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[REDACTED] 22 April 2015

**SA.39960- State Aid provided to Club Baloncesto Gran Canaria - Claret SAD**

Dear Sirs,

We are writing to you in relation to the abovementioned State aid case.

First of all and as the Commission is surely aware of, Baloncesto Gran Canaria- Claret SAD has now beaten its European opponents to reach the Eurocup finals<sup>1</sup> that will be taking place on 24 and 29 April 2015. This provides further undisputable evidence about the distortion to the competition that is being caused by the State aid provided to the club and shows that there is an urgent need to clarify whether it is possible for member states to fund with public money more than half of the budget of a certain undertaking.

Whilst this market distortion should not be permitted if the EU intends to maintain its goal of achieving a fair competition within the EU markets free from state interference (as we assume continues to be the case), it is important that these powerful State aid tools, if allowed or tolerated by the Commission, are made available not just to the Kingdom of Spain but to all EU member states (including those that have not required financial assistance from its EU partners during the current crisis and have used their money to recapitalise the Spanish financial system instead of using it to e.g. fund their own professional sport clubs) as we are sure that those European teams who have been eliminated by State-funded Gran Canaria would also benefit from having access to public funds even if this would be detrimental for the taxpayer. It is therefore important that the Commission, in the interest of fairness and transparency, clarifies whether this is a situation that can be replicated elsewhere in the EU.

Furthermore we would like to remind the Commission that the consequences of the distortion created by this unlawful State aid are not only affecting Gran Canaria's competitors but also basketball fans throughout the EU (like ourselves as Alba Berlin members and frequent spectators of professional basketball matches being therefore end-consumers) who see how membership and tickets prices continue to increase as the rest of the European basketball clubs struggle to find legal sources of revenue that can match the State aid that is being provided to some of its European competitors such as Gran Canaria that operate with artificially high budgets due to the intervention of the Kingdom of Spain. European basketball clubs that are unable to compete for talent with publicly funded competitors pass these costs to the end consumers like us via higher ticket and membership prices. The inflationary pressure created as a result of this State intervention is particularly unfair since it affects the end consumer directly and we can only urge the Commission to immediately put an end to this situation that is harming our economic interests as well the economic interests of many other EU

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<sup>1</sup> <http://www.eurocupbasketball.com/eurocup/news/i/5vln87x6u75b6lwv/road-to-the-finals-herbalife-gran-canaria-las-palmas>

consumers directly. Our rights as end-consumers constitute a legitimate interest that should be protected irrespectively of whether we are based in the UK or in any other member state.

In addition to this and since in a different State aid case (SA.39927) the Commission has circulated without our consent an allegedly non-confidential version of a similar letter to that sent by us to the Commission on 25 November 2011 regarding SA.39960, we hereby request the Commission to confirm whether our letter (or an allegedly non-confidential version of it) has been circulated to any member state or third party and, if this has been the case, to provide us with a copy of the allegedly non-confidential version of our letter and to specify to whom and when this letter has been sent.

Finally we would be very grateful if the Commission could confirm as soon as possible the priority of this State aid case. We remain at your disposal for any clarification that may be needed and look forward to hearing from the Commission regarding the abovementioned issues.

Yours faithfully

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