



European Commission
DG Competition
1049 Bruxelles
BELGIQUE/BELGIË

City of Oldenburg, 2nd stadium for professional football

Market information, non-confidential

Dear Sir or Madam,

“KEIN StadionBau” is a non-governmental non-profit campaign, with the goal of reducing State aid in the professional football industry. A number of municipalities are currently planning major investments in infrastructure measures to promote local football businesses to compete against other subsidised enterprises. In several cases, they have lent little regard to the issue of State aid and the distortions they are causing in the European football industry. High levels of subsidies for football stadiums seem most prevalent in Germany, allowing the national football association (DFB) to increase their requirements for qualifying infrastructure such as TV grade flood lighting and broadcasting facilities, VIP-seats, hospitality and lawn heating. We observe this tendency of ever increasing State grants in some other Member States, too. This case is an opportunity to signal to municipalities all over the internal market to limit their subsidies.

About the Applicant

Currently, the City of Oldenburg (Applicant) in Lower Saxony (Germany) is planning a second stadium, aiming at “Bundesliga” standards. The beneficiary is the “VfB Oldenburg Fußball GmbH” (Beneficiary), a professional football business with over 40 employees. The Beneficiary has competed for one season in the 3. Bundesliga, but is now back in the 4th division for the second season. That allows the Beneficiary to continue using the same publicly owned multi-sports stadium, where they have been playing since 1991.

Market information previously submitted

We have previously submitted non-confidential market information on the plans for a football stadium in Oldenburg in February 2023 (COMP/C4/AdS/mdr D(2023)911774 - SA.106365) and in February 2025 (Ares(2025)1455524 - comp(2025)2976646). In these submissions we argue that the plans for the Applicant's second stadium are not compatible with the internal market pursuant to Article 107(3)(c) of the TFEU, because:

- The Applicant already has a sports stadium (up to 15.000 PAX, reduced to 10.000 PAX with heightened security) and a large congress centre with spare capacity for concerts and cultural events,
- the Beneficiary is competing in the market for professional footballers, with some players having been traded in other member countries,
- has received transfer payments for professional footballers,
- has a number of sponsors of relevance to the internal market,
- the catchment area overlaps with the Netherlands,
- the infrastructure measure is of no general economic or cultural interest, which would not already be covered by other local infrastructures.

Oldenburg City Council decided with regards to the plans for a second stadium on 15 April 2024:

„The City of Oldenburg immediately undertakes the notification procedure regarding the State aid with the European Commission's competition authority.“¹

It took the Applicant nearly a year and a half to start to prepare the pre-notification form. The form has recently arrived at the DG Competition.

The fact that the Applicant let pass over 16 months since the initial decision proves that there is obviously no urgency. If you take time to review this case, nothing whatsoever will change, except that other City Councils currently deciding over vast subsidies for stadiums for their professional football businesses will take note of the internal market rules.

The Applicant is reporting in their pre-notification forms, that they expect an income of €1.49 million, which would keep the annual State aid element below €2.2 million. We are making the case that the underlying assumptions made in the plans commissioned by the Applicant are extremely over-optimistic.

We recommend that the Applicant clarifies the following:

¹ https://buergerinfo.oldenburg.de/to0050.php?_ktonr=112219 Position 5

- 1.- The construction of a stadium to facilitate participation in the 3. Bundesliga potentially distorts the internal market. In the absence of SGEI², how does the Applicant justify the intervention?
- 2.- In the larger multi-sports stadium currently being used, only 3,462 spectators attend on average³. Based on the information published by the Applicant, the business plan seems to stipulate 7,013 spectators per match⁴, despite an increase in the average price per ticket. How does the Applicant explain the increase? What is the representative, empirical evidence, that a new stadium leads to an over 100% increase in visitor numbers?
- 3.- Currently the Beneficiary pays only €76,800 usage fees per season for the existing 15,000-PAX-stadium and keeps the revenue from the permanent advertising displays. In the plans for the new stadium, the income the operator receives from professional football, ticketing, rent and a revenue share from catering is supposed to increase by 372% to €362,381/a. Would the Applicant please elaborate on the assumptions to make them credible?
- 4.- The income from advertising and naming rights is expected to amount to €310,000. The multi-sports stadium takes its name from the street where it is located. This raises the question why over the past 34 years the Applicant has failed to sell the name?
- 5.- Rents for the office space, fan shop etc are expected to amount to €615,419. The Applicant may struggle to achieve the assumed per square meter rent, as it is stipulated much above the local market rates.⁵
- 6.- The plans also stipulate an income of €200,000 from about 100 MICE-Events, expected to be booked mainly by the about 140 sponsors of the Beneficiary. The Applicant is currently investing €78.68 million in the adjacent Congress Centre (Weser-Ems-Hallen)⁶, a form of State aid which the Applicant has failed to report.⁷

The numbers above are based on 4th division football. The assumptions published for the 3. Bundesliga seem even more fanciful and the Beneficiary's past performance does not seem to justify them.

² See Ares(2025)1455524 - comp(2025)2976646 p. 6

³ <https://www.transfermarkt.de/vfb-oldenburg/besucherzahlenentwicklung/verein/166>

⁴

https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30_Amt_fuer_Kultur_Museen_und_Sport/304_Sport/Neubau_Stadion/3_-_Nutzungs-_und_Betriebskonzept.pdf p. 66

⁵ See Ares(2025)1455524 - comp(2025)2976646 p. 12

⁶ The Weser-Ems-Hallen are forecast to generate €7 million in revenue by 2040. How this may happen remains a secret. (7 June 2025 in German)

⁷ The Weser-Ems-Hallen operator was never officially tendered (16 June 2024 in German)

Other contemptuous assumptions

- 7.- The value of the plot was reduced by €10 million⁸ to increase the cash element of the ad hoc aid, based on a recommendation on how to report the aid under article 55 of the GBER.⁹
- 8.- There is scope for cost increases in the construction phase.

The operating aid is stipulated just above €2 million in the most optimistic scenario (3. Bundesliga). A slight deviation of the seven issues listed above would lead to a large increase in the annual State aid, just like on the much compared Jahn Stadium in Regensburg, Bavaria¹⁰.

Conclusions

The limits for ad hoc aid under the block exemption are being exhausted. The Applicant's operating aid is extremely likely to exceed €2.2 million per year and should be considered to be above the threshold for article 55 of the GBER.

Above we have argued that the income streams estimated by the Applicant are overly optimistic. Despite this, the operating aid of over €2 million per year is three times larger than the total contribution of football related payments of €672,381 (rent, fees, naming rights, advertising spaces etc). Through this, the Beneficiary will be granted an unfair economic advantage. Therefore we kindly ask you to make the Applicant submit a full notification for the infrastructure measure in accordance with Article 107 of the TFEU.

Sending a signal

If the Applicant proceeds to report the State aid under article 55 of the GBER based on the assumptions described above, this would encourage unfair competition with financial means from an indebted local council, as has happened in Kerkrade (NL), Offenbach¹¹, Regensburg and others. The decisions for the loss-making, publicly owned infrastructures tend to be based on overly optimistic assumptions requested from sports business consultants, leading to a significant under-estimation of the State aid required.

Not insisting on reviewing the Applicant's operating concept and planned uses would discourage private investment in Århus (DK), Espbjerg (DK), Ingolstadt, Jena, Ried (AT) and at

⁸ See Ares(2025)1455524 - comp(2025)2976646 p. 10

⁹ "If the land can be objectively valued lower, there would remain greater scope for a larger ad hoc grant." Legal opinion by van der Hout and Walter. Law firm Kapellmann, Brussels, 25 July 2024, see <https://buergerinfo.oldenburg.de/getfile.php?id=281013&type=do> p. 11

¹⁰ Jahn Stadium Regensburg – much more State aid than allowed - <https://www.keinstadionbau.de/jahnstadion-regensburg-mehr-zuschuesse-als-erlaubt>

¹¹ A loss-making football temple high above Offenbach (Hesse) – <https://www.keinstadionbau.de/stadion-offenbach>

other competitors, as limited private funds are unable to compete against virtually unlimited public funding.

Only a full notification procedure in accordance with article 107 of the TFEU would help to slow the rate at which subsidies by city councils are increasing, not just in Germany. This is also preferable over tolerating the Applicant's unrealistic report, and potentially having to intervene after completing the stadium, when a competing enterprise complains about this market distortion.

Thank you very much for your time and consideration. We agree to the publication of the market information we are providing and will happily answer questions and provide clarification.

Oldenburg, 8 September 2025.

With kind regards

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