



European Commission

Directorate-General for Competition

1049 Bruxelles

BELGIQUE/BELGIË

stateaidgreffe@ec.europa.eu

Oldenburg, Lower Saxony, Germany, 14 July 2026

Subject: Market information regarding SA.122175 (2026/N) – Football stadium in the City of Oldenburg (Germany) – Non-confidential

Dear Sir or Madam,

We hereby submit market information in case SA.122175 (2026/N) for your consideration. In the following the City of Oldenburg is “the Applicant”. The Stadion Oldenburg GmbH & Co KG is “the Recipient”. The VfB Oldenburg Fußball GmbH is “the Beneficiary”. The non-profit campaign KEIN StadionBau is “the Informant”.

Competition for Audiences, Sponsors and Physical Space

Professional football is a highly developed and competitive economic activity in the [Metropolitan Region Northwest](#). Apart from the Beneficiary (Fourth Division football), the City of Oldenburg is home to two top league ball sports: The Baskets Oldenburg GmbH & Co. KG (EWE Baskets) and the VfL Oldenburg GmbH (VfL Handball Damen) both compete in the respective Bundesliga. The women’s handball is also registered for the “EHF European League”.

The home games of these leading spectator sports currently attract, on average:

- EWE Baskets 6,256 spectators ([EWE Baskets. 16 Feb 2026](#))
- The Beneficiary 2025/26 season 3,689 spectators ([Transfermarkt.de](#)).
- VfL Handball Damen (women) 2,056 spectators ([HWN. 08. June 2026](#))

Both the women’s handball and the men’s basketball teams pay market-rate rent for their use of genuine multipurpose arenas located in the immediate vicinity of the planned football stadium.

In a [letter addressed to the Lord Mayor and the leaders of the political groups represented on the city council](#), the EWE Baskets Oldenburg warned: “A football stadium in the immediate vicinity (...) would make attending our home games significantly less attractive and have a

severely negative impact on the economic viability of the EWE Baskets,"¹ states the letter signed by Hermann Schüller, Managing Partner of EWE Baskets, and Regina Kulms, Commercial Managing Director. (NWZ, 27 Jan 2023).²

The source of this problem is that, for Third Division football, the DFB requires exclusive rights over the limited parking spaces, which are also used for EWE Baskets' and women's handball events. In line with these requirements, the Applicant will grant football priority over Basketball, which in Oldenburg draws many more spectators. The same issue arises for the only major women's team sport in Oldenburg, VfL Handball Damen.

The plot of land for the football stadium is tight and its construction would make it impossible to expand the multipurpose arena let to the EWE Baskets. Even if the infrastructure measure in question would succeed in growing the beneficiary's revenues, it would limit the potential for men's basketball and women's handball because of the constraints at the planned location.

Impact on the wider sports sector

The planned stadium would force priority for football regarding parking and scheduling, directly reducing the attractiveness and accessibility of EWE Baskets' and VfL Handball Damen's matches, even though they currently attract comparable or higher spectator numbers than the Beneficiary. These sport enterprises pay market rents for existing multipurpose arenas without special subsidies. The new stadium thus shifts demand and sponsorship towards a subsidised competitor, distorting competition in the local sports market.

City Sports Federation opposed the Proposed Measure

The City Sports Federation represents 110 grassroots sports clubs with more than 43.000 members. In September 2017, the City Sports Federation took the decision to object to the city paying for a football stadium (annex KSB_09_NWZ_Stadtsportbund_20190913.jpg). The decision was unanimous and included the votes from the VfB Oldenburg von 1897 e.V., which nominally holds 51% of votes in the Beneficiary.

"They voted unanimously to halt the use of public funds for external expert reports, planning, and the construction of a new football stadium, according to the rationale presented to the Sports Committee.

The City Sports Association intends to use the saved funds to build sports facilities in order to meet the demand for indoor facility time between 2 p.m. and 6 p.m. for children and young people. Furthermore, the backlog of renovations at existing sports facilities needs to be addressed. ... *The construction of a new*

¹ "The plans you are pursuing, Mr. Mayor—constructing a new stadium on the Weser-Ems-Hallen site—would have a negative impact on our match operations and, consequently, a direct effect on our financial situation." (EWE Baskets, 26 January 2023, annex [KSB_06_Brief_Stadionneubau_Baskets_20260126](#), the Lord Mayor's unhelpful response [KSB_07_Antwort_EWE_Naskets_20230127.pdf](#))

² Please find the original letter in [KSB_06_Brief_Stadionneubau_Baskets_20230126.pdf](#) and a free translation to English here: https://docs.google.com/document/d/1DHDCEfp1_jiPQjNhtSIMCiIdDgpzcN6ects6oQvMyJk/edit?usp=sharing

*stadium must not be carried out at the expense of the infrastructure of public schools or the non-profit club sports sector, which comprises 112 sports clubs."*³

In summary, the measure is likely to have a negative impact on the wider sports sector and on community sport activities in Oldenburg.

Countering Equal Opportunities

As VfL Handball Damen is the most prominent women's team sport in Oldenburg and participates in the EHF European League, adverse effects on its match operations undermine the promotion of equal opportunities between men and women in sport..⁴

Limited Space Impedes Modifications to the Stadium Plans

If the Commission were inclined to issue a conditional decision, we would like to highlight, that due to the limited space and DFB requirements, there is no possibility to add multifunctional features such as a running track⁵. Converting the stands into an all-seater configuration in line with UEFA standards would significantly reduce the stadium's capacity.⁶ So there seems to be very limited scope for physical adjustments.

We therefore respectfully ask DG Competition to take a critical view of the City of Oldenburg's decision to award the construction contract before the Commission's final decision.

Beneficiary is Filing Another Loss⁷

"The financial statements just released [by the Beneficiary] for the 2024/25 fiscal year show a deficit of around €350,000, the club announced on Friday. This recurring loss highlights the financial situation of the 4th Division club."

³ In the original: Sie votierten einstimmig dafür, die Verwendung von öffentlichen Mitteln für externe Gutachten, die Planung und den Neubau eines Fußballstadion einzustellen, heißt es in der Begründung für den Sportausschuss. ... Der Stadtsportbund möchte das eingesparte Geld dafür einsetzen, Sportstätten zu bauen, um den Bedarf an Hallenzeiten zwischen 14 und 18 Uhr für Kinder und Jugendliche zu decken. Zudem müsse der Sanierungsstau bei vorhandenen Sportstätten abgebaut werden. ... „Ein Stadionneubau darf nicht zu Lasten der Infrastruktur der öffentlich-rechtlich getragenen Schulen und des gemeinnützigen Vereinssportes in 112 Sportvereinen umgesetzt werden.“ (Annex KSB_09_NWZ_Stadtsportbund_20190913.jpg)

⁴ We have highlighted in our submission [Ares\(2026\)2320566 - comp\(2026\)2597125](#)) that the proposed infrastructure measure runs counter to the promotion of equal opportunities (Article 23 of the EU Charter of Fundamental Rights).

⁵ We note that the Commission's positive decisions like e.g. the Greek Olympic Stadium [SA.118613 \(2026/N\)](#) or Steigerwald-Stadion in Erfurt [SA.35135 \(2012/N\)](#) are multifunctional arenas with running tracks, hosting athletics competitions.

⁶ Market information submitted on 28 May 2026 ([Ares\(2026\)5389959 - comp\(2026\)5819271](#)).

⁷ The Beneficiary's official statement on the losses reported for the financial year 2024/2025 and their strategic alignment to the planned stadium opening in 2029:
<https://www.vfb-oldenburg.de/artikel/108921/stellungnahme-zum-jahresabschluss-der-vfb-gmbh>

“This figure predates cost-cutting and reform measures already set in motion; according to the VfB, these include a restructuring of sponsorship, changes to ticketing, more professional internal processes, and a long-term strategy focused on the planned 2029 stadium opening on Maastrichter Straße.”

“However, the impact of these consolidation measures would not become apparent until future fiscal years. Even in the 2025/26 fiscal year—which has already concluded but for which financial statements are not due until mid-2027—‘the effects (...) would not yet be reflected.’”

“The GmbH is set to become the primary tenant of the new municipal stadium, which is to be built on Maastrichter Straße and could be inaugurated during the 2028/29 season.”

“The shareholders of VfB Oldenburg Fußball GmbH stand united behind this course of action and remain clearly committed to the future development of the spun-off professional team.”

“A loss of €597,000 had already been recorded in the 2023/24 fiscal year—figures released in mid-2025—while the deficit in the preceding fiscal year stood at €524,000.”

“Additional shareholders include entrepreneurs Peter Wendeln and Gerald Hoppmann (16.3 percent each). Furthermore, shares in the GmbH are held via an investment vehicle (16.3 percent) by the construction company Matthäi, Serviceteam P.O.S. Messe-Service GmbH (whose shareholder is VfB supervisory board member Andreas Niehaus), and entrepreneurs Frederic and Philipp Gloth (‘Paul Hewitt’).”⁸

Since its establishment in 2018, the Beneficiary has continuously incurred losses, despite paying only about €76,000 per year for the use of the Applicant’s Marschweg Stadium. A private investor would expect a guarantee for the rent before constructing a new stadium for them as the main tenant (and only relevant source of income).

We consider that the Beneficiary is in financial distress and the Applicant is trying to improve the Beneficiary’s financial position through state funded VIP-Lounges, hospitality, and other business features.

Beneficiary’s Backers Could Finance a Stadium

The Beneficiary itself may not be able to finance a stadium. However, the high-net-worth individuals backing the football business would have the resources to invest privately in a football stadium, as seen in Hoffenheim, Heidenheim or Großaspach. The investors may then apply for a grant analog to the Applicant’s:

Sports Funding Guidelines

“Funding for the new construction, expansion, conversion, or renovation of club-operated sports facilities, or for the purchase of buildings intended for use as sports premises, is available only if the construction project or purchase serves to create or maintain opportunities for physical activity or sports.

⁸ Annex KSB_11_NWZ_VfB_Oldenburg_Erneut_rote_Zahlen-Minus_von_350_000_Euro_20260705.pdf

Construction measures aimed at ensuring the accessibility of club-operated sports facilities are treated on an equal basis.
The City may grant a subsidy amounting to 30% of the recognized total costs, provided these costs amount to at least €2,500.00 (net).”⁹

So far, we have received no logical explanation why grassroots sports clubs must build and finance their own infrastructures, with a maximum grant of 30% subject to City Council approval, while a stadium for commercial football is fully financed by the Applicant.

The Applicant is Misinterpreting Competition Law

As the Applicant and its legal counsel appear to have a very different interpretation of Article 107 TFEU, the Informant requested a meeting with the Applicant in writing: *“Please allow me to comment on your presentation regarding the competition law issues surrounding the proposed Third Division football stadium, which is planned to operate at a permanent deficit and be subsidized by the city. The fact that the city is establishing a dedicated company for a specific infrastructure project does not, in itself, constitute an impermissible distortion of competition. However, your statements create this impression, and I ask you to clarify the matter.*

*The market distortion inherent in the stadium project pursued by Mayor Krogmann arises from the fact that VfB Oldenburg Fußball GmbH would be in a stronger financial position thanks to a municipal stadium than competing football clubs such as Molenbeek (RWDM), Midtjylland, or Metz. It remains to be determined whether the "private investor principle" could be satisfied through a higher rental rate; given that the subsidies will consistently and significantly exceed the total usage fees, I remain skeptical.”*¹⁰

The Applicant’s reply confirms our concerns:

„Thank you for your email of May 15, 2026, in which you express concerns that VfB Oldenburg Fußball GmbH might become the recipient of unjustified operating aid, potentially leading to an impermissible distortion of competition with other clubs.

These concerns are unfounded, as no operating aid will be granted to VfB Oldenburg Fußball GmbH (or to other companies or associations within the VfB Oldenburg corporate structure). Any aid granted will be provided exclusively to the stadium company (at the ownership/operator level) for the construction and operation of the new stadium. VfB Oldenburg (at the user level) will pay a market-rate fee for the use of the stadium. This rules out the possibility of the club indirectly obtaining an impermissible benefit—and thus an advantage—over potential competitors. Therefore, no correction of the statements previously made is required.”¹¹

Meanwhile, the Applicant and Recipient are pressing ahead with the general contractor, without giving serious consideration to common European interests, to the promotion of

⁹ [Richtlinien der Stadt Oldenburg \(Oldb\) für die Förderung des Sports - 1 Januar 2026 -](#)

¹⁰ Free translation of questions to the Applicant (annex KSB_12_State aid in sports)

¹¹ Free translation of a response by the Applicant ([27.05.2026](#))

culture and heritage, or to the damage to the wider local sports economy that this market distortion is likely to cause. We therefore respectfully request a negative decision.

A published negative decision would provide important guidance for regional football infrastructure financing in Germany, Sweden and the Netherlands. In our view, such a precedent would enhance legal certainty for municipalities and sports businesses.

As the main proponent is not standing for re-election on 13 September 2026, such a precedent is unlikely to be challenged by the Applicant, especially if the condition subsequent takes effect by August 2026 and thereby avoiding high costs.

Questions for the Applicant

May we suggest that the Commission please asks the Applicant:

1. Why is the Applicant offering more favourable terms for the infrastructure measure than those established by the Sport Funding Guidelines for grassroots sports clubs?
2. Have other sports complained about any possible negative impact on their activities? What were their arguments?
3. Do the parking spaces and road infrastructure suffice to host mass events at the proposed stadium neighbouring arenas at overlapping times?
4. Does the Applicant expect any scheduling conflicts between the events in the new stadium and the neighbouring arenas? Will the scheduling of the multiple stadium events adjust to the Men's Basketball Bundesliga and the Women's Handball Bundesliga? Which event is going to be given priority in the case of a scheduling conflict?
5. Has the City Sports Federation taken a position on the Applicant financing a football stadium? What was their statement?
6. Since its establishment, how many year-end financial statements of the Beneficiary have shown a profit? What is the total, accumulated loss and how is the Beneficiary be maintained solvent?
7. What is the estimated cost at which a private investor would be to able build a football stadium of the planned size and standards? What rental income would a private investor expect?¹²
8. Which financial institution would realistically provide a loan to the Recipient, if the Applicant's loan guarantee is capped at 80%?
9. Which financial institution provided the interest rate information on which the Applicants calculations for the operating aid are based?
10. The Lord Mayor is a member of Board of Directors of the local owned Savings Bank¹³. Has he discussed favourable terms with publicly owned financial institutions for the loan?
11. Have there been any discussions about building and funding the infrastructure measure under the Sports Funding Guidelines? If so, why were they not pursued?

¹² See [Limassol \(SA.113461 2025/NN\)](#): "2.2.2.2. Financial Considerations of the User Licence Agreement"

¹³ Landessparkasse zu Oldenburg, Jürgen Krogmann ist [Mitglied des Verwaltungsrats](#)

12. Are the interiors included in the cost reported for the measure? Are the showers, bathroom furniture, lockers, CCTV, entry control, kitchen equipment, heating, photovoltaic equipment, optic fibre or ethernet, emergency phones, flood lighting etc included? What equipment is missing from the construction contract, which will be necessary to put the stadium in operation?
13. How many staff are working mainly on planning the infrastructure at the Applicant and at the Recipient?

Urgency

The Applicant is claiming that no ad hoc aid has been granted and that aid will only be paid in the years 2027 ff. Contrary to that claim, €4.9 million is allocated in the Applicant's budget and included in the Recipient's business plan for the current financial year.¹⁴

The Recipient is progressing the infrastructure measure scheduled to open in summer 2029. The Applicant states that the DG Competition has been informed that "the contract with the general contractor has been signed and is therefore effective".¹⁵ The contract lacks a condition precedent linked to the Commission's final decision. As the Applicant stated in writing, the condition subsequent means that "in case of a negative decision by the European Commission, the contract terminates automatically. Should no decision from the European Commission be available by the agreed date [30 September 2026], further consultation or negotiation with the contractor may take place. However, based on current information, the administration [the Applicant] anticipates that the European Commission will reach a decision regarding the ongoing notification procedure prior to its summer recess."¹⁶

The urgency arises from the fact that the Recipient is already progressing with the measure. The cost of exercising the termination option after 30 September 2026 is €5.7 million, far exceeding the €4.9 million investment aid planned for the current year. If DG Competition were able to issue a negative decision by August 2026, the condition subsequent could be exercised at a significantly lower cost.¹⁷

In light of the above, we respectfully submit that measure SA.122175 (2026/N) constitutes incompatible State aid that selectively favours a lossmaking commercial football business, distorts competition with other professional and grassroots sports, and conflicts with the Applicant's own Sports Funding Guidelines and equal-opportunities objectives. We therefore invite DG Competition to adopt a negative decision and remain at your disposal for any further information that may assist your assessment.

¹⁴ Annex KSB_10_Wirtschaftsplan_206_Stadon_Oldenburg_GmbH_Co_KG.pdf, p.6

¹⁵ „Der EU-Kommission wurde mitgeteilt, dass der Vertrag mit dem Totalunternehmer unterschrieben wurde und damit wirksam ist.“ City of Oldenburg, 6 June 2026, in answer to question 4, see https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Antwort_20260706_EWF_AFB_+20260603_web.pdf

¹⁶ City of Oldenburg, 6 June 2026. P.2.

¹⁷ Market information submitted on 7. Jun 2026 (Ares(2026)5858580 - comp(2026)6233104).

The Informant remains available to provide any further information that may assist the Commission in its assessment.

Yours faithfully,

For the Initiative KEIN StadionBau

Klaas Brümman, Gesa Gerding, Andreas Kölling

Holtzinger Str. 16, 26121 Oldenburg

E-mail: info@keinstadionbau.de

Tel. +49 441 72508