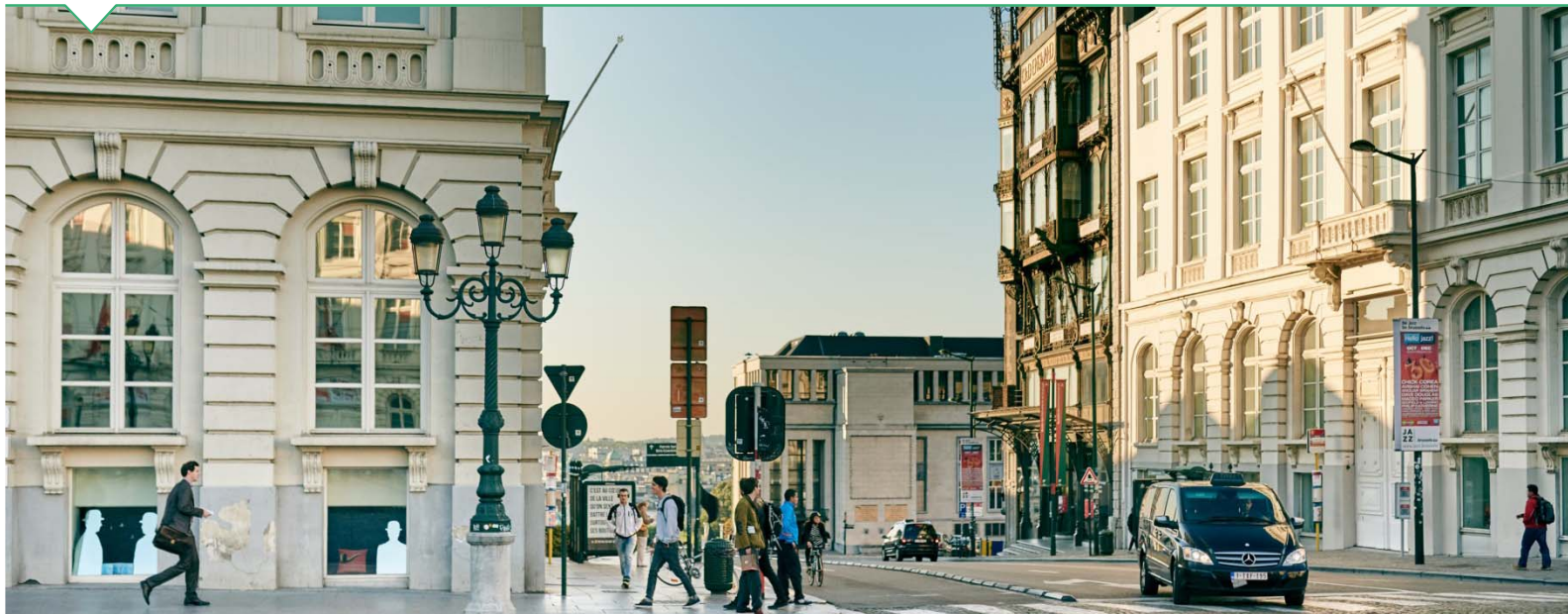


Issues in relation to financing of rolling stock in the Netherlands

Stibbe

29 May 2018



Erik Verweij

Tender procedure for public transport concessions

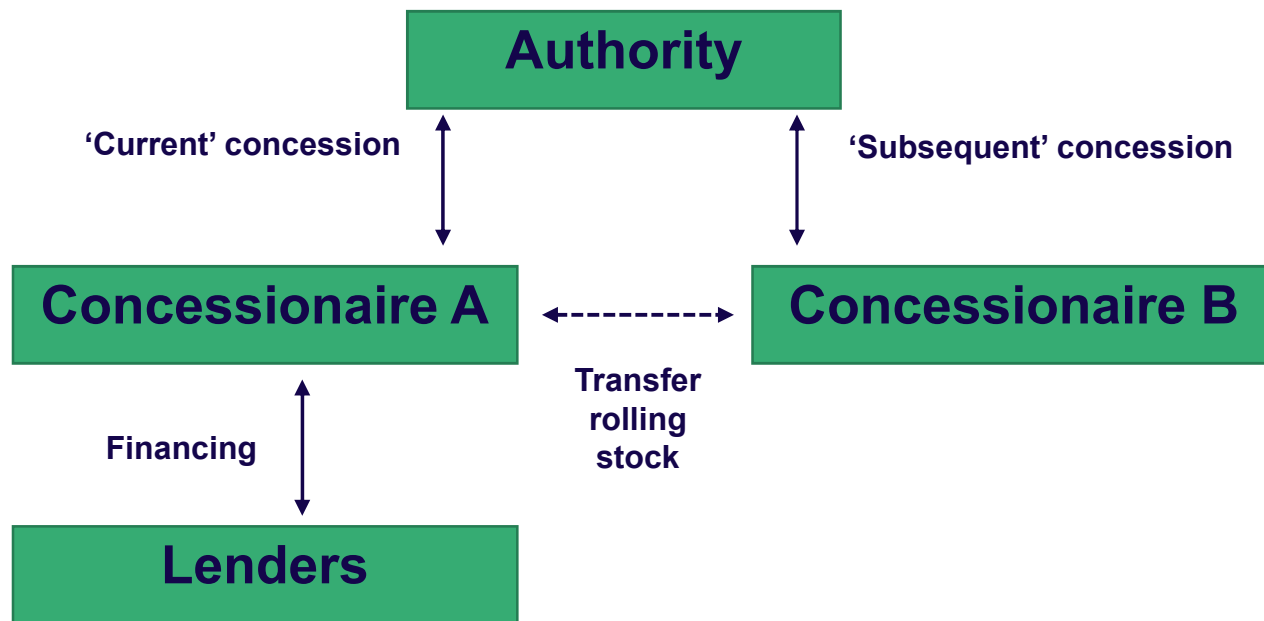
- Obligation to deploy newly manufactured rolling stock
- Minimum requirements & award criteria
- Zero emission
- Maintenance & insurances
- Concession term 10 - 15 years
- Takeover of rolling stock at end of concession

Legal framework

- EC Regulation 1370/2007 (*‘PSO Verordening’*) 
- Directives 2014/23/EU, 2014/24/EU & 2014/25/EU 
- Wp 2000 & Bp 2000 
- Public Procurement Act 2012 (*‘Aanbestedingswet 2012’*) 

Takeover obligation: articles 43a – 43c WP 2000

Takeover structure



Takeover structure

- Concessionaire to request takeover
- Takeover subject to conditions
- Transfer price based on purchase price minus depreciation
- Transfer price serves outstanding debt
- Inspections, documentation & maintenance backlogs
- Spare parts
- Alternatives (i.a. takeover of lease)

Issues & risks

- discussions on takeover requirements, transfer price, state of maintenance, etc.
- changes
- early termination
- rolling stock not deployed in new concession
- default of new concessionaire



Public procurement rules

- transparency, equal treatment of tenderers
- proportionality
- post-award material changes in favour of concessionaire



Thank
you

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