



EUROPEAN COMMISSION
Competition DG

Markets and cases II: Information, Communication and Media
State aid

Brussels, 20/08/2013
COMP/C4/AR/md - D*2013/78850

**Subject: SA.36401 (2013/CP, ex- SA.33604, 2011/CP) – United Kingdom
Olympic Stadium – West Ham United FC**

Dear Sir,

In the above-mentioned matter, you sent a complaint to the Commission on 24.03.2013 concerning alleged State aid to West Ham United Football Club (WHU).

The Commission services forwarded the non-confidential version of your complaint to the national authorities. They have informed the Commission services that in their opinion the issue does not involve unlawful aid. To that end, they provided substantial reasoning why they do not consider the alleged measures to be unlawful aid. We attach a copy of the non-confidential version of their reply for your information. That explanation might serve to allay your previously indicated suspicions as regards unlawful aid.

In particular, the UK authorities explain that WHU has been selected as concessionaire following an open, fair and non-discriminatory bidding process, so that it pays a market price for the use of the Stadium. Moreover, acting as a private market operator would have, LLDC negotiated a commercial deal with WHU going beyond what was originally offered during the bidding process. Furthermore, the Stadium infrastructure will operate as a multifunctional facility, open for community use and benefits and also hosting other events, such as athletics championships, concerts and the like (see attachments to this letter).

On that basis, the competent departments of the Directorate General for Competition have come to the preliminary conclusion that the measure objected to a priori does not constitute aid under Article 107(1) TFEU.

Please specify the name of the case and the case number in all correspondence.

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.
Office: MADO 26/028. Telephone: direct line (32-2) 295.98.24. Fax: (32-2) 296.12.42
Email address: stateaidgreffe@ec.europa.eu

This position is not a definitive position of the Commission itself, but only a preliminary view of the services of DG Competition, based on the information available at present and pending any additional comments you might wish to make. Should you want to dispute the attached findings or inform us of any new particulars that might demonstrate the existence of an infringement of the State aid rules, we would ask you to submit any further comments, together with a non-confidential version thereof (if appropriate), in writing to DG Competition. If we do not hear from you within one month from the date of receipt of this letter, your complaint will be deemed to be withdrawn.

Yours faithfully



Wouter Pieké
Head of Unit

Contact person: Ann Rutgeerts (email: ann.rutgeerts@ec.europa.eu; tel: +32 2 29 68 688)

Attachments