

Notice to the public regarding 2020/2021 ticket refunds.

A fair relationship with visitors and open communication have been the cornerstone of MetalDays' reputation since its inception. Since recently there have been more and more negative comments regarding ticket refunds for canceled editions of the festival in 2020 and 2021. We feel obliged to shed some light on this topic.

The MetalDays 2020 and 2021 editions, organised by Artfest d.o.o., were canceled due to the pandemic, and not due to the fault or unprofessionalism of the organizers. It is also not the organizer's fault that it was decided that insurance companies do not cover the damage in the event of a pandemic. Due to the consequences of inactivity for two years, we were forced to let all our employees go. The devastating impact of the pandemic also shut down four of our festivals; Winter Days of Metal, Headbanger's Holiday, New Metal Festival and Bluesland. When we were finally able to organize MetalDays in 2022, the prices of production, labor and everything else increased by 30-100% due to inflation, yet we had the majority of tickets sold at very low prices that were calculated in 2019, for the 2020 edition. It's something we couldn't control, and it's led to lower earnings. We found ourselves in a situation where we have to return refunds and invest in the 2023 edition at the same time with a very limited budget. Unfortunately, Slovenia is one of the few European countries with no strategy for supporting the entertainment industry or saving festivals.

1. Legal position explained

1.a. Slovenia's position regarding the canceled events in 2020 and 2021, and refunds for tickets.

"While individual member states regulate the area of consumer rights in connection with the distribution of single or season tickets or subscriptions in their own way (e.g. Austria, UK, Germany), neither Slovenian nor European legislation specifically deals with this area. It is therefore a good idea to check the general conditions of business with the service provider and to start by addressing the request to the organizer or ticket distributor.

Source: <https://www.epc.si/pages/si/pravice-potrosnikov/koronavirus/odpovedani-dogodki.php?lang=SI>

1.b. I purchased a ticket for an event that was cancelled. Am I entitled to a refund?

"EU consumer protection law does not regulate the conditions for the consequences of the cancellation of sports and cultural events.

Therefore, your rights in the event of cancellation (or postponement) of an event, even in the current state of emergency, depend on national contract law and the type of terms of your contract, including the event organizer's cancellation policy."

Source: https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/resolve-your-consumer-complaint/european-consumer-centres-network-ecc-net/faq-cancellations-individually-booked-accommodations-car-rental-and-events-due-covid-19_sl#odpoved-dogodkov

2. European Court of Justice, 31.03.2022 – (95/21)

2.a. Exclusion of the right of withdrawal when purchasing concert tickets online via an intermediary.

"In the case of online purchases of tickets for cultural or sport events, as in the case of purchases directly from the organizer, there is no right of withdrawal for the purchaser under the Consumer Protection Directive, even if the purchase is made through an intermediary (here: CTS Eventim), insofar as the economic risk of exercising the right of withdrawal would affect the organizer. This is clarified by the European Court of Justice."

2.b. Purchase price demanded back after corona-related concert cancellation

"A concert scheduled to take place in Braunschweig, Germany, on March 24, 2020, was canceled due to restrictions imposed by German authorities in connection with the Covid 19 pandemic. A consumer who had purchased tickets online for this concert via the ticketing service provider CTS Eventim was not satisfied with a voucher for the purchase price of the tickets issued by the concert organizer and demanded that CTS Eventim refund the purchase price and the additional costs."

2.c. Bremen District Court addresses right of withdrawal under the Consumer Protection Directive.

“The Bremen District Court, which was called upon by the consumer, addressed the question of whether the consumer was entitled to revoke his contract with CTS Eventim in accordance with the Consumer Protection Directive (Directive 2011/83/EU). According to the Directive, a consumer who has concluded a distance contract with a trader is in principle entitled to revoke the contract without giving reasons for a certain period of time.”

2.d. No right of withdrawal under the Directive in the case of scheduled leisure activities.

“However, according to the ECJ, the Directive excludes a right of withdrawal, inter alia, in the case where a service is provided in connection with leisure activities and the contract provides for a specific date for the provision of the service. The directive's aim in providing this exclusion is to protect organizers of leisure activities, such as cultural or sporting events, against the risk associated with providing certain available places that they may not be able to reallocate if the right of withdrawal is exercised. “

2. e. Exception may also apply in the case of ticket sales by non-organizers.

“In view of the fact that CTS Eventim was not itself the organizer of the concert in question, but sold the tickets for the account of the organizer but in its own name, the AG Bremen had wanted to know whether this exception applied in such a case. The Court affirmed this, provided that the economic risk of exercising the right of withdrawal would affect the organizer of the leisure activity in question. “

3. The terms and conditions of the festival and the obligations of the customer.

3.a. Festivals were canceled due to force majeure, and each ticket buyer agreed and accepted the terms of business, which expressly state:

“FORCE MAEJURE

In the case of circumstances beyond normal control such as war, civil or political unrest, actions and orders from the authorities, strikes, catastrophes, pandemics, epidemics or other severe damages or highly unexpected factors, the Promoter of MetalDays festival may cancel the festival, and all the funds received will not be refunded.”

Although we are not legally bound to refund for canceled festivals, we have decided to return the money for the tickets, for the canceled editions to those who want it. We are doing that at the pace that our financial situation allows us, without putting our business in danger. Without our business, there would be no refunds at all.

Refunds are processed on daily basis. Our support team is in contact with everyone who wants additional information. Refund information is regularly sent to them via newsletter. Along with the refund, everyone was offered to exchange their 2020 and 2021 tickets for 2022 tickets. A voucher option was also available, and that option is still in effect. Anyone who still hasn't received their refund, but wants to come to MetalDays 2023, has the option of a voucher in the value of their refund, which they can redeem when buying a ticket for 2023. All this is an indication that it is imperative to us that the situation be resolved to the satisfaction of all involved. Through no fault of our own we have found ourselves in a situation that is seriously damaging our reputation, and we regret every visitor we lose because of it. It is as painful and unpleasant for us as it is for visitors. But without Slovenian state aid, this could not and will not be resolved as quickly as desired.

In light of this, we ask for patience as we attempt to resolve the issue as soon as possible within our capabilities.