some cases would not remove them at all). There was a specific issue with pedlars licences (for sellers who move around) – Trading Standards didn't feel they could remove or prohibit sellers who had these licences or revoke their licence.

- II. **Ambush advertising:** UEFA were categorically told that there was nothing that could be done to stop or remove any ambush advertising if identified. Articles 11-14 make clear that ambush advertising is prohibited but when UEFA discussed enforcement with Trading Standards they said they had no process in place to deal with these matters. UEFA consider that part of the problem was that Trading Standard didn't know what to do because it is not something they have previously dealt with or trained to do. Very little information on ambush advertising was recorded as, UEFA has observed, that Trading Standards did not feel comfortable dealing with this, despite the legislation.
- III. **Police resource:** UEFA had no dedicated Police resource assisting UEFA with patrols – this can make some types of enforcement action, for example seizures, very difficult.
- IV. **Reporting:** UEFA considered that that there was some infringing activity on each match day and that reporting was an issue. For example, at all other host venues, the teams used WhatsApp groups and authorities would send UEFA pictures and infringement information in real time – Glasgow City Council employees, however, were not permitted to use WhatsApp. As such, UEFA would instead receive an Excel report following each Match Day with pictures; this was provided expeditiously and UEFA appreciate the efforts made to get this to them. However, the data in these reports was not clear and they did not show which pictures corresponded to each infringement. As such, it was difficult to get an idea of the hotspots for these activities around the stadium.

### UEFA proposals for any future legislation:

- Make clear that sellers with pedlars licences are also prohibited from selling in the Event Zones (even if that pedlars licence is issued by another council in the UK).
- Set up of a special enforcement force to deal with action against the newer offences under the legislation, for example, ambush advertising and unauthorised street trading of non-counterfeit merchandise. UEFA considers that this force could be set up within Trading Standards, or it may be a case of ensuring that the officers are fully trained up to deal with these issues and there are processes in place so that, for example, any unauthorised advertising can be easily covered up.
- Having a dedicated police resource on the ground to support on action against infringing activities.
- Having a better reporting system in place – UEFA believes that this is probably not something that needs to be addressed in legislation, but is something that partners will need to work on in the run up to any future UEFA events that may require legislation, for example UEFA EURO 2028.
- EURO 2020 legislation in respect of ticketing did not go far enough as it only prohibited resale at above face value or at a profit. In addition, any resale of tickets for charity was not caught under the legislation. UEFA would much prefer that the legislation for EURO 2028 prohibits unauthorised resale full stop and does not contain any charity exemption, or indeed really any exemptions. UEFA has also stressed the safety and security concerns connected with unauthorised ticket resale.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

