



EUROPEAN COMMISSION

Competition DG

Director General

Brussels, 28.01.2015  
COMP/C4/DP/RB/bs-D(2015) 003369

**Subject: Your petition of December 2014 relating to case SA.31550 (2012/C)  
Nürburgring**

Dear Sir, Madam,

Thank you for your letter of December 2014 to Commissioner Vestager, who asked me to respond to you. In that letter, you have raised concerns regarding the sale of the Nürburgring assets to a private buyer and the tender process for the sale of those assets. In addition, you underline the importance of the Nürburgring for the automotive sports sector, especially in terms of cultural significance. For those reasons you ask the Commission to review the situation of the Nürburgring and re-start the tender process.

Please allow me to respond and describe the role of the Commission surrounding the sale both in terms of procedure and substance, within the framework of the State aid investigation.

The mandate of the Commission in this case was to examine whether public subsidies constituted illegal State aid in favour of the companies managing the Nürburgring assets. In its decision of 1 October 2014, the Commission determined that the majority of State aid measures were not compatible with the EU Internal Market and ordered the aid to be recovered from the beneficiaries.

The law foresees that if such repayment cannot take place, the companies must exit the market and be liquidated. In this case the beneficiaries of the aid were already in liquidation before the Commission decision and the assets had been sold to a third party.

As regards the latter process, the role of the Commission was only to verify that the assets were sold at market value, to be established in this case through the mechanism of an open, non-discriminatory and transparent sales process. The sales process itself, however, was not carried out by decision or under the supervision of the Commission. It was carried out under German insolvency law by the responsible insolvency administrator in Germany and resulted in an award to the bidder who was considered to have offered the highest bid with sufficient security of payment. That assessment by the

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

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insolvency administrator and the creditors' committee did not take place under the Commission's supervision, apart from an assessment in the Commission decision based on the above requirements.

Hence, under State aid law there would be no reason to examine the sales process again or to suggest that the sales process need to be undone.

Please note that the Commission decision will be made public in due course after clearing claims for confidential information, a process which is currently underway.

I hope you will find this information to be of help.

Yours faithfully,

A handwritten signature in black ink, consisting of a long horizontal line with a diagonal stroke crossing it from the top left to the bottom right.

Alexander ITALIANER