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Market information regarding SA.122175 (PN) – football stadium in the city of Oldenburg (Germany). Non-confidential

Oldenburg, Lower Saxony, 13 May 2026

Dear Sir or Madam,

“KEIN StadionBau” is a non-governmental non-profit campaign, aiming to reduce state aid granted to the professional football industry.

About the Applicant and the Recipient

Currently, the City of Oldenburg (Applicant) in Lower Saxony (Germany) is planning a second stadium at DFB 3. Bundesliga standards, which are similar to UEFA category 3. The stadium is planned with the option for expansion to obtain a 2.-Bundesliga-license, making the stadium similar to UEFA Stadiums in category 4.

The recipient of the state aid is Stadion Oldenburg GmbH & Co KG (Recipient), which is wholly owned by the city council.

The Beneficiary Shows Financial Distress

The beneficiary of the public infrastructure measure is the VfB Oldenburg Fußball GmbH. The company operates as a professional football enterprise with 40+ employees, competing in commercial markets for:

- Professional players (including international transfers from Austria, Croatia, Denmark, Netherlands, Poland, Switzerland)
- International sponsors (including publicly traded companies and multinational brands operating across EU member states)
- Broadcasting rights and commercial revenues

The catchment area overlaps with the Netherlands (FC Groningen and FC Emmen), creating cross-border competitive effects relevant to internal market distortion.

The Beneficiary qualified for the 3. Bundesliga only once, during the 2022/2023 season. Then the German Football Association “DFB” granted fair play awards of about €60.000 each to 14 of the 18 teams. Due to their murky finances, the Beneficiary was one of only four failing to qualify for the Financial Fair Play Award.¹

The Beneficiary is going to be the main tenant and the only relevant source of revenue from the infrastructure. We consider the Beneficiary a “company in difficulty”. Despite paying only about €76.000 per year for using the Marschweg Stadium (including UEFA Category 4 floodlights), they have not filed a profit in very many years and only survive on the loans provided by two high-net-worth individuals. The Beneficiary’s last filing showed a deficit of over half a million euros.²

The Initiative KEIN StadionBau objects to municipalities financing stadiums for permanently loss-making limited liability companies in monopsony markets. This situation applies to SN.122175 (PN).

Oldenburg’s Main Stadium (Marschweg)

The Beneficiary is currently using the city’s first stadium. The construction of this multi-sports stadium was started after the second world war under British military administration. The stadium lacks proper development and land-use plans, but it is widely used for team sports like associated football, national football, school sports, athletics, carol singing etc.³

¹ Financial Fairplay 3.Liga. [DFB, 5 Dec. 2023](#).

² Minus von fast 600.000 Euro. [NWZ, 04 Aug. 2025](#).

³ Statement by the Lord Mayer describing the different user groups of the Marschweg Stadium. [17 Dec. 2024](#).

During his previous attempt to build a stadium for the Beneficiary the Lord Mayor gave an interview in April 2016, stating that good sports facilities are not merely a reward for elite-level sports but a condition:

"Even with considerable effort, it would not be possible to restore the Marschweg Stadium to a good condition. We face many limitations there. There are traffic-related restrictions, there is no floodlighting, there are issues with the playing surface, and, ultimately, it is also **a very drafty place. It is simply not a pleasant experience to watch football there—in wind and weather, which, unfortunately, we often get here.**"⁴

Following the decision to build a new stadium for professional football, UEFA Category 4 floodlights were nonetheless installed at the Marschweg in 2024 at a cost of €1.2 million. A floodlighting system suitable merely for evening training sessions would have cost approximately one million euro less. Similar difficulties exist at both locations (existing and planned) for the installation of lawn heating.

Whatever the Applicant may report to the DG Competition regarding any barriers to upgrade the multisports Marschweg Stadium, the publicly stated real reason is that the Applicant and the Beneficiary want an exclusive football stadium like R.W.D. Molenbeek (RWDM), FC Midtjylland or FC Metz, but unlike in the Belgian, Danish and French examples, want this to be wholly and exclusively financed by the tax payer.

Any limitations for sports noise apply to amateur and professional sport alike.⁵ The Applicant is addressing the noise limitation through the proposed infrastructure measure only in relation to professional football, not for American Football, Cricket, grassroots and amateur sports.

Even with the current limitations, the Beneficiary will continue using the Marschweg stadium with permission by the Regional League (4th German League).

Private Investor Principle Discarded

In May 2022 Ulrich Pohland (then Chairman of the City Sports Federation) explained ... „the City Sports Federation maintains the view that a new stadium could be built and operated by a private investor, provided this is done within the framework of current urban land-use planning regulations. Furthermore, a suitable venue must be identified to accommodate a potential promotion to a higher league. The search for an investor for a new build and the necessary upgrades to bring the Marschweg Stadium up to 3rd League standards must proceed in parallel, as the time factor cannot be overlooked.“⁶

⁴ ©oeins Interview with Lord Mayor Jürgen Krogmann in [April 2016](#).

⁵ See Sportanlagenlärmschutzverordnung (18. BImSchV) r

⁶ SportA 03/22, Minutes of the public meeting of the City Council Sports Board, 11 May 2022, [p.9](#)

But the City of Oldenburg has never made any serious attempt at finding a private investor for the infrastructure measure, because the Lord Mayor wants control over his project and the prestige.

In a public discussion organised by a local newspaper in February 2023, the Chairman of the City Sports Federation explained that no other club will use the football stadium. The Beneficiary's local competitor "VfL Oldenburg" have their own stadium. Michael Weinberg, at the time Managing Director of the Beneficiary explained that his company will always invest in professional players and therefore will never reserve resources to invest in physical infrastructure.⁷ The Chairman of the City Sports Federation clarified that not the Beneficiary directly, but their investors could provide capital for a Real Estate Company. The Beneficiary's Managing Director stated that they had offered the city financial help⁸ with the stadium.

The Lord Mayor intervened and clarified in his very own words why he wants the football stadium to be financed entirely with public money:

„I am prepared to throw myself under a train to ensure that we do not conflate these roles. In Germany, we have a multitude of examples where the most diverse models—involving the club, sponsors, investors, the city, or other constellations—are employed to operate a stadium. Ultimately, no one can make heads or tails of it anymore. All I can say is that, in the long run, this is invariably detrimental to the city, because the city inevitably ends up being involved in some way—whether by having to provide loan guarantees or something similar. Therefore, I firmly intend to keep the roles of tenant and landlord strictly separate. Furthermore, I do not want the tenants serving as representatives on the Supervisory Board; that would lead to negotiating rental terms with them, potentially preventing us from enforcing the measures necessary to ensure the facility is managed soundly. In short: we want clean, transparent structures here in Oldenburg.“⁹

⁷ <https://www.youtube.com/live/-lXugiOCVNA?si=gMwNifDH7gbyukZi&t=2695> from 45 minutes

⁸ „Monetäre Hilfe“: <https://www.youtube.com/live/-lXugiOCVNA?si=0WMdkVFbWZ4fWKIJ&t=2762> at 46 minutes

⁹ From 47m50s to 48:38s: <https://www.youtube.com/live/-lXugiOCVNA?si=N9ETvg-OI-ogpk8t&t=2868>

The Applicant has never tried to get private investors to take responsibility for the stadium, as is much more common at the Beneficiary's competitors in Austria¹⁰, Belgium¹¹, Croatia¹², Denmark¹³, France¹⁴, Ireland¹⁵, Norway¹⁶, Portugal¹⁷ Spain¹⁸ and Sweden¹⁹.

Open Ended Grants

The infrastructure is planned as permanently loss making. With the current plans, the operating aid will exceed three million euros, which is making a mockery of a *soundly managed* infrastructure for a lower league professional football enterprise. The league-dependent loss compensation will be granted indefinitely, with operating aid amounting to €3.9 million p/a in the regional league.

Additional federal grants apply for energy efficiency measures and photovoltaic energy generation. EFRE Kohesio grants (excluding commercial use) have been used for soil remediation works.²⁰

Sports Investors

If there are investors willing to finance higher league football in Oldenburg, there is capital to build a football stadium. The city features women's handball and Basketball in the 1. Bundesliga. These teams use less than 20% of the time of publicly owned arenas and pay market rate rent.

One of the "EWE Baskets" investors has acquired a leasehold of a neighbouring plot, to build a three-court sports hall (Rickey-Paulding-Halle), which the „Basket4Life“ are letting to the Applicant for sports lessons for a neighbouring school. In 2025 the Applicant argued that a private investor can build sports infrastructure about 30% cheaper than the City Council.

¹⁰ FC Lustenau 1907, Blau-Weiss Linz, WSG Tirol, Grazer AK, SV Ried Fußball GmbH, Rapid Wien, Floridsdorfer AC / FAC Wien GmbH, SKN St. Pölten, FC Wacker Innsbruck GmbH, SK A Klagenfurt, SC Rheindorf Altach, SC Schwarz Weiss Bregenz Spielbetriebs GmbH, SC Schwarz Weiss Bregenz Spielbetriebs GmbH, SV Ried Fußball GmbH, TSV Hartberg Spielbetriebs GmbH.

¹¹ R.W.D. Molenbeek, Fujifilm Stadion (FC Den Bosch), Royal Excelsior Virton Asbl, Lommel SK, NS Osijek

¹² NS Osijek

¹³ Brøndby IF, FC Nordsjælland, AaB, Århus, Silkeborg IF, FC Midtjylland, SønderjyskE Fodbold, Vejle Boldklub, VB ALLIANCEN A/S, Lyngby Boldklub A/S, FC Fredericia, Kolding If Fodbold ApS, AC Horsens, Hvidovre Fodbold A/S, Hillerød Fodbold, Esbjerg FB / Efb Elite A/S, Hobro IK, Vendsyssel FF, HB Køge

¹⁴ SASP Football Club de METZ (Stade Saint-Symphorien), Botafogo, Olympique Lyonnais

¹⁵ Sligo Rovers

¹⁶ Raufoss IL

¹⁷ Estádio Municipal de Famalicão (FC Famalicão, Portugal - Liga Portugal 2)

¹⁸ Real Betis Balompié (Sevilla), Valencia Club de Fútbol Sociedad Anónima Deportiva, Hércules Club de Fútbol Sociedad Anónima Deportiva, Elche Club de Fútbol Sociedad Anónima Deportiva, CD Alfaró, Real Zaragoza.

¹⁹ Hammarby IF, IFK Norrköping, IFK Göteborg, Trelleborgs FF, Kalmar FF, Falkenberg FF, Malmö Fotbollförening, Sandviken, Uppsala

²⁰ EFRE Project Q3309065. For Oldenburg: [NUTS2103 DE943](#). Bescheid ZW6-85044081

Whatever the Applicant may be claiming about private investors not being available to invest in the infrastructure measure should be seriously questioned, as the Applicant has never tried to engage private investors. It is obviously possible to attract private funding for football stadiums in the German provinces. Stadiums in cities like Bocholt, Dresden, Elversberg, [Großaspach](#) or in Jena (where the city may grant some operating aid, but leaves the responsibility with private investors) have received substantial private funding.

Land Value

From the minutes of the City Finance Board:

„The City Treasurer Dr. Figura reported on the expert appraisal determining the market value of the property. While the previous estimate amounted to €18 million, the appraisal now assesses the value of the site at €7.4 million following redevelopment.“

„Mr. Guttek responds that he, too, was surprised by the result. Their own valuation had been benchmarked against the values of neighboring properties—specifically the residential development and the new Baskets Center.“²¹

The leasehold for the privately funded three-court sports hall was based on a land value of about €225/m². For the football stadium the Applicant obtained a new valuation, lowering the price to €90/m².²² The investor made his objections known, that when compared to the plot for the stadium, this shows that (in his words) double standards were applied. However, no formal complaint was filed, to avoid the Lord Mayor’s revenge. The Initiative KEIN StadionBau requested information from the Landesamt für Geoinformation und Landesvermessung Niedersachsen (LGLN) on 28 May 2026, which was denied on 2 June 2026. We have also raised concern about the double standards with the Applicant.

Increased Costs

For the construction contract a multi-stage public tender was held. For the second round, at least three bidders had to be invited.²³ These were the general contractors Walter Hellmich, Zech Sports and Köster. However, Köster did not accept the invitation to submit a second round bid. Zech Sports was given notice on 23 April 2026 and the tender was declared as completed on 30 April 2026 in a press release by the City Council. The City Councillors and members of the supervisory board of the Recipient of the state aid (Stadion Oldenburg GmbH & Co KG) were

²¹ Minutes of the meeting of the City Finance Board, 19 Feb. 2026, p.5.

²² See: <https://www.keinstadionbau.de/ein-18-mio-euro-grundstueck-fuers-stadion-fast-geschenkt>

²³ See public tender: <https://ted.europa.eu/en/notice/398960-2025/pdf>

informed afterwards, on 7 May 2026. The last remaining general contractor is Walter Hellmich, winning by default with a bid at € 57.3 million. This exceeds the approved cost by more than the 10% threshold. However, it remains unclear if the conditions for a European Public Tender of a second round with three bidders have been met at all.

According to the local press, it seems likely that the City Council will approve the contract on 1 June 2026 regardless of the threshold reported by the Applicant in SA.122175 (PN). The City Councillors have been informed that for as long as the DG Competition has not approved the state aid, a prohibition on implementation remains in effect.²⁴ The Lord Mayor has informed the City Councillors that the Recipient (city owned stadium company) will violate state aid rules by granting the construction contract to “Walter Hellmich” immediately in complete disregard of the pre-notification procedure. About five million euros of public money have already been transferred to the Recipient ahead of the pre-notification.

May we suggest that COMP4 issues a warning to the Applicant, that they shall not proceed?

Rental Contract and Usage Fees

The Applicant is finalizing a kind of pre-rental agreement for the infrastructure with the Beneficiary. In violation of Article 107 TFEU the Applicant wants to keep these conditions confidential:

The stadium rental fee for football matches is €15,000 per match in the 4th League and €20,000 in the 3rd League.

In the 3rd League—assuming an attendance of 6,000 spectators at much increased ticket costs — the Applicant receives €40,000 from ticket revenues, while the Beneficiary retains €90,000 per match.

While the confidential contract amounts to three times the rent and usage fees stipulated in previous plans and 15 times what the Beneficiary is currently paying, it is still in violation of the private investor principle.

Three stadiums have been cited by the Applicant as comparable: Chemnitz²⁵, Offenbach²⁶, and Regensburg²⁷. In all these comparable cases the City Councils agreed to lowering the respective usage fees within three years of the inauguration to a fraction of the fees stipulated when the infrastructure measures were agreed. This serves as an indication of structural problems in the

²⁴ Minutes of the City Finance Board 01/26, p.4ff

²⁵ KSB, 09.12.2023: <https://www.keinstadionbau.de/das-real-existierende-stadion>

²⁶ KSB, 14.08.2024: <https://www.keinstadionbau.de/stadion-offenbach>

²⁷ KSB, 15.08.2024: <https://www.keinstadionbau.de/jahnstadion-regensburg-mehr-zuschuesse-als-erlaubt>

municipal financing of stadiums for professional football. This is why the Applicant should not be allowed to proceed with the aid measure.

The Beneficiary will never pay the stipulated rent. The agreement is worthless. It is a three year contract, expiring before the first match kicks-off.

No SGEI Justification

The Applicants legal advisors concluded the measure lacks Services of General Economic Interest²⁸ qualification because:

- Adjacent Weser-Ems-Hallen already 100% entrusted with SGEI for cultural/social events
- Stadium designed to "supplement not replace" existing offerings
- Primary purpose explicitly stated by Mayor: enabling professional football per DFB/DFL regulations and to improve the Beneficiary's financial position²⁹
- Youth teams and school and amateur sports will continue using existing Marschwegstadion

Alternative usages

In previous statements the Recipient's Managing Director claimed that the football stadium could be used for field hockey. This elicited a public rebuttal by the local hockey club, as hockey is played on astro turf.³⁰

According to a recent press release by the Applicant, „the plans are designed to accommodate a range of additional uses—such as American football, small-field sports, motocross or BMX events, equestrian tournaments, or concerts.“³¹

²⁸ „Another potential avenue for creating greater scope regarding operating aid would, in principle, would be to justify the aid for specific uses by structuring it as a Service of General Economic Interest (SGEI). However, in the present context, this is likely to be rather improbable.“ Statement by Law Firm Kapellmann, 25 Jul. 2024, Nr. 32 and 32.

²⁹ The Lord Mayer explained: "Ultimately, the question is whether a viable economic foundation exists for professional football. This entails—among other things—the provision of hospitality areas and the ability to properly cater to sponsors. As things stand, they are forced to huddle in a pagoda tent in the rain—which is what we are currently permitted to offer—but, from the standpoint of comfort, I would venture to say that this is hardly the kind of experience sponsors are willing to pay top money for. Consequently, you are constantly burdened by a financial liability—and here I am essentially delivering *your* speech, Mr. Weinberg [then Managing Director of the Beneficiary]—a burden that arises when you are forced to purchase mobile floodlights, or when you have to relocate matches to Hannover simply because you require a pitch heating system. All of these factors weigh heavily on the economic viability [of the Beneficiary]." (VfB-Talk der ©NWZ Mediengruppe).

³⁰

https://www.nwzonline.de/oldenburg/leserforum-oldenburg-stadion-neubau-in-oldenburg-kommt-grossen-schritt-vor-an-leserbriefe_a_4,3,7109545.html

³¹

<https://www.oldenburg.de/startseite/kultur/sport/marschwegstadion-und-stadion-neubau/stadion-neubau/so-soll-der-stadion-neubau-aussehen.html>

In reality horses are not usually allowed on football league pitches and BMX events are just as unlikely. The local American football team Knights has already publicly stated that they want to stay put at the Marschweg Stadium.³² The changing rooms at the planned stadium are too small for the much larger American football teams and their equipment.

Small-field sports are practised at many other venues in the City of Oldenburg. It is unlikely that outdoor small-field sports attract sufficient spectators to hold them in the expensive second stadium.

A kind of carol singing was organised at the existing stadium in December 2025.³³ Subsidizing a second stadium will bring no added benefit. Another problem arises from noise protection regulation. Concerts are classed as technical or commercial noise, limiting night time concerts at the new location, where the traditional fair consumes eleven out of eleven annual noise events. While daytime concerts may be possible, the cost of covering the lawn makes them uneconomical. Most popular artists will prefer the much more flexible closed arenas next door, even if their capacity is currently limited to an audience of about 8.000 spectators.

The Applicant lists also Meetings, Incentives, Conferences and Events (MICE) at the hospitality. These facilities are located in a building adjacent to the stadium tribunes and stand in competition to other conference and party venues in Oldenburg.³⁴

Unfair Competitive Advantage

Infrastructure specifically designed for commercial football includes:

- 1,400 lux UEFA category 4 floodlighting (broadcasting requirements)
- Lawn heating (television scheduling reliability)
- VIP lounges and hospitality facilities (sponsor revenue)
- Extensive parking, media facilities, advertising spaces
- Office space and fan shop for the Beneficiary

These features directly enhance Beneficiary's ability to compete against other professional clubs for sponsors, players, and broadcasting revenues.

³² „Oldenburger Knights wollen am Marschweg bleiben“. NWZ, 03 Feb. 2023.

³³ Singen im Stadion: <https://www.keinstadionbau.de/singen-im-stadion>

³⁴ KSB, 15 Jan 2024: <https://www.keinstadionbau.de/nutzungs-und-betriebskonzept>

May we suggest that the Applicant clarifies the following:

- 1.- The construction of a stadium to facilitate participation in the 3. Bundesliga potentially distorts the internal market. In the absence of SGEI³⁵, how does the Applicant justify the intervention?
- 2.- What public or general interest does this measure serve that is not already covered by other infrastructures in the city of Oldenburg?
- 3.- How does the applicant ensure that the usage fees and terms for the new sports infrastructure are made publicly available?
- 4.- Alternative Use: What binding commitments (pre-contracts) are in place for the use of the stadium pitch outside the scope of professional football (concerts, grassroots sports)?
- 5.- 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 about 1500%. Would the Applicant please elaborate on the assumptions to make them credible?
- 6.- 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. Why has the Applicant not sold the naming rights of the existing stadium at any point during the past 34 years?
- 7.- Rents for the office space, fan shop etc are expected to amount to €615,419 (at €15/m²)³⁶. What is the stipulated per square meter rent for office space in the Donnerschwee neighbourhood?³⁷
- 8.- 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. This will be competing with the neighbouring Congress Centre (Weser-Ems-Hallen)³⁸, where the Applicant is currently investing €78.68 million. Does the Applicant see this investment in the international Congress Centre as state aid and why not?³⁹

³⁵ See Ares(2025)1455524 - comp(2025)2976646 p. 6

³⁶ Business Plan by C/SIGHT, 20 Nov. 2023 p.83 et al.

³⁷ See Ares(2025)1455524 - comp(2025)2976646 p. 12

³⁸ 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)

³⁹ The Weser-Ems-Hallen operator was never officially tendered (16 June 2024 in German)

- 9.- How does the construction of a second stadium in the city of Oldenburg promote international understanding, European values, and European culture?
- 10.- How does this infrastructure project promote equal opportunities for men and women?
- 11.- During the NWZ VfB-Talk in July 2024, the Lord Mayor outlined the benefits of this municipal infrastructure project for the beneficiary. (Clip: https://vid-cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/videos/pWm9Pe5vTGqCKHB5Yizu_lv_0_20260313210245-v.mp4) What additional revenue can the Beneficiary expect to generate as a result of this infrastructure project? And what is the total annual revenue the infrastructure has to generate to achieve this?
- 11.- What payments has the Applicant made to the Recipient (the stadium operating company) so far? What assets have been transferred?
- 12.- Which construction, refurbishment, and renovation projects for indoor sports facilities—intended for school and grassroots sports—are currently pending?
- 13.- How does the Applicant support the infrastructure of grassroots sports clubs?
- 14.- Are there any sports halls funded by private investors that the City of Oldenburg leases for school sports purposes?
- 15.- What steps did the Applicant take to encourage the Beneficiary—and its commercial sponsors—to privately plan and finance the infrastructure?
- 16.- Will the Applicant issue a tender for a private operator for the stadium? If not, why not?
- 17.- Is the Applicant aware of any issues regarding state aid law in connection with the multi-sport stadium on Marschweg?
- 18.- In the Applicant's view, does the facility constitute infrastructure utilized by professional football? (TFEU, Article 107)? If not, on what basis do you arrive at this assessment?
- 19.- Does the Applicant possess a legal opinion regarding state aid law in relation to this infrastructure measure?

Opportunity to reign in the football industry's state-aid excesses

According to the well known German football publication, the Lord Mayor stated in May: "*Should the stadium project fail now,*" he declared at the unveiling of the winning design, "*I do not know who would have the courage to tackle this politically again in the coming years.*"⁴⁰ This opens the opportunity to eliminate one case of excessive state aid for the football industry.

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](#)), in February 2025 ([Ares\(2025\)1455524](#) - [comp\(2025\)2976646](#)), in [September 2025](#) and in March 2026 (Registration: [Ares\(2026\)2320566](#) - [comp\(2026\)2597125](#))).

We kindly asked the Directorate-General for Competition to subject notification SA.122175 (PN) to a thorough examination and to withhold approval of the aid, on the grounds of obvious market distortions and the absence of a public interest.

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.

With kind regards

For the Initiative KEIN StadionBau

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⁴⁰ Kicker: Baukosten knapp über dem Rahmen. [11 May 2026](#)