

[London Legacy Development Corporation (LLDC)]

Response to European Commission (EC) letter of 10 April 2013

Reference SA.36401 (2013/CP) – United Kingdom – Olympic Stadium – West Ham United FC

Dear Sirs

Introduction

1. Thank you for your letter on the above and the attachments thereto. All the issues raised by the complainant(s) are comprehensively addressed by the information the UK Authorities have already submitted to the EC via:
 - 1.1. The Non-Paper
 - 1.2. The Supplementary Paper
2. We are happy to provide the non-confidential versions of both papers to the EC in case they deem it necessary to provide to the Complainant(s). The two papers describe in detail the process that LLDC followed to award the main Olympic Stadium concession and explain the evaluation process and provide sufficient justification as to the absence of any State aid being involved in the final commercial arrangements with West Ham United FC (WHUFC).
3. LLDC has followed an open, fair and non-discriminatory competitive award process. Any party wishing to bid for a concession, including other football and sports clubs, entertainment or education providers, etc., could have done so. Thus the main concessionaire cannot be regarded as a State aid beneficiary as they will be paying a market price for the use of the Stadium. Moreover, LLDC negotiated with WHUFC a commercial deal which was well over and above the offer they submitted during the formal competitive process.
4. We have submitted in the non-paper that the London Borough of Newham (LBN) was intentionally excluded from the main concession award process to protect it from bias given their involvement with WHFC in the original process. This was explicitly stated in the Invitation to Tender (ITT) launched on 22 December 2011 (revised subsequently on 16 May 2012).
5. The view of the UK Authorities remains as set out in the supplementary paper that the proposed arrangements for the use of the Olympic Stadium by WHUFC do not involve any State aid to the main concessionaire; the arrangements in fact offer the best possible commercial arrangement for LLDC (and the UK public) in light of their decision to maintain the Stadium as an iconic multifunctional facility in the Queen Elizabeth Olympic Park (QEOP).