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Ombudsman: Commission must act on allegations of unfair tax advantages for four Spanish football clubs

17 December 2013

The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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On Monday, 16 December 2013, the European Ombudsman [Emily O'Reilly](#), told the European Commission to stop delaying a decision on whether to open infringement proceedings against Spain concerning alleged unfair tax advantages for certain Spanish football clubs. This follows a complaint from investors in other European football clubs alleging that the Commission's inaction in this case might be linked to the fact that the Commissioner responsible supports one of the football teams in question and was a Minister in the Spanish government that decided on the tax advantages at the time.

After having received the Ombudsman's recommendation on 16 December 2013, the Head of the Commissioner's Cabinet contacted the Ombudsman's office to announce that the decision to open a formal investigation against Spain in this case will be on the agenda of the College of Commissioners on 18 December 2013.

Emily O'Reilly stated: "The Commission has failed to act on this complaint for more than four years. Not only is this bad administration, but to the European public it can look like a conflict of interest given the Commissioner's strong links to one of the football clubs in question. In my inquiry, I have not looked into the merits of the allegations concerning the breach of State Aid rules. I trust, however, that the Commission will decide to open an investigation tomorrow in order to investigate the facts and dispel any suspicions."

The tax advantages amount to several billion Euro

The complainant represents investors in several European football clubs. In 2009, he complained to the Commission that Spain is infringing EU State Aid Rules by granting unfair tax advantages to four Spanish football clubs. According to the complainant, these advantages amount to several billion Euro. He also noted that Spain is granting these tax advantages even as it requests hundreds of billions of Euro from Eurozone taxpayers.

The Commission normally has 12 months to decide on the opening of infringement proceedings. In this case, more than four years have passed without any decision. In September 2013, the Commission accepted the Ombudsman's proposal for a friendly solution, but neither acted on it nor gave convincing reasons as to why no decision has been taken.

The Ombudsman's summary of the recommendation is available at:
<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/52874/html.bookmark>