

Macrae, Tess

Subject: FW: eBay International AG - Notification - N93365 [SEC=UNCLASSIFIED]

Categories: SEC=UNCLASSIFIED

ACCC Classification: SEC=UNCLASSIFIED

**EXCLUDED FROM
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-----Original Message-----

From: [mailto: On Behalf Of Sharon Everton

Sent: Monday, 30 June 2008 11:07 AM

To: Adjudication

Subject: eBay International AG - Notification - N93365

Good morning, ACCC

I wish to make a very brief submission in support of the current position by the ACCC in its ruling against eBay.

As a regular buyer/seller on eBay and other internet based sites that use PayPal, I wish to register my grave concerns about the current status of PayPal in the Australian Banking System as well as eBay's attempts to force its use on all participants in their venue.

1) Do you support ACCC's notification against exclusive Paypal forcing?

Yes, I do support the ACCC's notification against exclusive PayPal forcing. The ACCC has ruled against third line forcing in many areas of commerce and should maintain that ruling here, if a company is operating as a business in Australia it should therefore be subject to the rules and regulations that are adhered to by all other businesses in Australia.

2) Do you agree that the Stage 1 - Paypal 'compulsory option' i.e. having to offer Paypal on all listings, should be rolled back as soon as possible?

Yes, I agree that the Stage 1 - Paypal "compulsory option" should be reversed immediately because maintaining it defies the ACCC's notification during the review period. As a seller this period in limbo has been extremely frustrating because of the advertising that Ebay has undertaken stating that using Paypal is the only method available for payment, this has lead to widespread confusion for both buyers and seller about their rights and obligations. None of which seem to have been satisfactorily answered by Ebay staff.

3) Do you believe Paypal should sign EFT Code of Conduct to ensure a 'Safe' transaction system for all consumers?

Yes, I believe PayPal should both sign and be subject to the EFT Code of Conduct, particularly because PayPal is being promoted as a "safe" method of funds transfer in venues outside of eBay and in competition with credit cards, which are subject to the EFT Code of Conduct, because if a company is trading within Australia it should be made to adhere to all Australian consumer protection laws.

In addition, I wish to protest at eBays' removal of the right of sellers to lodge feedback that is less than positive in respect of buyers who do not fulfil their legal obligations as to winning purchases or who unfairly post damaging feedback against the seller.

The current changes to the feedback system have placed sellers at great risk of financial loss and fraud from unscrupulous people with little or no recourse through eBay and PayPal. Ebay and Paypal are effectively condoning such conduct and distancing themselves from liability.

Please add my comments to the submission that will be presented to the ACCC hearings.

Thank you

Sharon Everton