



European Commission  
DC Competition  
1049 Bruxelles  
stateaidgreffe@ec.europa.eu

**Regarding the informal preliminary consultation for the public funding for "Stadion Oldenburg" by the City of Oldenburg in Germany**

**Non-confidential trade information and update to COMP/C4/AdS/mdr D(2023)911774 – SA.106365**

## **Background**

The City of Oldenburg is through the Federal Republic of Germany in a preliminary consultation with the DC Competition about a public infrastructure measure for a second stadium. According to a report by the city council's legal department, the stadium shall "*enable the VfB Oldenburg Fußball GmbH to play in the 3rd Bundesliga under the conditions set out by the DFB. The Marschwegstadion, which is currently being used, only meets these requirements to a limited extent on the basis of a special permit*".<sup>i</sup>

The City of Oldenburg has set up a limited liability company, which was supposed to finance itself on the open market, with the loans being guaranteed by the City of Oldenburg. The Stadion Oldenburg GmbH & Co. KG is controlled by the city council, which would bear the expected losses, for which it will receive an annual operating aid from the city council. In the following we will explain why it seems unlikely, that Oldenburg will be able to keep the operating aid at below the €2.2 million per year threshold as defined in the Block Exemption Regulation.

## **The conditions for an exemption won't be met**

We are concerned, that the construction and operation of a new football stadium in Oldenburg could infringe state aid rules, since (i) the project would fail to comply with the market economy investor principle, (ii) the project would unduly favour the local professional football company, and because (iii) there already is a larger, multi sports stadium with TV-grade floodlighting.

## **Problems under state aid rules**

Background..... 1

The conditions for an exemption won't be met.....	1
The measure is only aiming to fulfil regulations of Professional Football.....	2
A measure for professional football.....	2
Team members and free market transfers.....	3
Internationally trading Sponsors.....	3
Oldenburg already has a 10.000 PAX stadium.....	4
Plenty of capacity at local Conference and Events venues.....	4
The catchment area overlaps with the Netherlands.....	5
State-aid for an exhibition and conference centre goes unreported.....	6
The measure is of no general economic or cultural interest (no SGEI).....	6
The arena is unable to enrich the cultural life in Oldenburg.....	6
The measure fails to promote sporting issues.....	7
The measure is running contrary to the European Model of Sport.....	7
Oldenburg is not charging market rate usage fees.....	7
VfB Oldenburg Fußball GmbH is the only potential tenant.....	7
The main tenant seems unable to afford market rate rents.....	7
The measure is aiming to improve the VfB GmbH's economic foundations.....	8
The VfB Oldenburg Fußball GmbH is gaining an unfair advantage.....	8
A stadium project with a low economic attractiveness.....	10
Land value was reduced by 59% to make it fit the block exemption.....	10
In 2022 a consultancy expected an operating aid of €2.5 million p/a.....	11
Exaggerated income expectations lead to unrealistic small losses.....	12
Costs increase by €250.000, as an interest free loan does not exist.....	12
Loan guarantee missing from the investment total.....	13
Operating aid of €3.5 million p/a.....	13
Projects chosen for comparison all violate state aid rules.....	13
Chemnitz is not paying a market based rent.....	13
Offenbach has failed to report all ad hoc and operational aid for the stadium.....	14
Regensburg absorbs losses of around €3 million per year.....	14
Conclusions.....	15

## The measure is only aiming to fulfil regulations of Professional Football

The DFB representative for stadiums, Gerhard Kißlinger, told members of Oldenburg City Council in 2022 that a perspective must be created for professional football in Oldenburg. He added, that the DFB will not grant exemptions for the existing stadium every year.<sup>ii</sup> Facilitating Bundesliga regulations is the starting point and main motivation for the plans of a second stadium, financed by a city of only 174.000 inhabitants.

## A measure for professional football

All footballers under contract with the VfB Oldenburg Fußball GmbH's derive their main income from professional football. The legal opinion by van der Hout and Walter also came to the conclusion, that, independent of the league, the players under contract with the main tenant VfB Oldenburg Fußball GmbH are professional footballers.<sup>iii</sup>

The Lord Major of the City of Oldenburg stated at a council meeting on 27 February 2023: "*The decision [of the city of Oldenburg to build a second stadium] sends the signal that the City of Oldenburg is creating sufficient conditions for professional football in Oldenburg.*"<sup>iv</sup>

Professional football is at the core of the measure as proposed by the City of Oldenburg. Any other uses described can only be secondary at best and are of no added value, as Oldenburg already has a larger stadium and an events and conference centre.

## Team members and free market transfers

The professional squad of the VfB Oldenburg Fußball GmbH has an estimated transfer value of €1.87 million.<sup>v</sup> While the players might be at the lower end of the market for professionals, they are sourced on the same internal market as footballers fetching far higher transfer fees. The company is aiming to compete for better talent, once its income improves through a publicly financed football stadium. In the recent past, the VfB Oldenburg Fußball GmbH has poached professional talent from football enterprises in e.g. Austria, Croatia, Denmark, the Netherlands, Poland and Switzerland.<sup>vi</sup>

## Internationally trading Sponsors

The VfB Oldenburg Fußball GmbH is an advertising platform for a number of internationally operating sponsors,<sup>vii</sup> e.g.

- [ashampoo](#) an internationally operating media company.
- [BÜFA AG](#) a publicly trading producer of chemicals.
- [EWE AG](#) is a publicly trading electric utility company with cross-border operations.
- [Floragard](#) is a global exporter of Baltic pit.
- [Goldschmaus](#) is one of the largest German meat processors, slaughtering 1.77 million animals per year. About 45% of the pork they processes is for export.

- [Hummel A/S](#) of Århus, Denmark is an international sportswear brand.
- [MATTHÄI Bauunternehmen GmbH & Co. KG](#) is a top 20 European constructions company with operations in many European countries. It is also the [main sponsor of Werder Bremen](#) (1. Bundesliga). According to [Wikipedia](#), Matthäi also operates quarries in Finland, Estonia, Latvia and Poland.
- [Optoma](#) is a visual solutions provider in 159 countries and owned by Coretronic of Taiwan.
- [PAUL HEWITT GmbH](#) is an international jewellery and watches brand, present in most duty free shops and in airports and on cruise ships around the world.
- [T Magenta Sport](#) is the sports channel of the global telecommunications company Deutsche Telekom AG.
- [Vierol AG](#) supplies automotive parts in 125 countries.

## Oldenburg already has a 10.000 PAX stadium

Oldenburg already has a stadium, which is called Marschwegstadion. The city council has recently invested €3.8 million in this multi-sports arena. The defined aim of the measure was to fulfil some DFB 3. Bundesliga regulations.<sup>viii</sup> E.g. an element of over €1 million went on 1,000 lux floodlighting, which is only needed for the use in professional football and let to the VfB Oldenburg Fußball GmbH at well below cost.

The Marschwegstadion is the permanent home stadium of the VfB Oldenburg Fußball GmbH. DFB rules would not allow competing football teams in the wider area to declare this stadium as their home stadium. The council's resolution states, that Oldenburg invested €3,853 million "*in order to enable the stadium to continue to operate as the home stadium of VfB Oldenburg Fußball GmbH for the 2023/24 season.*" This public infrastructure investment into DFB regulations for an entertainment football enterprise should have been reported under article 55 GBER. The communication, which the DC Competition is receiving from the City of Oldenburg is about an additional, second stadium.

## Plenty of capacity at local Conference and Events venues

The sport business consultants from C/SIGHT and Drees&Sommer have shown that for a mid size city, Oldenburg is well equipped with sports and concert venues:<sup>ix</sup>



## STANDORTANALYSE

### Wettbewerb

LOCATION	INHABER	BETREIBER	ÖFFNUNG	MAX. KAPAZITÄT	HÖHE (IN M)	HEIMTEAM
Freigelände Weser-Ems-Halle	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	1963	20.000	Open Air	
Marschwegstadion	Stadt Oldenburg	Stadt Oldenburg	1951	15.200	Stadion (Open Air)	VfB Oldenburg VfL Oldenburg Knights
Große EWE Arena	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	2013	8.000	14	EWE Baskets Oldenburg
Messehalle	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	1984	8.000	8	-
Kleine EWE Arena	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	2005	4.100	10	VfL Oldenburg (Damenhandball)
Kongresshalle	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	1975	2.500	11	-
Kulturetage	Stadt Oldenburg (Stiftung Kulturetage Oldenburg e.V.)	Stadt Oldenburg (Stiftung Kulturetage Oldenburg e.V.)	1986	1.000	n.a.	-
Großer Festsaal	Weser-Ems-Halle Oldenburg GmbH	Weser-Ems-Halle Oldenburg GmbH	1975	660	5,5	-

6

C|SIGHT DRES & SOMMER

Competing for MICE-events in Oldenburg according to ©C/SIGHT / Drees&Sommer

The city owned exhibition and conference centre Weser-Ems-Hallen offer venues for concerts and events with an even larger seating capacity than the planned stadium. Those defending the public investment in the stadium next door argue, that the addition of the hospitality and VIP-Lounges<sup>x</sup> increase the chances for the Weser-Ems-Hallen to attract larger events. This is very much disputed. In any case, such events would stand in competition to the Stadthalle Bremen, just 50 km to the east and the MartiniPlaza exhibition complex in Groningen (NL), just 135 km to the west of Oldenburg. The three cities will be connected by the Wunderline cross-border train service, a European regional integration project.<sup>xi</sup>

### The catchment area overlaps with the Netherlands

The consultants commissioned by the City of Oldenburg with the usage concept show a catchment area for the planned stadium, overlapping heavily with football businesses in the 1. and 2. Bundesliga, but also with the Eurobond stadium and multifunctional complex, home to the FC Groningen competing in the Dutch Eredivisie.<sup>xii</sup>



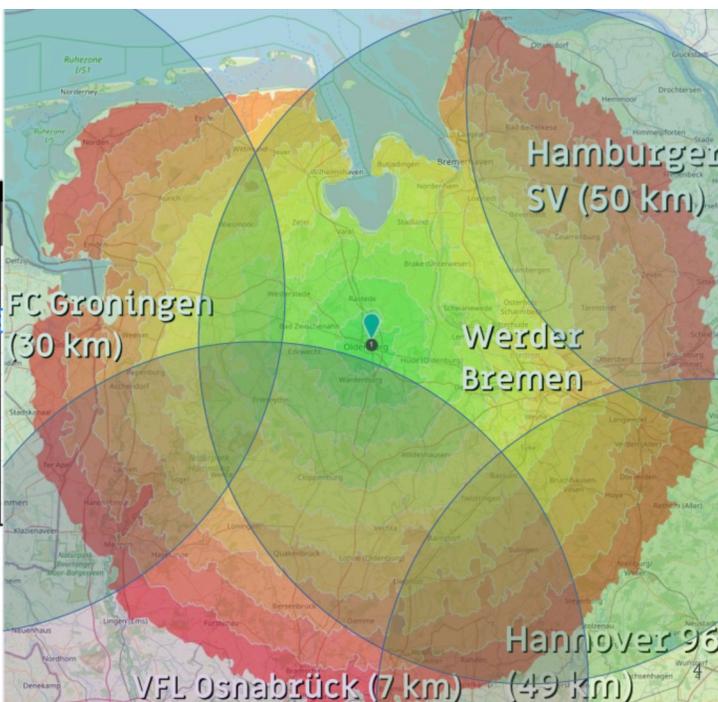
### Gewerblicher Fußball

CSIGHT zieht einen unsinnigen 100 km Kreis bis in die niederländischen Provinzen Groningen und Drenthe – da gibt es aber viel Konkurrenz:

03. Januar 2024				
Team	Liga	Opta Power Rating	Ranking	Entfernung
Durchschnitt: ø				
		65	2414	90 km
VfB Oldenburg	4	62,8	2194	0 km
SSV Jeddeloh II	4	58,1	3498	13 km
SV Atlas Delmenhorst	5	51,7	5811	34 km
Werder Bremen	1	81,5	123	50 km
TuS BW Lohne	4	60	2956	66 km
Kickers Emden	5	54,2	4830	86 km
SV Meppen	4	63,8	1966	100 km
VFL Osnabrück	2	70,8	826	107 km
FC Groningen	2	68,3	1160	130 km
Drochtersen/Assel	4	60,8	2728	139 km
Asser Christelijke Voetbalvereniging	3	54,5	4714	140 km
Hannover 96	1	75,3	400	150 km
Hamburger SV	1	80	171	161 km

Wenn wir auch um jeden Erst- und Zweitligisten der Region einen solchen 100 km Kreis ziehen würden, dann würden der Hamburg SV, Werder Bremen, Hannover 96, VFL Osnabrück und der FC Groningen das gesamte Einzugsgebiet der „VfB Oldenburg Fußball GmbH“ auflösen.

Quelle: [openrouteservice.org](https://openrouteservice.org)



The information provided by the City of Oldenburg should therefore be scrutinised not just as a sports infrastructure, but also as a publicly funded competitor to similar sports and multifunctional events and conference centres in Groningen and Drenthe.

### State-aid for an exhibition and conference centre goes unreported

On October 9, 2023, Oldenburg City Council approved a significant investment in infrastructure measures for the Weser-Ems Halle GmbH & Co. KG (WEH Oldenburg): the modernization of the congress and festival halls and the fair ground. The city assumes full liability for loans exceeding €50 million, with a default guarantee of up to €62 million. The City of Oldenburg omitted reporting the public funding to the DC Competition, despite the venue being in competition to the MartiniPlaza exhibition complex in Groningen (NL).<sup>xiii</sup>

The city council's declared aim is to merge the two city owned and heavily subsidised operators Weser-Ems Halle GmbH & Co. KG and the Stadion Oldenburg GmbH & Co. KG into a single entity, also owned by the City Council. As it competes with centres in Groningen and Drenthe (NL), it seems likely that this will unduly hinder competition in the internal market. We would therefore welcome the Competition Commission to scrutinize these plans.

### The measure is of no general economic or cultural interest (no SGEI)

At the earlier stages of the planning process, the Lord Mayor stated at a city council meeting that the second stadium is being planned mainly to fulfil DFL and DFB regulations for professional football.<sup>xiv</sup>

In January 2023 the Lord Mayor of the City of Oldenburg stated in a public information event about the plans for the second stadium, that it is being built to help commercial football: “...as I said, we are dealing with professional sport. And this is not about us practising sports...”<sup>xv</sup>

After a complaint by the German Taxpayers’ Association “Bund der Steuerzahler”<sup>xvi</sup>, the Lord Mayor started to highlight additional uses of the stadium. On the following pages we will show why claims of multi-functionality don’t justify the second stadium and should not excuse the measure’s negative effect on trade and competition in the internal market.

## **The arena is unable to enrich the cultural life in Oldenburg**

The law firm Kapellmann conclude in their report to the city council that at first glance, there do not seem to be many points of contact for the provision of services of general interest (SGEI) in the possible uses of the stadium. The most likely case for SGEI could be the use for major events organized by the City of Oldenburg, with primarily social and cultural benefits (major social events).

*However, this is contradicted by the fact that the Weser-Ems-Hallen, which are located in the immediate vicinity, are 100% entrusted with the provision of SGEI and the use of the stadium is intended to supplement and not replace the existing offering of the Weser-Ems-Hallen. In this respect, it seems unlikely that a design based on SGEI could come into consideration.”<sup>xvii</sup>*

## **The measure fails to promote sporting issues**

While Oldenburg City Council claims, that other types of sports may use the second stadium, like e.g. the American Footballers from the Oldenburg Knights. In reality, all other stadium users have declared that they prefer to stay put at Oldenburg’s first stadium. The first stadium is also well suited for international youth competitions. In 2004, Germany’s U18 national team played there against France’s.

## **The measure is running contrary to the European Model of Sport**

The proposed measure is running contrary to the European Model of Sport by:

1. aiming to subsidise the consumption of football for entertainment purposes,
2. increasing a fourth league football enterprises’ commercial income and increasing their income from television rights (hence the lawn heating and TV-grade floodlighting)
3. giving a fourth league football enterprise an unfair advantage in the competitive for international sponsors and players.

We consider the public financing measure as proposed by the City of Oldenburg incompatible with internal market rules and elaborate on the incompatibility below.

## **Oldenburg is not charging market rate usage fees**

The recent €3.8 million investment in the first stadium, which was for the fulfilment of DFB requirements, was not reported to the Competition Commission, as explained above. The TV-grade floodlights on 36 metre tall poles cost €1.2 million, well over €1 million more than standard floodlighting for popular sports would have cost. The 1.000 lux feature is only necessary for TV-rights in commercial football. The VfB Oldenburg Fußball GmbH pays only €59.50 per hour for the TV-grade lighting, with the cost of the 187 kWh electricity already included.<sup>xviii</sup> The annual usage fees add up to about €3000<sup>xix</sup>, which is only about 0.15% or tiny fraction of the 3% interest the city council is currently paying on new loans for other projects.<sup>xx</sup> Even if Oldenburg City Council is claiming that it plans to charge market rate usage fees in the new stadium, in practise Oldenburg shows disregard for the market economy investor principle.

## **VfB Oldenburg Fußball GmbH is the only potential tenant**

Contrary to what the Federal Republic of Germany may be reporting to the DC Competition, the infrastructure measure is planned for only one single football business: the VfB Oldenburg Fußball GmbH.<sup>xxi</sup>

## **The main tenant seems unable to afford market rate rents**

At the comparison stadiums in Chemnitz and Offenbach, the anchor tenant was insolvent soon after the inauguration. The Lord Mayor of the City of Oldenburg stated, that a guarantee for usage fees or rent payments cannot be expected from any future user of the football stadium. The Mayor states that the „*VfB Oldenburg Fußball GmbH must independently ensure that the corresponding rent, which would have to be negotiated and contractually agreed at a later date, can be paid. The future rental framework, which is the basis of the previous profitability calculations, corresponds to a market level, is known to all parties involved and would also be affordable.*“<sup>xxii</sup> The latest annual returns submitted by the VfB Oldenburg Fußball GmbH suggests otherwise, as the enterprise is accumulating large losses.<sup>xxiii</sup>

## **The measure is aiming to improve the VfB GmbH's economic foundations**

The Lord Mayor of Oldenburg explained on 1 June 2023 why he wants the city to build and finance a second stadium:

*It's about whether there is an economic foundation for professional football. And that includes hospitality rooms and the possibility of serving sponsors. They are now allowed to go into the pagoda when its raining, which I believe ... is not exactly what sponsors spend a lot of money for. That means they [the VfB Oldenburg Fußball GmbH] are constantly under financial pressure. E.g. when they have to buy mobile floodlights, when they have to play in Hanover because they need a lawn heating, all of that puts pressure on the [VfB Oldenburg Fußball GmbH's] profitability. Then comes Magenta [a TV channel] and takes away your TV money, too.”<sup>xxiv</sup>*

In summary, the Lord Mayor stated clearly that his aim is to provide the VfB Oldenburg Fußball GmbH a financial advantage over its competitors through this publicly financed infrastructure measure.

## **The VfB Oldenburg Fußball GmbH is gaining an unfair advantage**

Oldenburg City Council is planning a stadium for commercial football according to the requirements of the 2. Bundesliga and to build it on common land with special permits for e.g.:

- A large number of parking spaces managed by Stadion Oldenburg GmbH & Co. KG, over which the VfB Oldenburg Fußball GmbH claims priority according the DFB and DFL regulations.
- Reinforced areas for the coaches, where the commercial football teams arrive and for the television broadcasters' lorries.
- Separated queuing areas for competing fan groups.
- Expensive floodlighting, beaming 1,200 lux to every blade of grass.
- Lawn heating, to ensure that live broadcasts can start on time in the rare event of snow and frost – which is to avoid deductions for the VfB Oldenburg Fußball GmbH on their income from TV licenses.
- Many other detailed requirements, such as video surveillance or a front and rear circulation area, which is considered necessary for the security forces during entertainment football, and many other expensive demands from the DFB and DFL.
- A fan shop for VfB Oldenburg branded merchandise.
- An office area of up to 300 m<sup>2</sup> and a fan centre, to make the stadium the home of the VfB Oldenburg Fußball GmbH.
- A medical practise for sports physicians.
- Pricier business seats for extra income for the VfB Oldenburg Fußball GmbH.
- A larger press centre as specified in DFB and DFL regulations.
- VIP-lounges that the anchor tenant lets to its sponsors. If reported as advertising, VIP-lounges are potentially being deducted from the sponsor's tax liabilities.<sup>xxv</sup>
- A VIP hospitality facilities that, according to the business plan bz C/SIGHT are to be let commercially for 100 MICE events (meetings, incentives, conferences & events) per year.
- Spaces for advertising boards<sup>xxvi</sup> and other permanently installed advertising, which are let by the anchor tenant VfB Oldenburg Fußball GmbH.

Some of these infrastructure measures make the stadium in Oldenburg much more expensive than those of similar football businesses in other EU-member countries like e.g. Austria, Ireland or Denmark.

The Lord Mayor stated, that the business plans commissioned show, that the future anchor tenant will be offered the opportunity to operate financially successfully in a new stadium.<sup>xxvii</sup> But as the City of Oldenburg is financing this stadium and bearing its operational losses, the city is providing the VfB Oldenburg Fußball GmbH with a huge advantage over other football enterprises in the competition for sponsors and talent.

Examples of largely privately run stadiums or multi-sports arenas, which are home to competing football businesses are for example Juan Hormaechea of Albericia (ES), Großaspach (D), Århus Stadium Ceres Park (DK), Estadio Cartagonova (ES), Cork City (Ire), Steigerwaldstadion Erfurt (D), Falkenberg FF (S), Floridsdorfer AC (AT), ProFertil-Arena Hartberg (AT), 1. FC Heidenheim (D), FC Ingolstadt 04 (D), Jakobstads Centralplan (Fin), VfB Lübeck (D), FC Lustenau (AT), Stade Saint-Symphorien in Metz (F), Molde Aker Stadion (N), Raatin stadion in Oulu (Fin), Paderborn (D), SV Ried (AT), Sandhausen (D), Sandviken (S), OmaSP Stadion in Seinäjoki (Fin), The Showgrounds, Sligo (Ire), Inter Turku (Fin), Upsala (S), Würzburger Kickers (D) and many more.

For competing football businesses, see the Opta Power Ranking as of 19 February 2025:

TEAM	RATING	GLOBAL RANK
 <b>INTER TURKU</b>	68.7	1260
 <b>SANDVIKEN</b>	65.6	1812
 <b>AUSTRIA LUSTENAU</b>	65.1	1942
 <b>CORK CITY</b>	64.6	2073
 <b>FALKENBERG</b>	64.3	2142
 <b>OULU</b>	63.7	2289
 <b>FLORIDSDORFER AC</b>	63.7	2301
 <b>ATLÉTICO ALBERICIA</b>	63.3	2406
 <b>JARO</b>	63.1	2459
 <b>LÜBECK</b>	63.0	2462
 <b>SONNENHOF GROSSASPACH</b>	62.8	2546
 <b>VFB OLDENBURG</b>	62.3	2681

©Opta Power Ranking, comparing the main beneficiary (19 February 2025)

## A stadium project with a low economic attractiveness

Oldenburg City Council has decided, that the planned football stadium should be built and run by the city owned Stadion Oldenburg GmbH & Co KG. The sports business consultants hired by the city council reviewed the options for a privately run stadium.<sup>xxviii</sup> But the consultants discarded the possibilities of a private investor taking over, as

*“due to the low economic attractiveness and the extremely limited number of interested parties, private sector operation is almost impossible.”<sup>xxix</sup>*

The city council's own consultants assume, that the infrastructure measure would not be realised under the market economy investor principle. The subsidy element, from a public body

taking the risks instead, is also lacking from the numbers presented by the City of Oldenburg.

## Land value was reduced by 59% to make it fit the block exemption

Presumably, the city council are aware that their estimated numbers are potentially breaking the limits for the Block Exemption Regulations under Art. 55, which limit ad hoc aid to €33 million. The cadastral office's land valuation map indicates €275 /m<sup>2</sup>.<sup>xxx</sup> Based on a previous valuation, the 81,000 m<sup>2</sup> plot would have to be transferred at a total value of about €18 million. In which case the equity grant would be limited to a maximum of €15 million. The law firm Kapellmann therefore recommended in their report to the city council in July 2024:

*"If, the land can be objectively valued lower, there would remain greater scope for a larger ad hoc grant."*<sup>xxxix</sup>

About half a year later, the city council had obtained the lower valuation as requested. The stadium land is now valued at only €7.4 million. The price per square meter fell from €275 (Cadaster) to €91 in the report commissioned by the city council in 2025. However, a private entity had recently acquired an adjacent plot, where they build a three-court sports hall. They paid the city council about €222/m<sup>2</sup>. It is therefore questionable whether the lower valuation will stand. This also suggests, that the city council charged a private entity, investing in sports infrastructure more than twice as much at an adjacent location. This looks like another example of making the numbers fit the GBER.



The value for common land is indicated at €275/m<sup>2</sup>, commercial estate at €500/m<sup>2</sup><sup>xxxii</sup> - ©Immobilienmarkt.NI

## In 2022 a consultancy expected an operating aid of €2.5 million p/a

The PROPROJEKT Planungsmanagement & Projektberatung GmbH was appointed by the city

council in 2022 to present a preliminary business plan for a football stadium. Based on the much lower pre-war construction costs, the estimate comes to only €34 million. Even for this lower cost, the consultants were expecting an annual loss of €2.5 million (at the current interest rate of 3% and the main tenant competing in league 4). With the increases in construction costs since 2022, it seems unrealistic that the operating aid could be kept below €2.2 million.

## Stadion Oldenburg / Wirtschaftlichkeit (3,0% Zinsszenario)

© PROPROJEKT

Position	Regionalliga	3. Liga
Baukosten	34.037.500 €	
Finanzierungskosten	18.060.000 €	
Finanzierungskosten p.a.*	916.000 €	
Instandhaltungskosten p.a.*	255.000 €	
Betriebskosten p.a.	468.000 €	520.000 €
<b>Kosten p.a. gesamt</b>	<b>1.639.000 €</b>	<b>1.691.000 €</b>
Abzgl. Erlöse Betreiber	(300.000 €)	(780.000 €)
<i>DIFFERENZ</i>	1.339.000 €	911.000 €
Abschreibungen p.a.	1.170.000 €	
<b>Kosten p.a. inkl. Abschreibungen</b>	<b>2.509.000 €</b>	<b>2.081.000 €</b>

\*: Durchschnitt der ersten 10 Jahre

22.08.2022

46

©PROPROJEKT<sup>xxxiii</sup>

### Exaggerated income expectations lead to unrealistic small losses

Oldenburg commissioned a usage and operating concept with the sports business consultancy C/SIGHT in cooperation with the planners and advisors from Drees&Sommer. The consultants list a large number of income opportunities at unrealistic prices. E.g. the concept assumes, that the operator can let the office space, fan shop and medical practise built into the architectural space underneath the tribunes at more than 50% above the rent for modern offices in the neighbourhood. Even if one would accept the vast array of ideas for events and businesses uses, the expected income is still exaggerated by at least €627,000 per year.<sup>xxxiv</sup> Actually, there are currently no rental agreements and the Lord Mayor has already announced that the letting contracts with the professional users will be kept confidential.

Another consultancy (IFS) was commissioned in 2024 to take the unrealistic income calculations from C/SIGHT, to calculate an estimated operating aid of €2.191 million – just below the threshold. These figures are unrealistic, understimating the loss by more than the €627,000 indicated above.

## **Costs increase by €250.000, as an interest free loan does not exist**

The expected annual loss is not only falsely reduced by exaggerated income expectations. It is also based on a €10 million loan from the state owned development bank Kreditanstalt für Wiederaufbau (KfW)", which is supposed to be basically interest free for the first ten years. This loan does not exist.<sup>xxxv</sup> The extra interest of at least €250.000 (in the first year) is missing from the operating aid as presented by Oldenburg City Council.<sup>xxxvi</sup>

## **Loan guarantee missing from the investment total**

Oldenburg City Council currently pays about 3% interest or more on new loans. Lenders would presumably charge a higher interest rate of well above 3% for loans with a guarantee smaller than 80%, if granted to a loss making stadium operator. Both, this difference in the rate of interest and the loan guarantee element are missing from the numbers presented by the City of Oldenburg.<sup>xxxvii</sup>

## **Operating aid of €3.5 million p/a.**

The German taxpayers' Association calculated, that a €50 million stadium project (lower than current costs) would require an annual operating aid from the City of Oldenburg of €3.39 million in the 3. Bundesliga and €3.82 million in the 4<sup>th</sup> league.<sup>xxxviii</sup>

In another expert report, Benno Reinhardt Esq. comes to the conclusion that:

*the total (before cost increases) for the operating aid granted by the city council would amount to €3.551 million per year.*<sup>xxxix</sup>

This is well above the threshold for the GBER under article 55. The information seems too ambiguous to warrant a Comfort Letter. The Competition Commission should request a notification procedure in accordance with article 107 of the Treaty on the Functioning of the EU.

We are not aware of any independent review of the plans as outlined by the City of Oldenburg, that conclude that the operating aid could be kept below €3 million. Therefore, reporting the public financing under the General Block Exemption Regulation should not suffice.

## **Projects chosen for comparison all violate state aid rules**

The Stadion Oldenburg GmbH & Co. KG organised a study tour to three other stadiums, which they consider comparable:

*"What all stadium locations have in common: The local clubs or anchor tenants play in similar leagues to the VfB Oldenburg: Chemnitzer FC and Kickers Offenbach are also fourth division teams. Jahn Regensburg was still active in the fourth and third divisions at the time of the decision or construction, but is now competing in the 2. Bundesliga - Offenbach, Chemnitz and Oldenburg also want to get there in the future."<sup>xl</sup>*

The public financing of all three comparisons seem to be incompatible with the internal market pursuant to Article 107 (3) (c) of the Treaty on the Functioning of the European Union:

#### Chemnitz is not paying a market based rent

Just two years after the stadium was completed, the city relieved the tenant Chemnitzer FC of the maintenance costs for the stadium. In 2018 the rent for the football stadium was reduced to €30,000.<sup>xli</sup> Both measures are in violation of the information provided in the notification SA.36105 (2013/N). None of the youth and cultural events announced in the state aid notification have materialised, as they take place at Sportforum Chemnitz in Bernsdorf.<sup>xlii</sup> The same with happen in Oldenburg, where all youth and popular sports will continue to use the existing multi-sports arena.

#### Offenbach has failed to report all ad hoc and operational aid for the stadium

The City of Offenbach charges the Offenbacher Kickers GmbH only a fraction of the market rate fees originally planned.<sup>xliii</sup> Much of the losses from the stadium are hidden in the results of other city owned companies.<sup>xliiv</sup> Neither the ad hoc aid nor the operational aid were ever reported by the funding providers, which are the State of Hesse and the City of Offenbach.<sup>xliv</sup>

#### Regensburg absorbs losses of around €3 million per year

Between €1.8 and €3.4 million - that are the losses that the city of Regensburg has incurred every year since 2015 with its "direct operation" of the Jahnstadion.<sup>xlvi</sup>

A local paper reported in March 2021: The balancing of the annual operating deficit at the Jahnstadion by the city of Regensburg has brought the audit office into action. In a non-public report, the auditors "urgently" recommend dealing with questions of EU state aid law. They also complain that "the statutory purpose of the arena" has "largely not been fulfilled" since it opened in 2015.

In 2021 the City of Regensburg commissioned a report by Prof. Dr. Robin van der Hout, who stated later to the local press: For amounts under €2 million – this was only the case in 2015 [in other years the operating aid exceeded the threshold] - a mere notification suffices. "*Anything above this requires additional justification.*" Prof. van der Hout adds, that if Regensburg has failed to report the measure and the EU Commission were to investigate, "*in the worst case, the city could have to demand the money back from its operating company.*"<sup>xlvii</sup>

We would like to encourage the Competition Commission to take direct action against Regensburg for failing to report the public financing of the Jahnstadion!

The three stadiums as chosen by Oldenburg's stadium operating company for comparison, are testament to what Prof. Jürgen Schwark stated in his expert review of the plans in Oldenburg:

*Urban planner and researcher Selle sums up this scenario as follows: "It is almost always the same procedure: the initial figures are 'embellished' in such a way that a consensus on getting the project underway becomes feasible." He continues: "This type of the handling of the numbers becomes politically possible when there are*

*strong interests in the projects and the opponents are too weak to be able to effectively cast doubt on calculations and justifications in the run-up to the decision.*<sup>xlviii</sup>

That is what was done in the three examples above and what the City of Oldenburg is currently reporting to the Commission. If the Commission allows the virtually unlimited public financing of German football stadiums to continue, fair competition will never be restored.

## Conclusions

As outlined above, the numbers the City of Oldenburg is reporting for the aid measure do not withstand scrutiny.<sup>xlix</sup> The infrastructure measure is designed to give a local football business an advantage in the competition for sponsors and professional talent. The measure can not be justified under SGEI. For a mid-size city, Oldenburg already counts with plenty of exhibition, event and sports infrastructure.

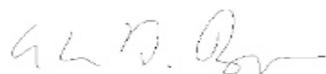
Should the Commission agree with our conclusion, that the measure as proposed is not compatible with the internal market<sup>i</sup>, Oldenburg with either adjust the plans adjusted or the VfB Oldenburg Fußball GmbH will simply continue to compete as one of 90 teams in the German regional leagues, as it has been doing for many seasons. Another less subsidised football enterprise might be spared relegation from 3. Bundesliga instead. Oldenburg's football enthusiasts will still be able to attend higher ranking entertainment football at nearby Werder Bremen (1. Bundesliga) or the Dutch FC Groningen (Eredivisie).

The informal consultation regarding the public financing of the second stadium in the City of Oldenburg provide the unique opportunity to establish a precedent for enforcing fair competition in the football industry, at a minimal social<sup>ii</sup> and political cost<sup>iii</sup>.

We therefore kindly ask the DC Competition to strictly enforce internal market rules on the plans for Oldenburg's second stadium and to request a detailed notification procedure in accordance with article 107 of the Treaty. Extending a Comfort Letter and not requesting a notification procedure would break loose all limits on public spending on current plans for public investments for football stadiums in Ulm, Münster, Osnabrück, Nürnberg (€290 million refurbishment<sup>iiii</sup>) and others in e.g. the Netherlands and Sweden.

Oldenburg, 23 February 2025.

**For the Initiative KEIN StadionBau**



Klaas Brümman  
Holtzinger Str. 16, 26121 Oldenburg  
info@keinstadionbau.de

Tel. +49 441 9205503

- i “Beihilfenrechtliche Einschätzung Stadionneubau”. Legal Department of the City of Oldenburg. 23 January 2023: *“Bei dem in Oldenburg geplanten Neubau eines Stadions handelt es sich um ein Fußballstadion, das dem VfB Oldenburg die Durchführung des Spielbetriebes in der 3. Bundesliga unter den vom DFB vorgegebenen Bedingungen ermöglichen soll. Diese Voraussetzungen bietet das derzeit genutzte Marschwegstadion nur eingeschränkt auf der Grundlage einer Ausnahmegenehmigung.”*
- ii From the minutes of the Sports Committee at Oldenburg City Council, 29 June 2022 Gerhard Kißlinger, DFB-Stadionbeauftragter erklärte: “Für den Profifußball in Oldenburg müsse eine Perspektive geschaffen werden. Weitere Ausnahmegenehmigungen wie für die Saison 2022/23 könnten seitens des DFB für das Marschweg-Stadion nicht in jedem Jahr erteilt werden.” See <https://buergerinfo.oldenburg.de/getfile.php?id=252202&type=do> p4.
- iii Legal opinion by van der Hout and Walter. Law firm Kapellmann, Brussels, 25 July 2024: <https://buergerinfo.oldenburg.de/getfile.php?id=281013&type=do>  
(55.)... *Darüber hinaus dürfte es sich aber auch zum jetzigen Zeitpunkt bereits um Profisport handeln, wenn die Spieler des VfB Oldenburg durch die Ausübung des Fußballs ein Entgelt erhalten, welches einen erheblichen Teil ihres Einkommens ausmacht. Somit dürfte der VfB Oldenburg ein Unternehmen im Sinne des Beihilferechts darstellen.*
- iv Oberbürgermeister Jürgen Krogmann erklärte in der Ratssitzung am 27. Februar 2023: *„Durch den Beschluss [der Stadt Oldenburg, ein zweites Stadion zu bauen] werde das Signal gesendet, dass die Stadt Oldenburg ausreichende Bedingungen für den Profi-Fußball in Oldenburg schaffe.“* See <https://buergerinfo.oldenburg.de/getfile.php?id=261217&type=do> p5 first paragraph.
- v For current transfer values see <https://www.transfermarkt.de/vfb-oldenburg/kader/verein/166>
- vi Professional footballers in the 2022 squad, poached by VfB Oldenburg Fußball GmbH, who were previously under contract in e.g. Austria, Denmark, Switzerland and the Netherlands.
- vii See the current list of sponsors of VfB Oldenburg Fußball GmbH at: <https://www.vfb-oldenburg.de/sponsoren>
- viii From the resolution 22/0668, agreed by Oldenburg City Council on 7 November 2022: *„Das Stadion Marschweg genügt in vielen Punkten nicht den Anforderungen des DFB an eine Spielstätte der 3. Fußballliga. Um einen Weiterbetrieb des Stadions als Heimspielstätte des VfB Oldenburg auch für die Saison 2023/24 zu ermöglichen, sind mindestens folgende technische Infrastruktureinrichtungen bis zum Saisonstart 2023 zu schaffen: 1. Errichtung einer Flutlichtanlage gemäß den Richtlinien des DFB mit einer Beleuchtungsstärke von 1.000 Lux an jeder Stelle des Spielfeldes Die Kosten betragen 2.500.000,00 €.“* See <https://buergerinfo.oldenburg.de/getfile.php?id=251577&type=do>
- ix Nutzungs und Betriebskonzept. CSIGHT, Drees & Sommer. 20 November 2023; [https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30\\_Amt\\_fuer\\_Kultur\\_Museen\\_und\\_Sport/304\\_Sport/Neubau\\_Stadion/Nutzungs-\\_und\\_Betriebskonzept\\_Stadion-Neubau\\_final\\_CSIGHT.pdf](https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30_Amt_fuer_Kultur_Museen_und_Sport/304_Sport/Neubau_Stadion/Nutzungs-_und_Betriebskonzept_Stadion-Neubau_final_CSIGHT.pdf) , p6
- x “Sponsoren wollen VIP-Lounges, aber keine Baukostenbeteiligung!” 13 March 2024, see: <https://www.keinstadionbau.de/vfb-sponsoren-pro-vip-lounge>
- xi The Wunderline project is a new train service, connecting the university cities of Groningen (NL) to its west with Bremen to its east via Oldenburg at the centre. See <https://www.wunderline.nl/en/over-wunderline>
- xii CSIGHT Standortanalyse, 20 November 2024: [https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30\\_Amt\\_fuer\\_Kultur\\_Museen\\_und\\_Sport/304\\_Sport/Neubau\\_Stadion/3\\_-\\_Nutzungs-\\_und\\_Betriebskonzept.pdf](https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30_Amt_fuer_Kultur_Museen_und_Sport/304_Sport/Neubau_Stadion/3_-_Nutzungs-_und_Betriebskonzept.pdf) p4
- xiii See also: “Betrieb der Weser-Ems-Hallen wurde nie offiziell ausgeschrieben” <https://www.keinstadionbau.de/weser-ems-hallen>
- xiv Lord Mayor Jürgen Krogmann on 28 November 2022: ... he replied that Oldenburg needs a fully-fledged stadium in order to be able to continue to be active in professional sports. The DFL and the DFB have given clear guidelines on what a stadium for the third league should look like. See: <https://buergerinfo.oldenburg.de/getfile.php?id=256747&type=do> p6.
- xv “...but here, as I said, we are dealing with professional sport. And this is not about us practising sports. I still play football myself, but I don't think I will ever play there [in the football stadium]...” See clip from 25 January 2023 (in German): <https://youtu.be/JhTWkJPgwX0?si=S3ACbOUj7oGEKICN> . “...aber hier haben wir es ja

*wie gesagt mit dem Profisport zu tun. Und hier geht es ja nicht darum, dass wir das Sport machen. Also ich spiel selber immernoch Fußball, aber ich glaube, ich werde da nicht mehr spielen...*

- xvi Bund der Steuerzahler, 9 February 2023: The economic calculations for the stadium plans in Oldenburg are unrealistic: <https://www.steuerzahler.de/presse/detail/wirtschaftlichkeitsrechnungen-zum-oldenburger-stadion-unrealistisch/?L=0&cHash=7e1c345ab9346b6b7836cc783d9ca72a>
- xvii Legal opinion by van der Hout and Walter. Law firm Kapellmann, Brussels, 25 July 2024:  
(37) *Auf den ersten Blick scheint es bei denen im Nutzungskonzept vorgesehenen Nutzungs-möglichkeiten nicht viele Anknüpfungspunkte für die Erbringung von DAWI zu geben. Am ehesten könnte dies wohl bei der Nutzung für durch die Stadt Oldenburg ausgerichtete Großveranstaltungen, mit primär sozialem und kulturellem Nutzen (gesellschaftlichen Großevents) der Fall sein. Dagegen spricht jedoch der Umstand, dass die in unmittelbarer Nähe liegenden Weser-Ems-Hallen zu 100% mit der Erbringung von DAWI betraut sind und die Nutzung des Stadions das bestehende Angebot der Weser-Ems-Hallen ergänzen und nicht ersetzen sollen. Insofern scheint es unwahrscheinlich, dass vorliegend eine Gestaltung nach DAWI-Beschluss in Betracht kommt.*
- xviii Oberbürgermeister Jürgen Krogmann (20 January 2025), see [https://itn.be/MWS\\_Flutlicht](https://itn.be/MWS_Flutlicht)  
For the usage fees for the new TV-grade floodlights at Oldenburg's first stadium, see Entgelte zur Nutzung des Marschwegstadions vom 26. August 2024:  
[https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30\\_Amt\\_fuer\\_Kultur\\_Museen\\_und\\_Sport/304\\_Sport/Richtlinien/Richtlinien\\_zur\\_Nutzung\\_des\\_Marschwegstadions\\_end\\_b.pdf](https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30_Amt_fuer_Kultur_Museen_und_Sport/304_Sport/Richtlinien/Richtlinien_zur_Nutzung_des_Marschwegstadions_end_b.pdf)
- xix The about €3000 usage fees for the floodlighting include the cost of 9,428 kWh of electricity consumed.
- xx City owned entities currently pay 3% interest on new loans with a 100% loan guarantee by the City of Oldenburg. This would be approx €25.000 in first year's interest on the €1 million extra cost for installing TV-grade floodlights instead of smaller floodlights for practising athletes. For comparison, see recent loan offer for the city owned swimming pool operator (23 January 2025): <https://buergerinfo.oldenburg.de/getfile.php?id=287418&type=do>
- xxi In a meeting of the financial committee on 6 December 2023, citizen Brümman asked to what extent there is a potential for blackmail, since the VfB Oldenburg Fußball GmbH is the only tenant with the potential for professional football and the City of Oldenburg is the only provider of a stadium. The City Council responded for the record: It is not possible to predict to what extent VfB in Oldenburg will continue to pursue professional football in the future. However, it can be assumed that the enthusiasm and support for football in Oldenburg will always give clubs the motivation to strive for professional football. In this respect, there is no fear of blackmail, not even potential. The city of Oldenburg also generally rejects this accusation. [The City Council's claim defies any logic and runs contrary to the practise in Chemnitz, Offenbach, Regensburg and many other publicly owned football stadiums. The interest in football is rather limited, with on average less than 2,00 spectators attending home games.] See: <https://buergerinfo.oldenburg.de/getfile.php?id=273713&type=do> p5.
- xxii Response by the Lord Mayor of the City of Oldenburg, 3 December 2025: *“Eine auf Jahre beziehungsweise Jahrzehnte ausgerichtete Garantie für eine Nutzung beziehungsweise Mietzinszahlung kann von keinem künftigen Nutzer des Stadions erwartet werden und entspricht auch nicht dem Marktüblichen. Die VfB Oldenburg Fußball GmbH hat eigenständig dafür zu sorgen, dass die entsprechende Miete, die zu einem späteren Zeitpunkt verhandelt und vertraglich vereinbart werden müsste, gezahlt werden kann. Der künftige Mietrahmen, der Grundlage der bisherigen Wirtschaftlichkeitsberechnungen ist, entspricht einer marktgängigen Höhe, ist allen Beteiligten bekannt und wäre auch leistbar.”* See: [https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Antwort\\_Rat\\_20241028\\_Einwohnerfragen-9f7339ce.pdf](https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Antwort_Rat_20241028_Einwohnerfragen-9f7339ce.pdf) (p3 answer 2.3)
- xxiii The annual financial return as submitted by the VfB Oldenburg Fußball GmbH for their financial year 2022/23 was published on 12 December 2024. The statement shows a contribution of €950,000 by the shareholders. The balance sheet shows a loss carried forward of €723,999 and an deficit for the year of €525,000. The only season in the 3. Bundesliga brought a loss of over half a million euros. This is problematic as 50+1% of the shares belong to the club “VfB Oldenburg von 1897 e.V.”. With only 1200 members, this club can ill afford compensating such losses.

- xxiv The Lord Mayor of Oldenburg explains at the NWZ VfB-Talk on 1 June 2023: "... sondern es geht ja darum, ob es ein wirtschaftliches Fundament für den Profifußball gibt. Und dazu gehören zum Beispiel Hospitality-Räume, dazu gehört die Möglichkeit Sponsoren auch bedienen zu können. Die dürfen jetzt im Regen ins Pagodenzelt. Was wir da erlauben, was aber glaube ich unter Komfortgesichtspunkten, sagen wir mal so, nicht gerade das ist, wofür Sponsoren viel Geld ausgeben. Das heißt sie haben ständig die finanzielle Hypothek, ist eigentlich Ihr Vortrag Herr Weinberg [Geschäftsführer der VfB Oldenburg Fußball GmbH], den ich jetzt halte. Sie haben, natürlich, wenn sie mobiles Flutlicht kaufen müssen, wenn sie in Hannover spielen müssen, weil sie eine Rasenheizung brauchen, das drückt alles auf die Wirtschaftlichkeit. Da kommt Magenta und nimmt ihnen auch noch Fernsehgelder weg." Short clip in German: <https://youtu.be/x2qoAWCCYHA?si=Csn0hld2pMP0Pu7Q>
- xxv Also see: "Sponsoren wollen VIP-Lounges, aber keine Baukostenbeteiligung!" 13 March 2024: <https://www.keinstadionbau.de/vfb-sponsoren-pro-vip-lounge>
- xxvi Examples of permanent advertising boards let by the VfB Oldenburg Fußball GmbH in Oldenburg's first stadium: <https://photos.app.goo.gl/oKWDr33tpgtvd8Ba7>
- xxvii Response by the Lord Mayor of the City of Oldenburg, 3 December 2024: "...Wie die Businessplanung von IFS aufzeigt, werden dem künftigen Ankermieter in einem neuen Stadion die Möglichkeiten geboten, wirtschaftlich erfolgreich zu arbeiten. Vor dem Hintergrund der mit Gründung der GmbH einhergehenden Professionalisierung des VfB wurden nach Einschätzung der Verwaltung die wichtigen und notwendigen Voraussetzungen geschaffen, die Ziele der Businessplanung zu erreichen und die vertraglichen Verpflichtungen, die mit der Nutzung des Stadions verbunden sein werden, auch zu erfüllen." See <https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/> (p3 answer 4.2)
- xxviii Nutzungs und Betriebskonzept. CSIGHT, Drees & Sommer. 20 November 2023, p99
- xxix Nutzungs und Betriebskonzept. CSIGHT, Drees & Sommer. 20 November 2023. p101
- xxx In der Bodenrichtwertkarte ist der Wert mit 275 €/m<sup>2</sup> dargestellt. Dieser Wert wird vom einem Gutachterausschuss gem §196 ff BauGB festgelegt.
- xxxi Legal opinion by van der Hout and Walter. Law firm Kapellmann, Brussels, 25 July 2024.
- xxxii Currently the Cadastral value of the common land in the area of Maastrichter Straße, Oldenburg is indicated at €275/m<sup>2</sup>, see <https://immobilienmarkt.niedersachsen.de/bodenrichtwerte?zoom=15.86&teilmarkt=Bauland&stichtag=2024-01-01>
- xxxiii Wirtschaftlichkeitsbetrachtungen von PROPROJEKT, 22 August 2022. See [https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30\\_Amt\\_fuer\\_Kultur\\_Museen\\_und\\_Sport/304\\_Sport/Neubau\\_Stadion/220822\\_PROPROJEKT\\_Wirtschaftlichkeitsbetrachtung\\_Stadion\\_Oldenburg.pdf](https://www.oldenburg.de/fileadmin/oldenburg/Benutzer/Dateien/30_Amt_fuer_Kultur_Museen_und_Sport/304_Sport/Neubau_Stadion/220822_PROPROJEKT_Wirtschaftlichkeitsbetrachtung_Stadion_Oldenburg.pdf) p46
- xxxiv Kritik am Nutzungs- und Betriebskonzept, p40: <https://iitm.be/nubkslides>
- xxxv For details see <https://www.keinstadionbau.de/krogmann-verspielt-vertrauen> and also statement by the Treasurer at the city council from 5 November 2024.
- xxxvi City owned entities currently pay around 3% interest on loans with a 100% loan guarantee by the City of Oldenburg. See loan for the public swimming pools (23 January 2025): <https://buergerinfo.oldenburg.de/getfile.php?id=287419&type=do>
- xxxvii Written response by the Lord Mayor from 28 October 2025: "No market survey on the borrowing costs of Stadion Oldenburg GmbH & Co. KG without a municipal guarantee was carried out, as the borrowing of Stadion Oldenburg GmbH & Co. KG is to be secured by a municipal guarantee." See [https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/AAA\\_20241028\\_OB\\_Finanzierung\\_Buergerschaftselement\\_Totalunternehmer.pdf](https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/AAA_20241028_OB_Finanzierung_Buergerschaftselement_Totalunternehmer.pdf) "Eine Marktbefragung zu einer Kreditaufnahme der Stadion Oldenburg GmbH & Co. KG ohne eine städtische Bürgschaft ist nicht erfolgt, da die Kreditaufnahme der Stadion Oldenburg GmbH & Co. KG durch eine städtische Bürgschaft abgesichert werden soll."
- xxxviii Bund der Steuerzahler 9 February 2023: If the construction costs rise to €50 million, the annual deficit would already be: EUR 3.82 million if relegated to the Regional League and €3.39 million if permanently in the 3rd league. <https://www.steuerzahler.de/presse/detail/wirtschaftlichkeitsrechnungen-zum-oldenburgerstadion-unrealistisch/?L=0&cHash=7e1c345ab9346b6b7836cc783d9ca72a> . "Sollten die Baukosten auf 50

*Mio. EUR steigen, betrüge das jährliche Defizit bereits: 3,82 Mio. EUR, bei Abstieg in die Regionalliga und 3,39 Mio. EUR, bei dauerhafter 3.Liga-Zugehörigkeit.”*

- xxxixIm Ergebnis ergibt sich (noch vor Kostensteigerungen) eine von der Stadt gewährte Beihilfe in Höhe von 3.551 T€ pro Jahr. From the expert report by Benno Reinhardt, Esq. 19 November 2024: [https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Schreiben\\_MWNdsvom\\_20241119.pdf](https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Schreiben_MWNdsvom_20241119.pdf)
- xl From the City of Oldenburg’s website, published 18. September 2024: *“Sprungbrett nach oben: Was alle Stadion-Standorte eint: Die ansässigen Vereine beziehungsweise Ankermieter sind in ähnlichen Ligagefilen wie der VfB Oldenburg unterwegs: Der Chemnitzer FC und Kickers Offenbach sind ebenfalls Viertligisten. Jahn Regensburg war zum Entscheidungs- beziehungsweise Bauzeitpunkt noch in der Vierten und Dritten Liga aktiv, spielt mittlerweile aber in der Zweiten Liga – da wollen perspektivisch auch Offenbach, Chemnitz und Oldenburg hin.”* See: <https://www.oldenburg.de/startseite/kultur/sport/marschwegstadion-und-stadion-neubau/stadion-neubau/stadionbereisung.html>
- xli Nur zwei Jahre nach der Fertigstellung des Stadions hat die Stadt dem Chemnitzer FC die Unterhaltskosten für das Stadion abgenommen. Der Pachtzins für das Fußballstadion wurde 2018 auf schlanke 30.000 Euro im Jahr gesenkt. Zu den geplanten zwei Millionen Euro Kosten pro Jahr kommt jetzt also in Wirklichkeit noch die zusätzliche Belastung von 762.000 Euro hinzu. See: <https://www.keinstadionbau.de/das-real-existierende-stadion>
- xlii See [https://de.wikipedia.org/wiki/Sportforum\\_Chemnitz](https://de.wikipedia.org/wiki/Sportforum_Chemnitz)
- xliii Nur ein Jahr nachdem der Umbau des Stadions am Bieberer Berg 2012 eingeweiht worden war, mussten die Kickers Insolvenz anmelden. *„Stadt und Land hatten noch versucht, den Verein zu retten, mit Forderungsverzicht, Stundung und Landesbürgschaft. Man wollte so auch verhindern, dass der Hauptmieter für das Stadion wegfällt, doch geholfen hat es am Ende nicht. Für die Stadt Offenbach bedeutet das nun, dass sie nicht nur einen Großteil ihrer Forderungen abschreiben muss, sondern vor allem jährlich auf 325.000 Euro Mieteinnahmen verzichten muss.“* See Deutschlandfunk 19 October 2013: <https://www.deutschlandfunk.de/misswirtschaft-insolvenz-und-millionenverluste-auf-dem-100.html>
- xliv Also see in German: <https://www.keinstadionbau.de/stadion-offenbach>
- xlvi See reply by the Lord Mayor of the City of Offenbach from 29 January 2025, claiming that infrastructure “Stadion am Biebererberg” is being used to 20% by other uses. We disagree. Lord Mayor Dr. Schwenke also claims, that the City’s aid for the football stadium compares to other German cities. However, unlike the case in Offenbach, many of those examples were measures to prepare Stadiums for the European Championships. See in German: <https://www.ofa-ev.de/wp-content/uploads/2025/01/Antwort-Beihilfe-Bieberer-Berg-2025-029-Cloud.pdf>
- xlvi Zwischen 1,8 und 3,4 Millionen Euro – so hoch ist der Verlust, den die Stadt Regensburg seit 2015 alljährlich mit ihrem „Regiebetrieb“ für das Jahnstadion einfährt. See Regensburg Digital on 11.03.2021: <https://www.regenburg-digital.de/jahnstadion-millionenverluste-im-visier-der-rechnungspruefer/11032021/>
- xlvi Prof. Dr. van der Hout as cited in a local publication on 11 March 2021. *Bei Beträgen unterhalb von zwei Millionen Euro – das war lediglich 2015 der Fall [in den anderen Jahre lag die Betriebsbeihilfe darüber] – reiche die bloße Mitteilung. „Alles, was darüber liegt, bedarf zusätzlicher Rechtfertigung.“ Sollte die Stadt die Meldung versäumt haben, und würde die EU-Kommission prüfen, „könnte es im schlimmsten Fall dazu kommen, dass die Stadt das Geld von ihrer Betreibergesellschaft zurückfordern muss.“* See: <https://www.regenburg-digital.de/jahnstadion-millionenverluste-im-visier-der-rechnungspruefer/11032021/>
- xlvi Expert report by Prof. Dr. Jürgen Schwark. March 2023. Der Stadtplaner und -forscher Selle fasst dieses Szenario wie folgt zusammen: „Es ist fast immer der gleiche Vorgang: Die Anfangszahlen werden so „geschönt“, dass ein Konsens zum In-Gang-Setzen des Projektes möglich wird.“ Und weiter: „Politisch möglich wird ein solcher Umgang mit den Zahlen, wenn es starke Interessen an den Vorhaben gibt und deren Gegner zu schwach sind, um Berechnungen und Begründungen bereits im Entscheidungsvorfeld wirkungsvoll in Zweifel ziehen zu können.“ See: <https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Schwark-Endfassung-gutachterliche-Aeu%25C3%259Ferung-29-03-2023.pdf> p6
- xlvi See also “Wie das erforderliche EU-Notifizierungsverfahren zur "Märchenstunde" wird”, 22 May 2024: <https://www.keinstadionbau.de/zuschussbedarf-schoent-betriebsbeihilfe>

- I I.e. not pursuant to Article 107 (3) (c) of the Treaty on the Functioning of the European Union.
- li The VfB Oldenburg Fußball GmbH home stadium has a maximum capacity of 15.200 PAX. In the 2024/2025 season so far, only 2,868 spectators came on average, which is just 18.87% of the stadium capacity. See: <https://www.100prozentmeinverein.de/vfb-oldenburg/zuschauer> . “VfB Oldenburg spielt im Marschwegstadion. Das Stadion fasst offiziell 15200 Zuschauer. In den bisherigen Saisonspielen 2024/2025 kamen 2.868 Zuschauer im Schnitt. Das bedeutet eine Stadionauslastung von 18.87 Prozent.”
- lii From the budget speech of the treasurer of the City of Oldenburg, 18 December 2023.
- liii In a response by Email the Lord Mayor of the City of Nuremberg stated on 22 January 2025, that contrary to reports in the press: “*The city of Nuremberg has not (yet) decided to rebuild the Max-Morlock Stadium.*” See [https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Nuernberg\\_OB\\_Koenig\\_Marcus\\_Beihilfe\\_Zement\\_CO2-reduziert.pdf](https://cdn.website-editor.net/b293d33874454bbd87c8ed26bbeb994e/files/uploaded/Nuernberg_OB_Koenig_Marcus_Beihilfe_Zement_CO2-reduziert.pdf)