

WRITTEN QUESTION E-2975/02

by Pere Esteve (ELDR) and Camilo Nogueira Román (Verts/ALE)
to the Commission

Subject: Interpretation of Article 87 of the EC Treaty with regard to the planning agreement involving Real Madrid football club and the free competitive market

From the Commission's answer to Written Question P-2491/02¹ on the planning agreement involving Real Madrid football club and the free competitive market the questioners understand the following:

1. although the Commission understands that there is insufficient reason to investigate the matter, it states that the action of the authorities has favoured Real Madrid;
2. the Commission considers that the advantage in question is not of the kind referred to in Article 87 of the EC Treaty, since it does not entail the direct or indirect granting of State resources, and bases this argument on the judgment of 13 March 2001, in Case C-379/98, Preussen Elektra AG v. Schleswag AG, ECR I-02099.

In this connection the questioners understand the following:

that the conjunction 'or' in Article 87 of the EC Treaty unequivocally implies the inclusion of aid which is not State funding and that that this distinction is maintained clearly and literally in Article 88 of the EC Treaty;

that the conjunction 'or' in itself signifies an alternative and hence we are talking about two concepts which are not equivalent or equal, but separate: 'aid granted by a Member State' and aid granted 'through State resources', both of them covered by the relevant articles.

Taking this argument into account, can the Commission explain the distinction made by the legislator between these two kinds of aid? To what does aid granted by a Member State other than aid in the form of State resources refer?

Can the Commission say why, despite recognising that the reclassification confers an advantage on Real Madrid, it does not define it as aid?

Can the Commission investigate this matter more thoroughly, since it has information at its disposal which is not available to the questioners?

¹ OJ C