

10.2.e - HBJZ

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**Van:** 10.2.e @ec.europa.eu  
**Verzonden:** donderdag 1 februari 2018 20:54  
**Aan:** 10.2.e - DGMo  
**Onderwerp:** RE: Hearing rail regulation van tweede kamer

Hi 10.2.e,  
 Yes, let's talk at a next occasion.  
 And a great thanks for your help to prepare me for the hearing! :) Cheers, 10.2.e

-----Original Message-----

From: 10.2.e - DGB [mailto:10.2.e@minienm.nl]  
 Sent: Thursday, February 01, 2018 8:47 PM  
 To: 10.2.e (MOVE)  
 Subject: RE: Hearing rail regulation van tweede kamer

Thanks 10.2.e! Work to be done. Talk to you soon.

kind regards,

10.2.e  
 Ministry of Infrastructure and Watermanagement  
 Phone: +316 10.2.e  
 E: 10.2.e@minienm.nl

verzonden met BlackBerry Work(www.blackberry.com)

Van: 10.2.e @ec.europa.eu  
 Verzonden: 1 feb. 2018 00:27  
 Aan: 10.2.e - DGB" <10.2.e@minienm.nl>  
 Onderwerp: Hearing rail regulation van tweede kamer

Dear 10.2.e,  
 The hearing was interesting.  
 Concerning Prorail it became not clear why envisaged legal-institutional changes are needed.  
 On the future of the main network concession and HSLSouth the expected infighting between defenders of the status quo and of market opening took place. Parliamentarians seemed to disregard the new EU framework. I think some more clear communication on that by the COM to decision makers would be appropriate.  
 I heard the rumour that the running concession could be cut short and reawarded directly to NS before 2023.  
 What do you think?  
 Cheers,  
 10.2.e

Sent from my iPhone

Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

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10.2.e

- HBJZ

**Van:** 10.2.e @ec.europa.eu  
**Verzonden:** vrijdag 6 maart 2020 18:12  
**Aan:** 10.2.e - DGMo  
**Onderwerp:** RE: PSO Workshop 10 October

Dear 10.2.e,  
 Thanks for your feedback.

BRW

Have a nice weekend.

10.2.e

PS. Do we see each other next week in Brussels?

-----Original Message-----

From: 10.2.e - DGB <10.2.e@minienw.nl>  
 Sent: Thursday, March 5, 2020 3:23 PM  
 To: 10.2.e (MOVE) <10.2.e@ec.europa.eu>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e

BRW

BRW

Kind regards,

10.2.e

.....  
 Rail Transport Department  
 Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box  
 29091 | 2500 EX | The Hague | The Netherlands .....  
 Tel. +31.70.10.2.e Mobile: +31.6.10.2.e  
 Fax.: +31.70.10.2.e  
 10.2.e@minienm.nl  
[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dFNk67lq\\$](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dFNk67lq$)

-----Oorspronkelijk bericht-----

Van: 10.2.e - DGB  
 Verzonden: vrijdag 8 november 2019 15:06  
 Aan: 10.2.e @ec.europa.eu' <10.2.e@ec.europa.eu>  
 Onderwerp: RE: PSO Workshop 10 October

Dear 10.2.e,

[https://urldefense.com/v3/\\_\\_https://www.crow.nl/staat-van-het-ov/jaargangen\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dMdBkKKe\\$](https://urldefense.com/v3/__https://www.crow.nl/staat-van-het-ov/jaargangen__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dMdBkKKe$) is the weblink to all public transport art 7 information.

Information on NS concessie is not included (yet), but can be found on:

[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/documenten/rapporten/2019/03/26/bijlage-1-ns-jaarrapportage-vervoerconcessie-2018\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dKdYd8aB\\$](https://urldefense.com/v3/__https://www.rijksoverheid.nl/documenten/rapporten/2019/03/26/bijlage-1-ns-jaarrapportage-vervoerconcessie-2018__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhfYbcqwpPI4BkMtE2k0XUyLhejT6dKdYd8aB$)

plus on finances, company AR

[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/documenten/kamerstukken/2019/06/25/bijlage-jaarverslag-beheer-staatsdeelnemingen-2018\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dL\\_2ZfLd\\$](https://urldefense.com/v3/__https://www.rijksoverheid.nl/documenten/kamerstukken/2019/06/25/bijlage-jaarverslag-beheer-staatsdeelnemingen-2018__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dL_2ZfLd$)  
of in het jaarverslag [https://urldefense.com/v3/\\_\\_https://www.nsjaarverslag.nl/jaarverslag-2018/jaarrekening2/geconsoliwineverliesre/a1173\\_Geconsolideerde-winst-en-verliesrekening-2018\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dLbnUfwc\\$](https://urldefense.com/v3/__https://www.nsjaarverslag.nl/jaarverslag-2018/jaarrekening2/geconsoliwineverliesre/a1173_Geconsolideerde-winst-en-verliesrekening-2018__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dLbnUfwc$)

Kind regards,

10.2.e

.....  
Rail Transport Department

Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box 20901 | 2500 EX | The Hague | The Netherlands .....

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[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dFNk67lq\\$](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__;!!DOxrgLBm!RjTp2stb-5oUBM37iEV8ABeLbWL7RiIqhFYbcqwpPI4BkMtE2k0XUyLhejT6dFNk67lq$)

-----Oorspronkelijk bericht-----

Van: 10.2.e @ec.europa.eu <10.2.e @ec.europa.eu>

Verzonden: donderdag 31 oktober 2019 18:13

Aan: 10.2.e - DGB <10.2.e @minienw.nl>

Onderwerp: RE: PSO Workshop 10 October

10.2.e,

Congratulations! Apparently, you survived moving houses. :) Yes, I'll be in Brussels on 18.11.; we could have lunch together.

Thanks for your help with the Art 7 report.

Have a nice weekend.

10.2.e

-----Original Message-----

From: 10.2.e - DGB <10.2.e @minienw.nl>

Sent: Thursday, October 31, 2019 6:07 PM

To: 10.2.e (MOVE) <10.2.e @ec.europa.eu>; 10.2.e - DGB <10.2.e @minienw.nl>

Subject: RE: PSO Workshop 10 October

Dear 10.2.e,

Nice to read from your story! Moved house now to Franeker.

18 November, are you in Brussels then?

On art 7.1 I will let you know.

Kind Regards,

10.2.e

Ministry Infrastructure and Water Management 10.2.e @minienm.nl

+31610.2.e

Verzonden met BlackBerry

Work([https://urldefense.com/v3/\\_\\_http://www.blackberry.com\\_\\_;!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYH](https://urldefense.com/v3/__http://www.blackberry.com__;!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYH)  
HdfvxPner9DF-TMKLVDDdIZzXtEGrhWEIr3cGtbuS4rxZ\$ ) \_\_\_\_\_

Van: 10.2.e @ec.europa.eu

Verzonden: 31 okt. 2019 15:53

Aan: 10.2.e - DGB" <10.2.e @minienw.nl>

Onderwerp: RE: PSO Workshop 10 October

Dear 10.2.e,

I am back from leave now. 10.2.e and I made nice trekking tours on La Palma and La Gomera of the Canary Islands.

Thanks again to you and your colleagues for this very good workshop on 10 October. At appropriate occasion, if you like we could exchange on the appreciation of the usefulness of the event by your colleagues .

Could I ask you for an information. We are looking for the annual PSO report published by the competent authorities according to Art 7(1) of Regulation 1370/2007 for the Dutch main rail network concession . I did not find the document on the internet. Maybe you could help? Thank you very much.

Have a nice weekend.

10.2.e

From: 10.2.e - DGB <10.2.e@minienw.nl>  
 Sent: Monday, October 14, 2019 11:31 AM  
 To: 10.2.e (MOVE) <10.2.e@ec.europa.eu>  
 Cc: 10.2.e (MOVE) <10.2.e@ec.europa.eu>; 10.2.e - DGMo <10.2.e@minienw.nl>; 10.2.e (MOVE) <10.2.e@ec.europa.eu>; 10.2.e (COMP) <10.2.e@ec.europa.eu>; 10.2.e (MOVE) <10.2.e@ec.europa.eu>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e,

It was a pleasure having you! Annexed are some files.

Kind regards,

10.2.e

.....  
 Rail Transport Department  
 Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box 20901 | 2500 EX | The Hague | The Netherlands .....  
 Tel. +31.70.10.2.e Mobile: +31.6.10.2.e  
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10.2.e@minienm.nl<mailto:10.2.e@minienm.nl>  
[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDDIZzXtEGrhWEIr3cGtd-ZDy--\\$<https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_!NW73rmyV52c!U0q1BOzw5QCVI\\_wyvhwTG\\_ynErM8lfkVlJR1xdrcTygzW-5G7faYFbanvYUvQGUT6mH\\$>](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDDIZzXtEGrhWEIr3cGtd-ZDy--$<https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__!NW73rmyV52c!U0q1BOzw5QCVI_wyvhwTG_ynErM8lfkVlJR1xdrcTygzW-5G7faYFbanvYUvQGUT6mH$>)

Van: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>

Verzonden: vrijdag 11 oktober 2019 16:31

Aan: 10.2.e - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 CC: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>; 10.2.e - DGMo 10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 Onderwerp: RE: PSO Workshop 10 October

Dear 10.2.e,

Could you possibly send us the presentations from your side?

Thanks once again and have a nice weekend,

10.2.e

From: 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Sent: Wednesday, October 9, 2019 2:59 PM  
 To: 10.2.e - DGB' <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 Cc: 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e - DGMo <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>; 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (COMP) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e,

Please find attached our slide shows for tomorrow's workshop.

Could you please be so kind to forward them to your colleague who could save them on the notebook in the room?

Thanks.

See you tomorrow.

10.2.e



From: 10.2.e - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 Sent: Wednesday, October 2, 2019 12:08 PM  
 To: 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Cc: 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e -  
 DGMo <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>; 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (COMP)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e,

Yes we have taken your suggestions on board. See attached

I see e.g. following questions for discussion:

- Q1. What are considerations and conditions on applying the direct award clause "continuous improvement" under the 4th package. (art 5 ./ 4a.b)
- Q2. What are options, considerations to regulate profitable PSO-/concessions in combination with open access services. E.g. art 12 non-PSO levy

Looking forward to meet you next week!

Kind regards,

10.2.e

.....  
 Rail Transport Department  
 Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box 20901 | 2500 EX | The Hague | The Netherlands .....  
 Tel. +31.70.10.2.e Mobile: +31.6.10.2.e  
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 10.2.e@minienm.nl<mailto:10.2.e@minienm.nl>  
[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDDIZzXtEGrhWEIr3cGtd-ZDy--\\$<https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_!NW73rmyV52c!UEr728uAxujuh2lco60WNR84KNrNwXc-b9e41AFQUdOdR4Qur3Q8hPAxvIVljoRHmB8j\\$>](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDDIZzXtEGrhWEIr3cGtd-ZDy--$<https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__!NW73rmyV52c!UEr728uAxujuh2lco60WNR84KNrNwXc-b9e41AFQUdOdR4Qur3Q8hPAxvIVljoRHmB8j$>)

Van: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Verzonden: dinsdag 1 oktober 2019 18:40  
 Aan: 10.2.e) - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 CC: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>; 10.2.e DGMo  
 <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 Onderwerp: RE: PSO Workshop 10 October

Dear 10.2.e,

I wanted to come back to the draft agenda of our workshop next week. Can we consider the attached version as accepted?

I would also like to ask you whether you have any questions that you would like to raise at the workshop and share with us beforehand so that we can better prepare ourselves.

Thank you very much.

Looking forward to meeting you on 10 October.

Cheers,

10.2.e

From: 10.2.e (MOVE)  
 Sent: Monday, September 23, 2019 6:03 PM  
 To: 10.2.e - DGB' <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 Cc: 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (MOVE)

<10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e -  
 DGMo <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>; 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (COMP)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e

Thank you for your suggestions.

Indeed, 10.2.e, 10.2.e and I as well as 10.2.e from the rail unit and 10.2.e from DG COMP will participate in the workshop on 10 October.

We have a few suggestions as to the draft agenda as you can see in the attached file in TC. I hope you can accept them.

Just for your information we'll arrive in The Hague the evening before and on 10.10. take the train back to Brussels at 18.17 from Den Haag Centraal.

Best wishes,

10.2.e

From: 10.2.e - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 Sent: Friday, September 20, 2019 11:24 AM  
 To: 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Cc: 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e (MOVE)  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>; 10.2.e -  
 DGMo <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 Subject: RE: PSO Workshop 10 October

Dear 10.2.e

Sorry for replying late. You are very welcome 10 October.

From DGMOVE it will be you, 10.2.e and 10.2.e ?

Hotel you can choose in city centre , e.g. Mercure centre or IBIS centre are at walking distance.

30th September I organise internal preparatory meeting, so if there is any remaining message from you let me know.

Kind regards,

10.2.e

.....  
 Rail Transport Department  
 Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box 20901 | 2500 EX | The Hague | The Netherlands .....  
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 10.2.e@minienm.nl<mailto:10.2.e@minienm.nl>  
[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_;!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDdIZzXtEGrhWEIr3cGtd-ZDy--\\$<https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.rijksoverheid.nl\\_ministeries\\_ministerie-2Dvan-2Dinfrastructuur-2Den-2Dwaterstaat&d=DwMFAg&c=8NwulVB6ucrjuSGiW\\_ckQ&r=jp1MXbpj-zNvHRcAslucVaK8uPfzG13m\\_2Sk3-Qoec0&m=FdJYSxBnOwnK\\_cFv8Rh53AbO5nXGU0Cu-\\_sfSYffn8&s=SH3DtjIVpXKBS0m8Y2EQpATBouwXpOw7h12SyrWzLo&e=>](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__;!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDdIZzXtEGrhWEIr3cGtd-ZDy--$<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.rijksoverheid.nl_ministeries_ministerie-2Dvan-2Dinfrastructuur-2Den-2Dwaterstaat&d=DwMFAg&c=8NwulVB6ucrjuSGiW_ckQ&r=jp1MXbpj-zNvHRcAslucVaK8uPfzG13m_2Sk3-Qoec0&m=FdJYSxBnOwnK_cFv8Rh53AbO5nXGU0Cu-_sfSYffn8&s=SH3DtjIVpXKBS0m8Y2EQpATBouwXpOw7h12SyrWzLo&e=>)

Van: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>  
 Verzonden: vrijdag 13 september 2019 15:28  
 Aan: 10.2.e - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>  
 CC: 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>;  
 10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>  
 Onderwerp: RE: PSO Workshop 10 October

Dear 10.2.e,

Thank you for this update on the draft agenda. In principle, it's fine for us but we might have some suggestions that we'll send to you soon.

Could you possibly recommend a hotel close to the meeting venue?

Thanks a lot and have a nice weekend.

10.2.e

From: 10.2.e - DGB <10.2.e@minienw.nl<mailto:10.2.e@minienw.nl>>

Sent: Thursday, September 12, 2019 10:02 PM

To: 10.2.e (MOVE) <10.2.e@ec.europa.eu<mailto:10.2.e@ec.europa.eu>>

Subject: 10 October

Dear 10.2.e, see attached agenda 10 October.

It is still a working document, we are looking for the participation from the provinces.

Kind regards,

10.2.e

.....  
Rail Transport Department

Ministry of Infrastructure and Water Management Rijnstraat 8 | 2515 XP | The Hague | The Netherlands P.O. Box 20901 | 2500 EX | The Hague | The Netherlands .....

Tel. +31.70.10.2.e Mobile: +31.6.10.2.e

Fax.: +31.70.10.2.e

10.2.e@minienm.nl<mailto:10.2.e@minienm.nl>

[https://urldefense.com/v3/\\_\\_https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat\\_\\_!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDdIZzXtEGrhwEIr3cGtd-ZDy--\\$<https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.rijksoverheid.nl\\_ministeries\\_ministerie-2Dvan-2Dinfrastructuur-2Den-2Dwaterstaat&d=DwMFAg&c=8NwulVB6ucrjuSGiWL\\_ckQ&r=jp1MXbpj-zNvHRcAslucVaK8uPfzG13m\\_2Sk3-Qoec0&m=gfMbV\\_2IUrHBt5hg3BFAC1IUKd\\_9AtT\\_fWZk\\_5Tz-xs&s=u1mQejFAaEU\\_158unngQoHOpqt8l6qe6XFsyB8DyrhE&e=>](https://urldefense.com/v3/__https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat__!NW73rmyV52c!UECZoJd1UntQFGxjRcB0GPYHHdfvxPner9DF-TMKLVDdIZzXtEGrhwEIr3cGtd-ZDy--$<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.rijksoverheid.nl_ministeries_ministerie-2Dvan-2Dinfrastructuur-2Den-2Dwaterstaat&d=DwMFAg&c=8NwulVB6ucrjuSGiWL_ckQ&r=jp1MXbpj-zNvHRcAslucVaK8uPfzG13m_2Sk3-Qoec0&m=gfMbV_2IUrHBt5hg3BFAC1IUKd_9AtT_fWZk_5Tz-xs&s=u1mQejFAaEU_158unngQoHOpqt8l6qe6XFsyB8DyrhE&e=>)

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Subject	Workshop 'The 4th Railway Package – Implementation of the Market Pillar in the Netherlands'
Date and time of meeting	10 October 2019, 09.00h-17.00h
Meeting location	Authority for Consumers & Markets, Muzenstraat 41, 2511 WB The Hague, The Netherlands <b>Room: 04 Ground Floor</b>

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### **Participants**

#### European Commission (EC):

Represented by: 10.2.e, 10.2.e, 10.2.e and 10.2.e

*Directorate-General Mobility and Transport, Policy Coordination; Legal Issues and Enforcement (DG MOVE)*

Represented by: 10.2.e

*Directorate-General Competition, Markets and cases V Transport, Post and other services, State Aid Transport (DG COMP)*

#### Ministry of Infrastructure and Water Management (IenW):

Represented by: 10.2.e, 10.2.e, 10.2.e, 10.2.e, 10.2.e, 10.2.e and 10.2.e

*(Directorate-General Mobility, Public Transport and Rail Transport)*

Dutch provinces:

Represented by: 10.2.e (Zuid-Holland), 10.2.e (Noord-Brabant) and 10.2.e (Gelderland)

National Competition Authority:

10.2.e, 10.2.e and 10.2.e

Authority for Consumers and Markets (ACM), Telecom, Transport and Mail Department

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## **Agenda**

### Introductory part

<u>09.00h-09.15h</u>	Reception and coffee / tea
<u>09.15h-09.30h</u>	Tour de table
<u>09.30h-10.00h</u>	Introduction to the workshop by 10.2.e (EC-DG Move) and by 10.2.e (EC-DG COMP) <ul style="list-style-type: none"> <li>• General overview of Regulation (EC) 1370/2007 ('PSO-regulation')</li> <li>• Objectives and challenges ahead</li> <li>• Experiences in other EU member states</li> </ul>
<u>10.00h-10.10h</u>	Introduction by 10.2.e (IenW), Head of the division 'Public Transport and Stations'

---

### First Session      *The Market pillar of the 4<sup>th</sup> Railway Package and Dutch rail transport*

<u>10.10h-10.45h</u>	Scope and contents of Public Service Obligations (PSO) / Public Service Contract by (EC) <ul style="list-style-type: none"> <li>• Arbitrage between PSO and open access services</li> </ul>
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### 10.45h-11.00h      **Coffee / tea break**

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<u>11.00h-11.45h</u>	Situation of PSO-regulation regarding rail transport service contracts in the Netherlands and issues concerning the new legal framework for open access to rail market by 10.2.e, 10.2.e and 10.2.e (IenW) <ul style="list-style-type: none"> <li>• Implementation Market Pillar in The Netherlands, 4<sup>th</sup> Railway Package (experiences)</li> <li>• Situation 2019-2024</li> </ul>
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- *Some aspects regarding Directive 2012/34/EU (recast)*

<u>11.45h-12.20h</u>	<p>The future of the Dutch Public Transport Market by 10.2.e  , 10.2.e and 10.2.e  (lenW)</p> <ul style="list-style-type: none"> <li>• <i>Public transport planning 2040</i></li> <li>• <i>Dutch agenda rail market regulation</i></li> <li>• <i>Ongoing Dutch studies (open access, impact tendering, level playing field, quick scan countries)</i></li> </ul>
<u>12.20h-12.45h</u>	Discussion
<u>12.45h-13.45h</u>	<b>Lunch</b>
<u>Second session</u>	<i>Procedure for a competitive award of public service contracts</i>
<u>14.00h-14.45h</u>	<p>A competitive award procedure by (EC)</p> <ul style="list-style-type: none"> <li>• Realistic timelines</li> <li>• Selection criteria</li> <li>• Access to production factors</li> </ul>
<u>14.45-15.15h</u>	Experiences from regional public work contracts and award procedures by 10.2.e (Dutch provinces)
<u>15.15h-15.30h</u>	Discussion
<u>15.30h-15.45h</u>	<b>Coffee / tea break</b>
<u>Third session</u>	<i>Competition policy highlights</i>
<u>15.45h-16.15h</u>	State aid and antitrust policy in Europe by 10.2.e ( EC, DG Comp)
<u>16.15h-16.45h</u>	The economic equilibrium of a public service contract by 10.2.e and 10.2.e (ACM)
<u>16.45h-17.00h</u>	Q&A
<u>17.00h</u>	<b>Drinks &amp; refreshments</b>



Ministry of Infrastructure  
and Water Management

# Implementation of the fourth railway package in the Netherlands

10.2.e

October 2019



# The Dutch legal framework for railway tracks and passenger transport

- › 3 main laws for railway and its transport:
  - Wet personenvervoer 2000
    - Law about transport of persons
      - Public transport by bus, tram, metro, train
      - Governance of public transport
      - Legal basis of the exclusive rights (PSO) concessions
      - Requirements for exclusive rights in addition to the PSO regulation
  - Spoorwegwet (heavy rail), Wet lokaal spoor (local and regional railways; mainly tram, metro, lightrail)
    - Laws about the infrastructure
      - Technical standards of the infrastructure
      - Governance
      - Basis of rules concerning the infrastructure manager and its tasks (capacity allocation, etc.)
      - Basis of the rules concerning railway undertakings





# Rail Passenger transport (Wp2000)

Since 2001 the Wp2000 is the legal framework for passenger transport on several issues.

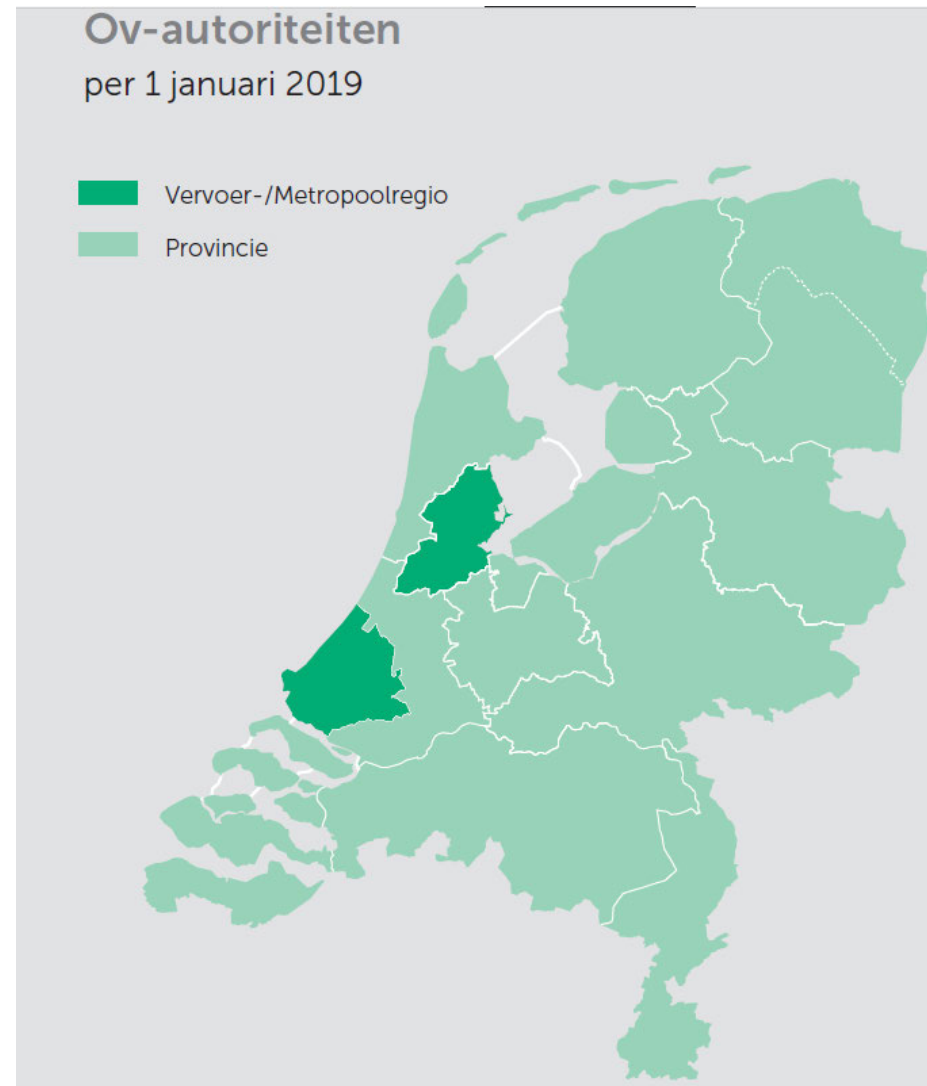
- Basis of public transport in NL is an exclusive right (concession) in a specific area of for a specific line
- The legal framework has been brought in line with the PSO regulation entered into force
- Tendering of exclusive rights for public transport is the main principle
  - Exceptions for **heavy rail**:
    - Direct award in case of art. 5, p. 3bis → (temporarily circumstances)
    - Direct award in case of art. 5, p. 4bis → (only for the national concession **not** for regional concessions)
    - Direct award in case of art 5, p. 4 → ( small contracts, since March this year, has not been used so far)
    - Direct award in case of art. 5, p. 6 → (till 25/12/2023, basis of the current national concession)
  - The delegation of the Province represented by 10.2.e will tell more about the experiences of tendering train concessions
- Open access
  - Exception of a PSO-contract without compensation; just an exclusive right → national concession (NS)
  - Economic Equilibrium test
  - More open access after the break by 10.2.e
- Governance → next slide



# Governance PSO-contracts for public transport by train

- › Competent authorities for the awarding of concessions PT
  - National government/ minister of transport: de national concession for public transport by train
  - Regional and local governments or governmental organizations:
    - Regional train services → provinces
    - Buses → provinces and the regions of Amsterdam (metropoolregio Amsterdam), Rotterdam, The Hague (metropoolregio Rotterdam – Den Haag).
    - Trams/metros → the province of Utrecht, the metropoolregio Amsterdam, and the metropoolregio Rotterdam-The Hague
    - Appointed by the Minister/ State Secretary for specific lines

Competent  
authorities for  
awarding public  
transport  
concessions (bus,  
tram, metro,  
train)





# Regional public passenger train services

(no tram/metro/lightrail)



# Total of public passenger transport services, national and regional





# Railway infrastructure

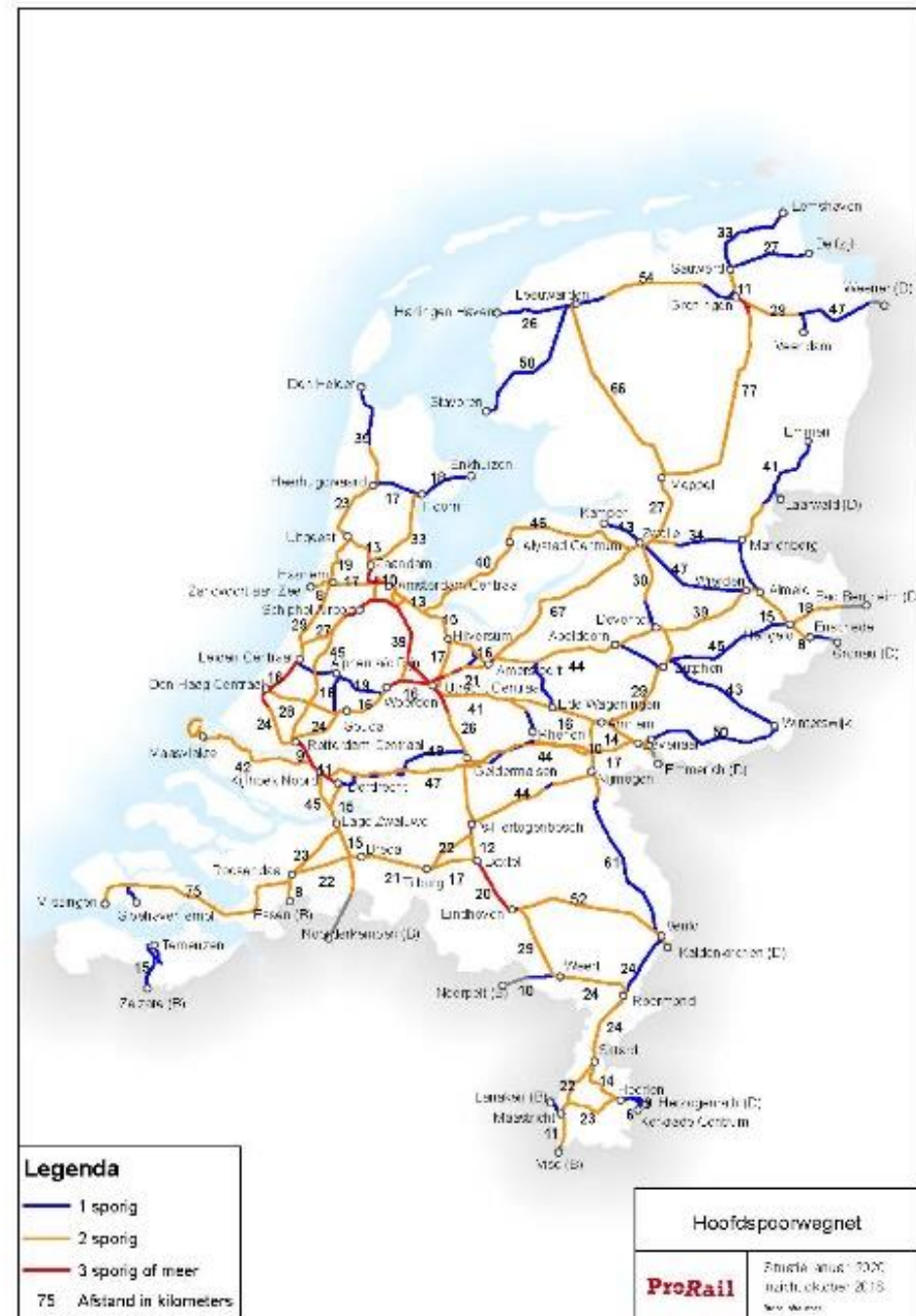
- › Legal framework for the Infrastructure: Railways Act (Spoorwegwet)
  - Technical rules (technical pillar of the fourth railway package) mainly EU law, implementation of directives on safety and interoperability.
  - Also implementation of parts of the SERA-directive (2012/34), as amended.
    - Chapter II SERA parts of the infrastructure manager
    - Chapter III SERA: licencing of railway undertakings
    - Chapter IV SERA: levying of charges for the use of railway infrastructure and allocation of railway infrastructure capacity.



# Infrastructure manager in NL

- › ProRail is the only infrastructure manager in the Netherlands for heavy rail on the main infrastructure
- › ProRail has a subcontract with private consortium Infrasppeed to maintain the High Speedline (High Speed railway infrastructure < 200km between stations)
- › ProRail its organisation is independent (It was already before the 4<sup>th</sup> railway package entered into force)
  - It is now a private entity, it will become a public entity
  - Separate from any railway undertaking
- › The main infrastructure includes:
  - Infrastructure covered by the main national rail concession for public transport by train
  - Infrastructure covered by the regional concessions for public transport by train
  - Infrastructure for rail freight transport
  - Some infrastructure for historic trains operated by museums or associations

# ProRail: main railway infrastructure manager





# Main railways (ProRail)

## Different railway undertakings for public transport by train



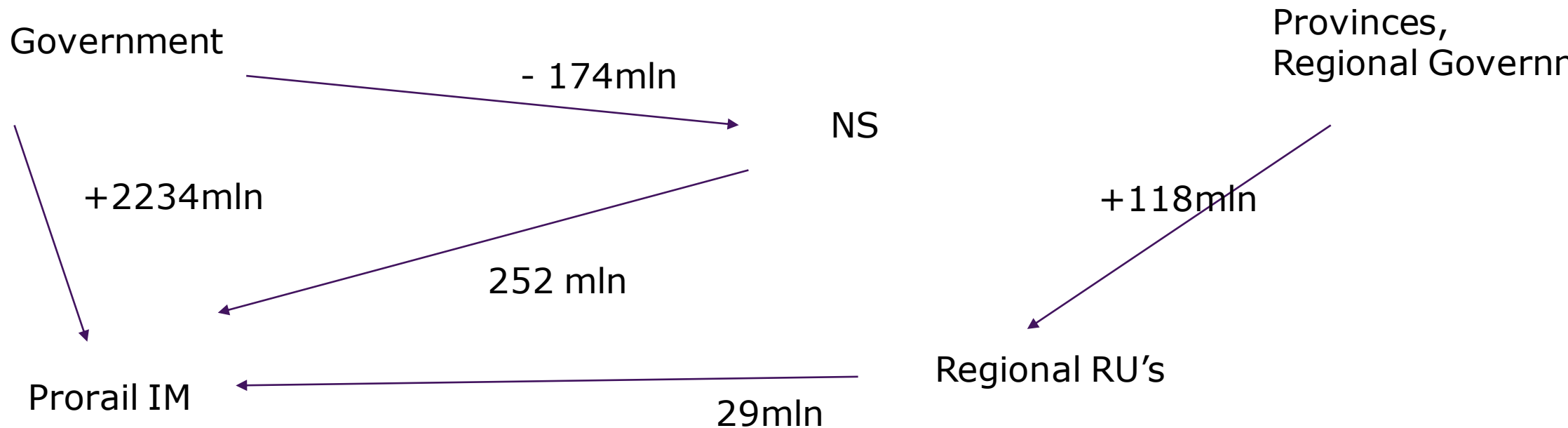


# Actors in the NL system for railways (trains)

- › **Human Environment and Transport Inspectorate (ILT):** National Safety Authority + Authority responsible for licensing railway undertakings (SERA III)
- › **Authority for Consumers and Market (ACM):** competition authority and regulatory body SERA
- › **Competent authorities for public transport:**
  - the Minister/ State Secretary of Transport for the national PT concession by train,
  - Provinces for certain regional PT concessions by train
- › **Infrastructure manager:** ProRail for the main railways (heavy rail/train)
- › **Overall system responsibility:** the NL government (ministry of I&W)



# Financial flows (figures notified June 2018)





# Open Access in the current situation

- › Open Access international services since implementation 3<sup>rd</sup> railway package 2007/58/EC
- › Economic Equilibrium test by ACM. Non-PSO levy art 12 2012/34/EU implemented 2015
- › It will be a challenge to combine the system of concessions (exclusive rights) with the system of open access services.
  - Two principles come together: competition **for** the market (exclusive right) and competition **on** the market (more undertakings on the same track)
- › There is no experience yet with open access for domestic services
  - Exemption for the national main railway concessive for public transport by train until December 2024
  - In theory Open Access is possible on the regional concessions of PT by train, because they are compensated and do not fall under the exemption;
- › There are still some questions relating Open Access and capacity allocation
  - NL has a legal system of priority rules after declaration of congested infrastructure by the infrastructure manager
  - The current rules give priority to exclusive rights for public transport
  - NL will recast the rules of capacity allocation within the possibilities of the SERA-directive, open access is one of the subjects that will be taken into account



# Current PSO of NS (Dutch Railways)

(the national main concession for public transport by train)

- › Directly awarded in 2014, a 10-year contract for the period 2015-2024
- › An exclusive right to operate the main railways network, including the High speed line (Amsterdam-Brussels)
- › A coherent system of cost-effective and unprofitable lines, combined with desired performance levels
- › An overarching goal to strive continuous improvement in order to ensure that passengers consider (and use) the train as an attractive mode of transportation



# Financial regime

- › NS pays Ministry of I&W
- › NS pays track access charges to ProRail
- › NS operates for its own account and risk
- › Shareholder (Ministry of Finance) controls the company's return



# Elements in the concession

- › Performance areas
  - e.g. reliability, comfort, travel information, safety, sustainability → mostly defined in KPI's;
- › Cooperation with stakeholders;
- › The annual (reporting) cyclus;
- › Quality aspects
  - e.g. minimum (!) train frequencies, bike storage facilities, travel information;
- › Ticketing and tariffs;
- › HSL



# Key Performance indicators

- › E.g. punctuality, seating availability, customer experience, traffic information;
- › Most KPI's differentiate between general network and the high speed-line;
- › Some KPI's are jointly for ProRail and NS;
- › On each KPI:
  - yearly minimum target, enforced with a (financial) malus-regime
  - 5-yearly striving target, enforced with a (financial) bonus/malus-regime





## Midterm review

- › On 1-1-2020 the 10-year contract is at a midterm
- › In 2019 therefore:
  - Evaluation of the performance in the first 5 years
  - Evaluation of the accurateness of the business case
  - Possible amendments to the contract (updating 'old' paragraphs, but also possible new paragraphs, e.g. more focus on sustainability)
  - New performance targets (KPI's) for the coming 5 years (goal: continuous improvement)



# The future of public transport in the Netherlands





# Agenda

- Public transport planning 2040 (by 10.2.e )
- Agenda for the revisitation of the rail market regulation (by 10.2.e )
- Ongoing and planned Dutch studies into the railway market (by 10.2.e & 10.2.e )

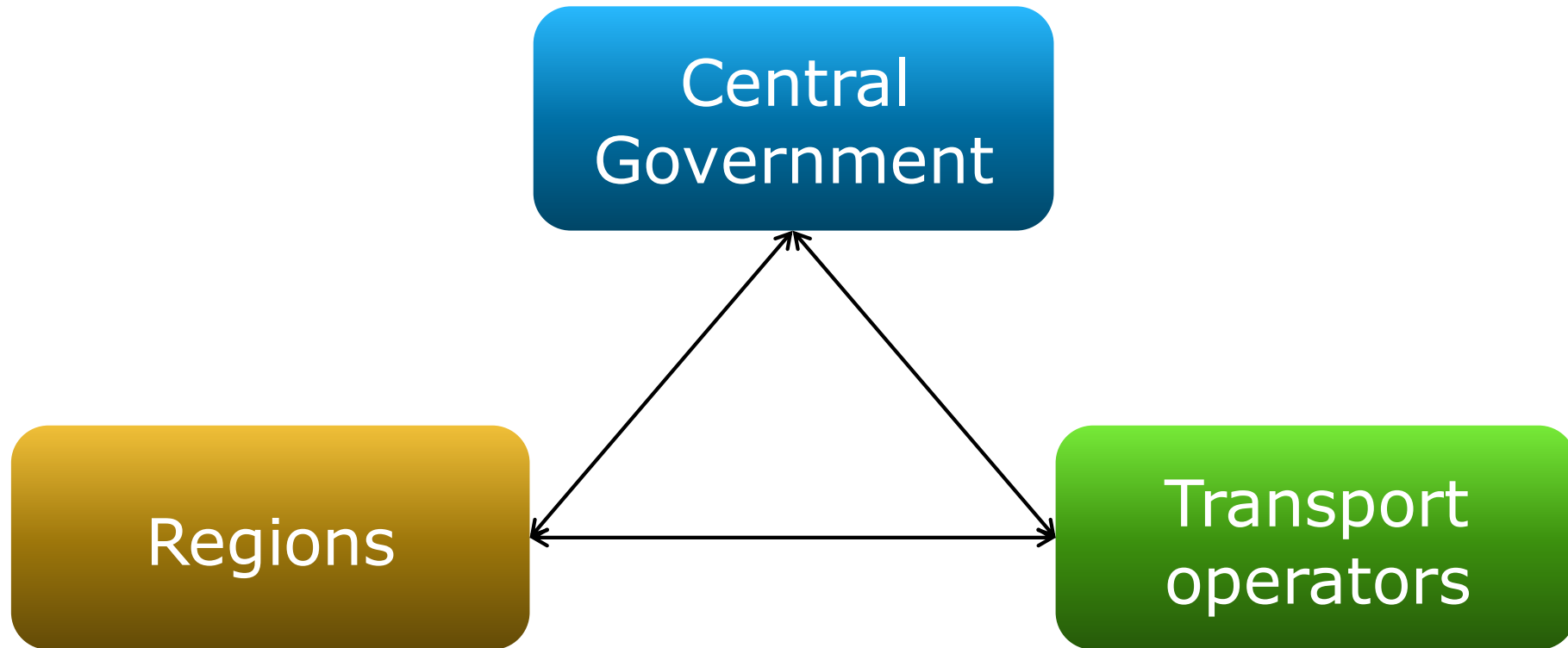




- **Public transport planning 2040**
- Agenda for the revisitation of the rail market regulation
- Ongoing and planned Dutch studies into the railway market



## Partnership (start 2015)





# Objectives

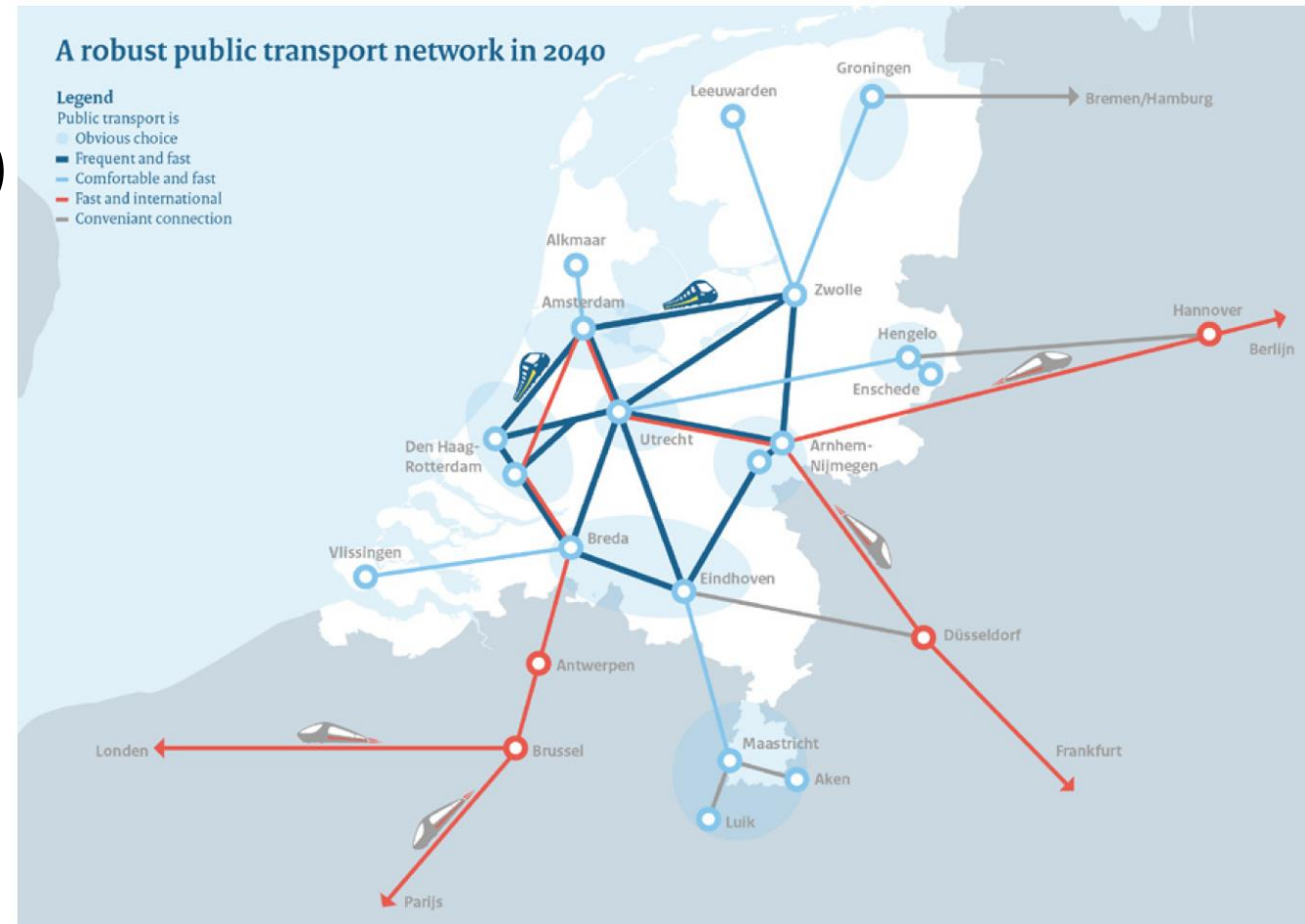
- › Public transport will assume its share of the growth in demand for transport; in urban areas, public transport and bicycles will be the main modes of transport.
- › Passengers will rate public transport with an average score of eight out of ten.
- › The entire public transport sector will be emission-free and circular.
- › The Netherlands will pioneer public transport innovation.
- › While intensifying public transport we will also seek ongoing improvements to safety and quality of life in surrounding areas.





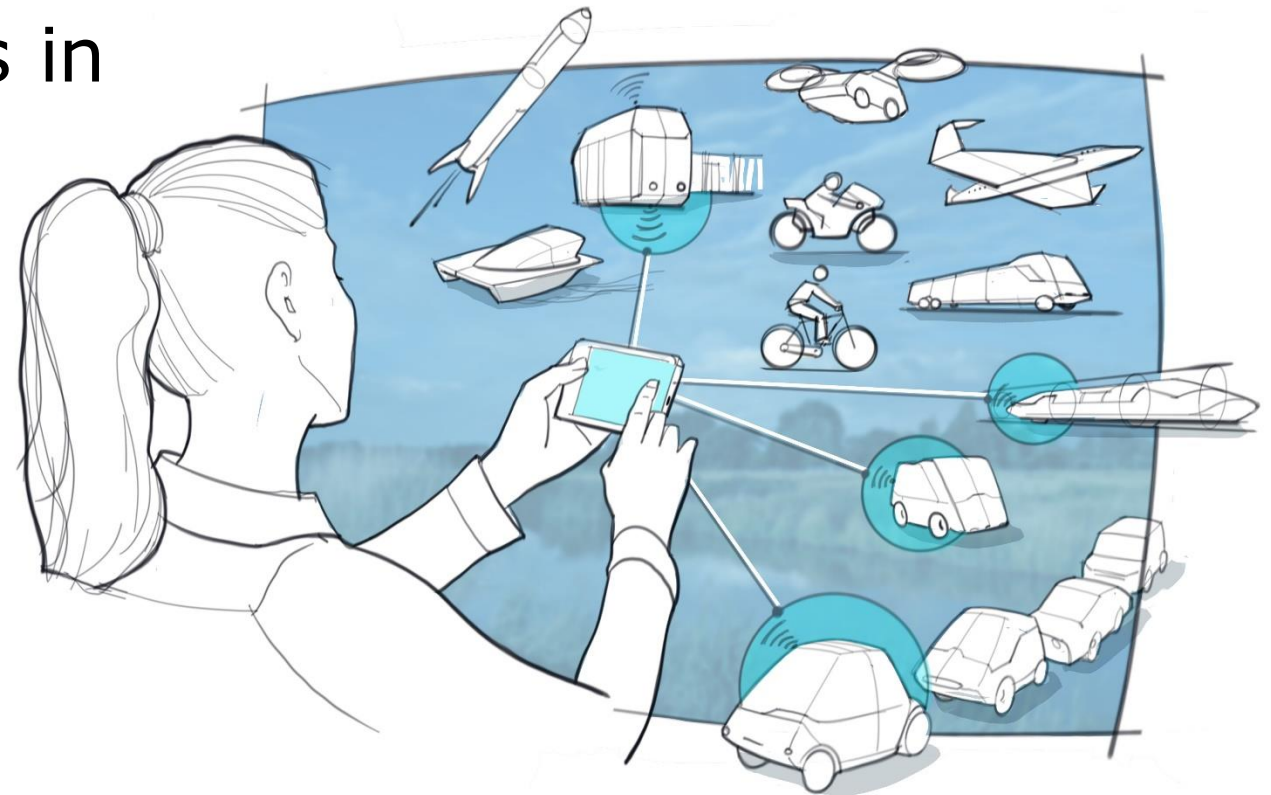
# 1. Focus on the strengths of public transport

- › National network  
(connection between cities)
- › International network
- › Urban public transport
- › Regional rapid transport
- › Interlinked national transport and goods transport



## 2. Seamless travel door-to-door

- › Hubs as indispensable links in integrated mobility
- › Open and accessible
- › Demand driven transport





### 3. Safe, sustainable and efficient public transport

- › Sustainable and impact on climate change
- › Safety and liveability
- › Smart combinations with spatial development and funding





# AGENDA

- Public transport planning 2040
- **Agenda for the decision on the rail market**
- Ongoing and planned Dutch studies into the railway market

## Why revisit?

- Parliamentary committee of inquiry on the 'Fyra':
  - Prepare 4 scenarios for the regulation of the rail market after the current concession of NS expires in 2024.
- Independent report called 'To choose the right track'
- Explored possibilities for regulating the railway market in different ways (from NS being the single TOC to a network divided in different sections)
- Silver lining of the report:
  - Every scenario is possible with the right governmental management and control measures
  - A consistent regulation and management of the railway market is essential in every scenario.
  - Avoid a big bang by taking one step at the time. This learning approach reduces transition risks and limits costs.



### Kiezen voor een goed spoor

Scenario's voor ordening en sturing op het spoor na 2024





## **Coalition agreement Rutte III (2017):**

*"Looking ahead to 2025, when NS's concession on the main railway network expires, further opening up of the market will remain an option. "*

*and...*

*"The first step will be the evaluation of current performance, to be held in 2019. In this interim evaluation of NS's concessions, we will also explore various options for ownership and operation of stations from 2025 "*

- Performance of incumbent NS is evaluated in the so called 'midterm review'

## The four 'building blocs' of the decision on the railway market



### The future of the concession for the main railway network

- Method of awarding (direct or public tender)
- Scope
- Position of the high-speed rail infrastructure



### Level-playing field of the railway market

- Current state of level-playing field
- Possible measures to enhance level-playing field



### The governance of train stations

- Current state of train stations
- Desirability and effectiveness of possible governance alternatives



### Open Access

- Expected effects (and experiences abroad)
- Changes
- Challenges
- Policy choices vis-à-vis open access



## AGENDA

- Public transport planning 2040
- Agenda for the decision of the rail market regulation
- **Ongoing and planned Dutch studies into the railway market**



## **1. The future of the main rail network concession: award of concession (1/2)**

The current concessions spans a large part of the Dutch railway network and is directly awarded to the Dutch Railways. Assessment the scope and method of awarding is the most appropriate.

### Studies

- 1) Study into practical implications of the public tendering of the main network. Part of the study is also to get more insight into the extra criteria for a direct award of the main network concession
- 2) Study on the effects of public tendering

### Planning

Results expected in spring 2020



## 1. The future of the main rail network concession: scope (2/2)



3) Exploration of the merits of decentralizing four peripheral lines

4) Position of the high-speed rail link 'HSL-Zuid'

Planning

Results expected in spring 2020





## Eerlijke kansen bij aanbestedingen van regionaal spoorvervoer

*Update van de Quickscan personenvervoer 2013*

Datum: 17 april 2019

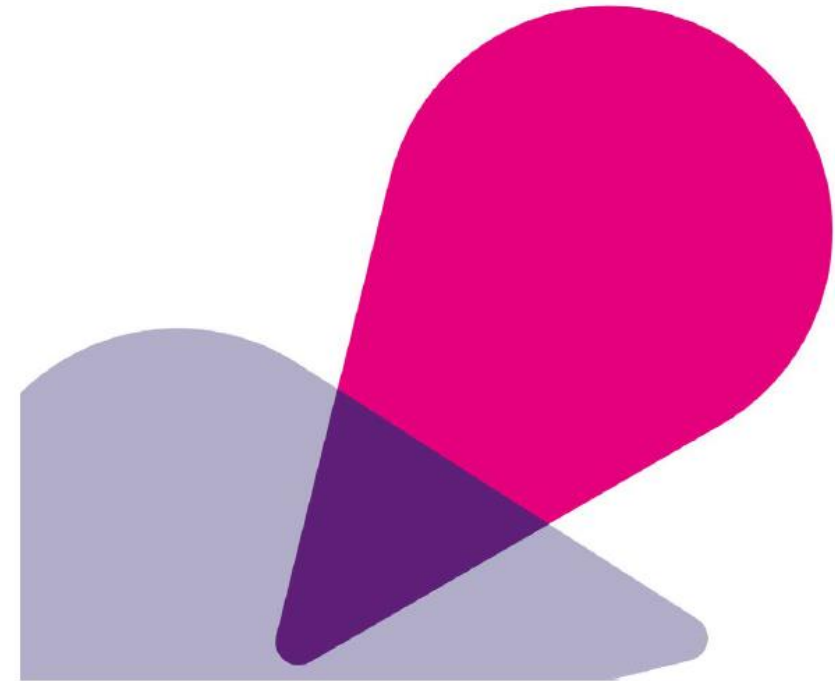
## 2. Level-playing field

### Study

- Report of Dutch competition authority (ACM) on state of play level playing field regional railconcession.
- Overall conclusion of ACM:
  - The current legal regulatory and enforcement framework is sufficient to secure a level-playing field with regard to tenders of regional rail concessions.
  - Some small suggestions for measures to further improve LPF (e.g. towards data)

### Planning

The study is public. A formal response to parliament is planned for this autumn.





### 3. Governance of train stations (1/2)

Dutch train stations are well appreciated by passengers, but the current governance structure is deemed complex. This is due to the shared ownership and responsibility for train stations by the Dutch Railways and infrastructure manager ProRail

#### Study

Ownership, responsibility and exploitation of train stations

- Assessment of current situation
- Exploration of possible merits of four alternatives.
  - Modification of the current situation
  - Seperate train station organisation
  - Bestowing ProRail with full responsibility and ownership
  - Bestowing NS with full responsibility and ownership

#### Planning

Study is currently conducted, results available in spring 2020.

### 3. Governance of train stations (2/2)





## 4. Open access (1/2)

Open access is a more or less new situation for the domestic passengers rail market in the Netherlands. It is therefore necessary to assess its possible impact.

### Studies

- 1) (Expected) effects, chances and challenges of open access in the Netherlands (also includes an inventarisation of means to stimulate chances and mitigate threats.
- 2) Quickscan into the experiences with open access in other member states

### Planning

Results will be shared with parliament this autumn



## 4. Open access (2/2)

### Challenges and chances of open access

- Open access can lead to lower prices, enhanced quality, higher frequency and innovation, resulting in a more attractive product and possibly more demand.
- Open access possibly leads to competition *on the market* urging more coordination, and enhancing the risk of disruptions and lower punctuality (at least on the short term)
- The absence of a concession impedes the possibility to steer and
- Open access enables benchmarking operators, making it easier to monitor performance
- The absence of a concession poses a challenge to the reliability of system.
- Capacity allocation, form and size of main network concession, levies (i.e. non-pso levy) are most profound tools to steer open access

### Experiences with open access in other member states

- Open access lead in multiple cases to lower prices (i.e. Czech Republic, Italy)
- Open access leads to higher quality in some, but not all cases (Italy versus Germany)
- Open access is mostly successful when there is ample available capacity (Italy, Austria)
- Open access operators struggle to make profit (Wrexham & Shropshire, Locomore, HKX, WestBahn, Regiojet, Leo Express)
- Open access operators see the lack of available rolling stock and inability to enter information and ticketing system and sales channels as most profound hurdles.



## In conclusion...

- Public Transport planning 2040 sets various goals for public transport: growing demand, higher perceived quality and an innovative, emission-free and circular mode of transport
- The 'design' of the railway market is instrumental to achieving this goal, we are therefore currently exploring to what extent the current system needs to be updated
- This is informed by the four 'bricks' containing a total of eight studies
- These four bricks are the fundament of the *integral* decision foreseen for spring 2020

**Thank you...**



# ***How to prepare a competitive award procedure***

10.2.e

**Legal Officer**  
**DG MOVE, Legal Issues & Enforcement**  
**European Commission**

**Workshop on tendering of rail public service contracts**  
**The Hague, 10 October 2019**

*Disclaimer: This presentation is also based on the presentations, discussion and conclusions of the Commission Workshop on "Competitive tendering of public service contracts for rail passenger transport: Meeting the challenge" held in Brussels on 30 May 2018, available at: [https://ec.europa.eu/transport/modes/rail/events/2018-pso-workshop\\_en](https://ec.europa.eu/transport/modes/rail/events/2018-pso-workshop_en)*  
*This presentation does not represent the position of the Commission or its services.*





## *Main topics*

Rules and best practices in competitive tendering as regards:

- *Planning of the award procedure*
- *Selection criteria*
- *Access to information*
- *Catering for specific situations during an award procedure*





## Planning of tendering procedure: Main principles and objectives of tendering

Tendering should inspire trust with the operators to ensure a maximum participation rate and to get the best of what the market offers



CA should design the procedure so as to create conditions for effective competition



Respect of principles of fairness, transparency and non-discrimination





## ***Planning of the tendering procedure***

### **Manage timelines and risks**

- Good communication with all parties involved
- Need for coordination with other competent authorities
  - E.g. publish forecast of upcoming procedures
- Anticipate a realistic timeline
- Availability of relevant information
- Availability of rolling stock
- Availability of staff





## ***Planning of the tendering procedure*** **managing timelines and risks**

- Information notice (Art 7(2)) has to be published in Official Journal one year ahead
  - Model forms available at:  
<http://simap.europa.eu/enotices/changeLanguage.do?language=en>
- Publish updates when new information is available
- In principle, updates to not postpone award schedule



## ***Planning of the tendering procedure***

### **Test pilots**

Test pilots may help to optimise the tendering procedures through:

- Testing of the tendering procedures on smaller lots or less complex or smaller networks
- Shorter duration of the first public service contracts
- Starting with gross cost contracts with less risk for the operator





## ***Planning of the tendering procedure***

### **Monitoring**

Monitoring of the performance of the contract, in particular of the quality of service, is important to ensure the satisfaction of passengers

- Clear definition of quality criteria in the PSC (punctuality, reliability, security and safety, cleanliness of rolling stock, customer information, etc.)
- Specify contractual penalties
- Verification of operators' compliance reports





## Selection criteria

Competent authority enjoys a large margin of appreciation in definition of selection criteria

BUT general principles of law apply  
(objectiveness, non-discrimination, ...)

The experience shows that price-based criteria should be complemented by quality-based criteria to reach best results for customers



## Access to essential information

Art 4(8) of Reg. 1370/2007 stipulates that:

- AC to require contractually from operator to provide all essential information for PSC award
- AC to provide to all interested parties information relevant to prepare bid
- Legitimate protection of confidential business information to be ensured



## Access to essential information

This information shall enable interested parties to draft well-informed business plans and covers in particular (and in principle):

- Passenger demand
- Tariffs
- Costs and revenues related to services covered by PSC
- Infrastructure specifications relevant to run required rolling stock







## If something goes wrong during the competitive procedure ...

Requests for deadline extensions or appeals may put envisaged award schedule in danger

Solution:

- Taking an emergency measure, i.e. a direct award for max. 2 years





# Thank you!



# ***Workshop on 'The 4<sup>th</sup> Railway Package' – Implementation of the market pillar in NL***

## ***- Introduction -***

10.2.e

**Deputy head of unit  
DG MOVE A4 – Legal issues and enforcement  
European Commission**

**The Hague, 10 October 2019**



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## 4<sup>th</sup> Railway Package

Aims at establishing a Single European Railway Area



### Technical pillar

Transposition by 16/06/2019



### Market pillar

- Directive (EU) 2016/2370  
Transposition by 25/12/2018
- Regulation (EU) 2016/2337  
amends PSO Regulation. In force  
since 24 December 2017





# Schedule of rail market opening

1 Jan 2019  
(timetable of  
12 Dec 2020)

3 Dec 2019 -  
24 Dec 2023

24 Dec 2023

- Open access to domestic markets for provision of commercial services
- Gradual opening of PSC market – Tendering is the principle but direct awards are still possible
- PSCs are competitively awarded
- Direct award only in exceptional cases



## Main building blocs of the COM's contribution to the workshop:

- Specification of PSO and their scope
- Strategic choices and means of arbitrating between open access and PSO
- Preparation of competitive award procedures
- Ensuring bidders' access to essential production factors (rolling stock, stations, maintenance, ticketing distribution)
- Competition policy aspects (anti-trust, avoiding over-compensation)







# ***Public service contracts and Obligations: scope and content***

10.2.e

**Legal Officer  
DG MOVE , Legal Unit  
European Commission**

**The Hague, 10 October 2019**



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## When to conclude a PSC?

- Regulation 1370/2007 applies to the operation of public passenger transport services by rail and other land modes
- It only applies when public service obligations (PSO) are imposed
- Public service contract (PSC) is necessary if compensation and/or exclusive rights granted to specific operator
- A PSC can take several legal forms







## What is the content of a PSC?

- Specification of PSO and geographical area concerned
- Determination of compensation parameters and of exclusive rights
- Determination of arrangements for the allocation of costs and revenues
- Limitation on PSC duration
- Provisions on rights of transferred staff
- Description of quality and social standards
- Provisions on sub-contracting
- Provision on transfer of information





## What is a PSO?

- Article 14 TFEU and Protocol 26 TFEU acknowledge role and protects services of general economic interest
- European Court of Justice ruled that:
  - a PSO must be necessary and proportional to a real need of public service
  - Demand for the service cannot be met by market operators in absence of the PSO.
- Commission's control is limited to assessing whether the MS made a manifest error in the PSO specification



## Specifications of rail PSOs

- Article 2 (e) of Regulation 1370/2007

"A public service obligation is a requirement defined by a competent authority in order to ensure public transport services in the general interest that an operator, if it were considering its own commercial interest would not assume or would not assume to the same extent or under the same conditions without reward"

- Article 1(2): international PSO are covered

- Interpretative guidelines on Regulation 1370/2007:

OSP can refer to requirements regarding frequency of service, service quality, non-commercial intermediary stops, provision for early morning or late evening trains





## Specifications of rail PSOs

### Article 2a: clarification on PSO specifications

- Compliance with principle of proportionality
- Possibility to group cost-covering and non cost-covering services
- Consistency with policy objectives in public transport policy documents
- PSO specifications and compensation must achieve these policy objectives in a cost effective and sustainable manner





## Conclusion/recommendation

- Competent authorities should be able to demonstrate:
  - Consistency with public transport policy document
  - Proportionality
  - Cost effectiveness
  - Absence of a commercial offer to provide the PSO
- Legal risk is limited if:
  - Ex ante market studies, consultation of operators
  - Cf best practices in other MS:  
<http://www.autorita-trasporti.it/delibere/delibera-n-48-2017>





# Thank you



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# State aid and antitrust issues in the passenger rail sector

Workshop on tendering of rail public service contracts  
Den Haag, 10 October 2019

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DG COMP F.2 State aid transport

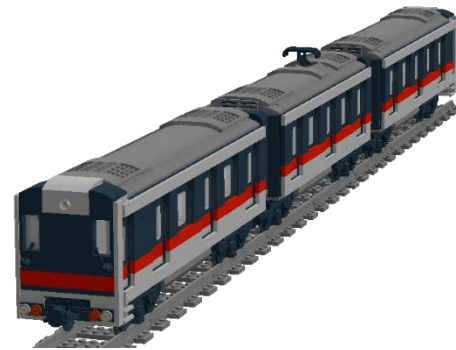
***Disclaimer:** The views expressed in this presentation are purely those of the speaker and may not in any circumstances be regarded as stating an official position of the European Commission*

# Topics

1. Introduction
2. Legal framework
3. Regulation 1370/2007 from a State aid perspective



# 1. Introduction



## What is our goal ?



an open market

effective competition

a level playing field

attractive and sustainable railways

# Role of competition rules increases

- The 4th Railway package opens the rail market to competition
- Regulatory framework requires tenders, i.e. competition for the market – right to operate as "monopolist"
- Correct tender/best bid
  - benefits consumers in terms of price, quality
  - benefits taxpayers
- BUT: regulatory frame is not enough to ensure successful tender as entry barriers risk to prevent participation/reasonable offers
- need to remove barriers and ensure level playing field

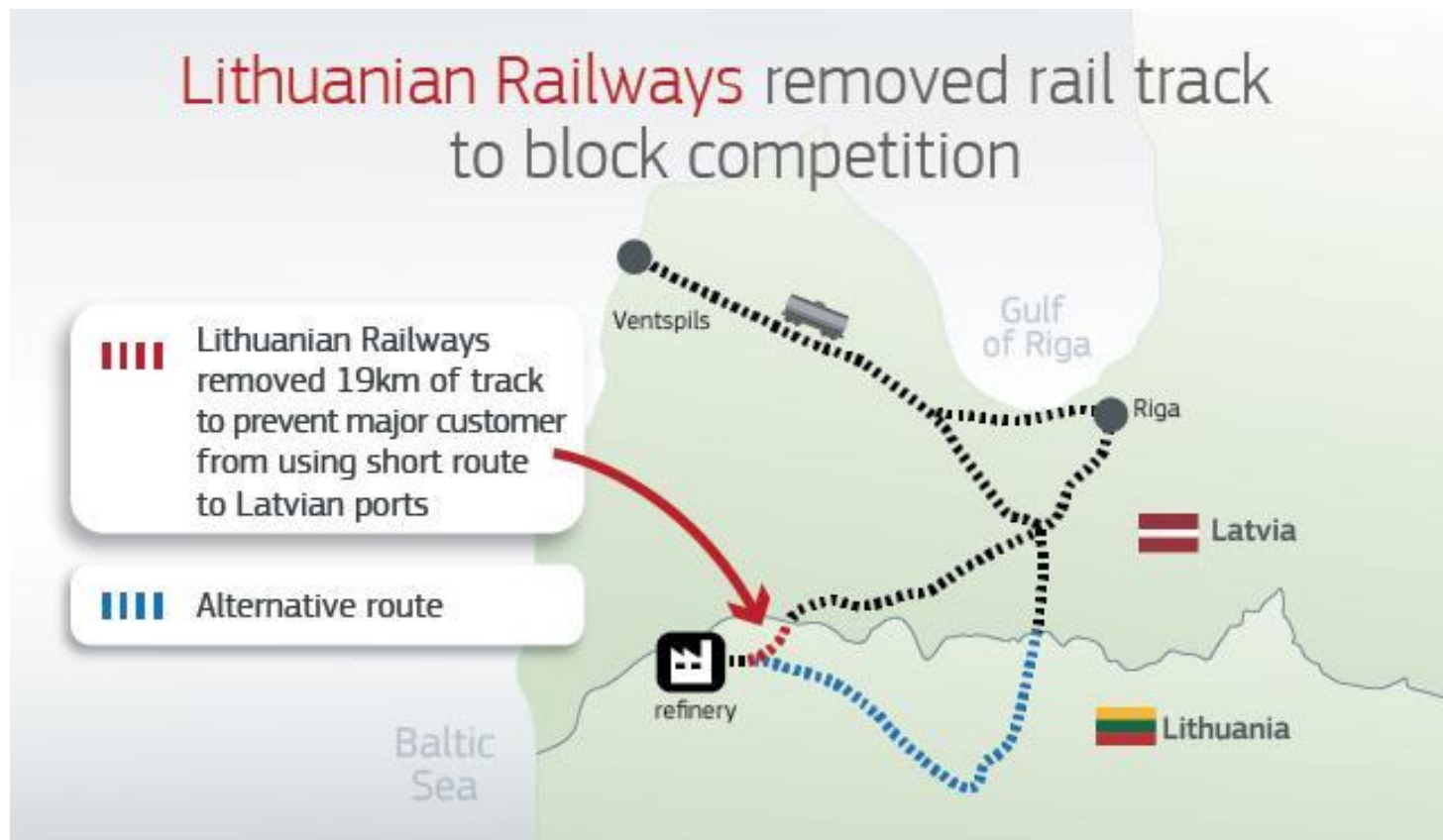
## 2. Legal framework





Infringement	Cartels/Restrictive agreements	Granting of illegal and unlawful State aid
	Abuse of dominant position	
Legal basis	Articles 101 and 102 TFEU	Article 107(1) TFEU
Authorities	European Commission DG COMP	European Commission DG COMP
	NCAs Judges	







# Restrictive agreements between undertakings

- Article 101(1) TFEU prohibits:  
'all agreements between undertakings ... which have as their object or effect the prevention, restriction or distortion of competition ...'
- Examples in the rail sector:
  - Bid rigging
  - Customer allocation and price fixing



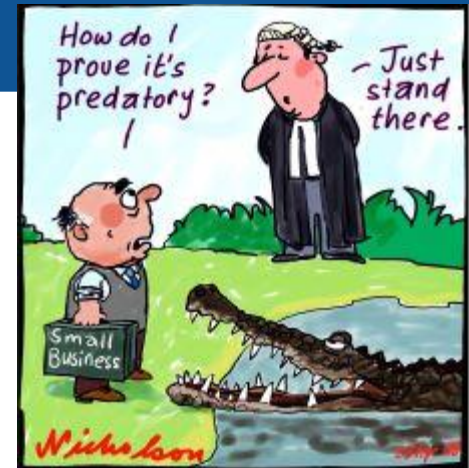
# Abuse of dominance

- Article 102 TFEU prohibits:

'Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it ...'

- Examples from the rail sector:

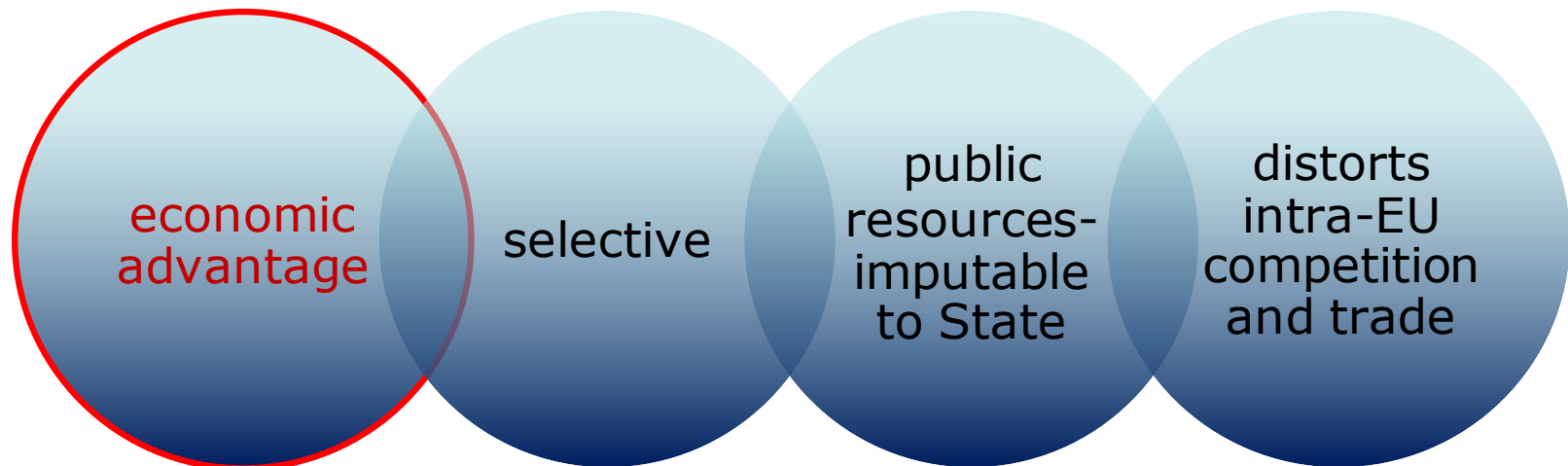
- Refusal to provide access to infrastructure, facilities or supply services
- Predatory pricing
- Giving access to infrastructure, facilities or supply services on discriminatory terms



# State aid – the general principle



- Article 107(1) TFEU prohibits any aid which meets the below conditions:



In the context of an SGEI the assessment focuses on the advantage

## No advantage if *Altmark* test is met

Compensation is not aid, if:

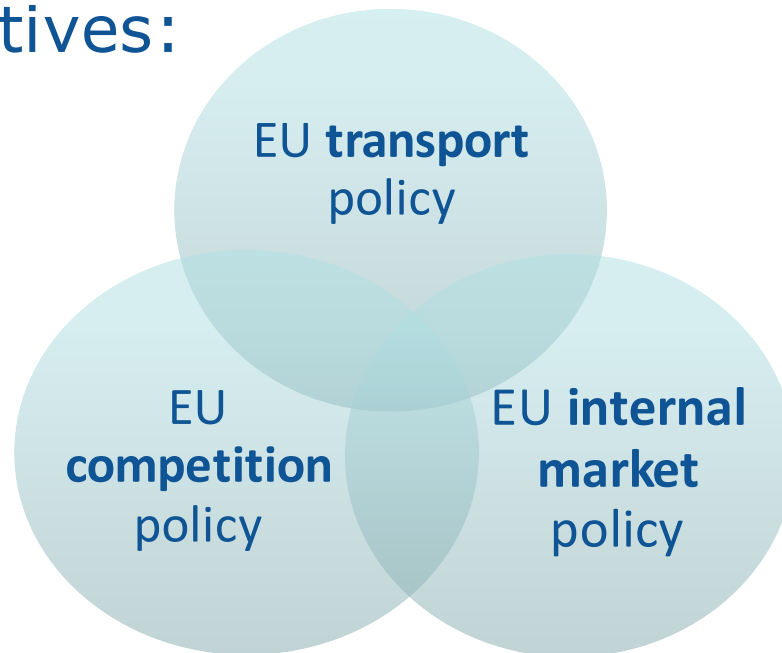
- 1) Provider actually entrusted with **clearly defined** public service **obligations** (PSO=SGEI)
- 2) Parameters for calculation of compensation set **in advance, objectively** and **transparently**
- 3) Compensation not higher than **net costs** plus **reasonable profit**
- 4) Provider chosen through **public procurement** procedure OR compensation based on **typical, well-run** and **adequately equipped** undertaking



### 3. Regulation 1370/2007 from a State aid perspective

# Regulation 1370/2007

Triple objectives:



## PSO Regulation – compatible aid

- If Altmark criteria are not met: **State aid**
- If genuine SGEI and no overcompensation and criteria of PSO Regulation are met: **compatible and block-exempted** (Art 9 PSO Reg: no obligation to notify to the Commission under Art 108(3) TFEU)



## Regulation 1370/2007 and State aid

- Recalls the *Altmark* test (recital 33)
- Highlights the need to properly define the scope of PSOs (Articles 2(e) and 2a)
- Defines the mandatory content of public service contracts (Article 4)
- Explains the methodology for setting the compensation (Articles 4 and 6 + Annex if contract directly awarded)
- Declares compatible the public service compensation that meets the Regulations conditions and exempts it from prior notification to the Commission (Article 9)
- Identifies the possibilities of financing rolling stock 'in compliance with State aid rules' (Art. 5a)

# **Regulation 1370/2007 and possible State aid issues**

- Correct definition of PSOs
- Correct tendering
- Overcompensation
- Cross-subsidisation
- Others...

# Non-discriminatory access to rolling stock

## Funding of rolling stock is allowed under the PSO Regulation

- General principle: rolling stock must be linked in its entirety, i.e. as regards duration and concrete use, to a PSO. Upon expiry of the PSO, the rolling stock must be properly remunerated or given back to the State.
- Need to prepare already now the path for future tenders: If in 2023 all rolling stock is in the hands of incumbent, tenders will fail.

## Competent authorities may decide to take measures out of a toolbox:

- Functioning second hand rolling stock market;
- Link publically funded rolling stock to tendered PSCs
- Rolling stock pool;
- Financing guarantee to cover residual value risk;
- Take-over guarantee;
- Cooperation with other competent authorities to create larger rolling stock pool;

## Remove barriers to entry

- Ensure **open and non-discriminatory access to infrastructure** in the broader sense
- Vertically-integrated incumbents may set hurdles in the supply of ancillary services where they are the sole provider of such services

Example: Slovak light maintenance workshops

- ✓ Public support for infrastructure projects is not part of the public service compensation (as the PSO Regulation is restricted to public passenger transport) but needs to be notified
- ✓ Operation by SPV

# Ticket distribution

- Access of new entrants to ticketing systems is key
- Investigation of Bundeskartellamt: Deutsche Bahn committed to improve the ticket sales possibilities of its competitors.
- New entrants can now more easily sell passenger tickets in railway stations via shops. Rental contracts made it virtually impossible for shops to sell tickets from DB's competitors.
- Reduction of commission charges which are paid by DB and its competitors for the reciprocal sale of passenger tickets Beforehand, commission charges were asymmetric and favourable to DB.

4<sup>th</sup> RP contains provision empowering Member States and competent authorities to oblige railway undertakings to participate in integrated ticketing schemes.

# Award procedure – legal risks

- Violation of competition rules by competent authority
- Manifest error in the definition of the public service obligation
- Poorly designed compensation mechanism
- Problematic award procedure -> cancellation of procedure and recovery



# Dank u wel!



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# The benefits of competition in the rail passenger sector

**Workshop on tendering of rail public service contracts  
Den Haag, 10 October 2019**

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**DG COMP F.2 State aid transport**

*Disclaimer: The views expressed in this presentation are purely those of the speaker and may not in any circumstances be regarded as stating an official position of the European Commission*

# 1. Set up

**1. EU internal market: Regulatory framework:**  
*liberalisation/market opening*

**2. EU Competition policy:** *complementary*  
**Enforcement** → *Team up with DG MOVE*

## 3. Competition

- **For** the market (tendering PSOs)
- **On** the market (open access)



## 2. Benefits of competition (2/1)

### ***Competition:***

#### ➤ **leads to lower fares**

- *average ticket price from Prague to Ostrava has fallen by 61% since 2011, when CD lost its monopoly*
- *entry of Westbahn has led ÖBB to introduce a differentiated price policy including a bonus for early bookings*



## 2. Benefits of competition 2/2

### ➤ creates innovation

*yield-pricing: charging different prices to different customers to optimize capacity while maximizing revenues (early booking, business clients)*

*link further services to ticket – seamless service (City ticket, e-bike hiring, taxi rides)*

### ➤ leads to better quality services

*Both new entrants and incumbents*

*„Frills“, specialized carriages, rolling stock improvement*

### ➤ Savings for taxpayers



### 3. Ensuring *effective* competition

→ *Increase of passenger numbers*

→ *Increased modal share – AT, DE, IT, SWE, UK, CZ*

→ Despite progressive liberalisation, there is limited effective competition

- Member States need to ensure:
  - Removal of barriers to entry  
(non-discriminatory access to infrastructure, rolling stock and ticket distribution)
  - Respect of competition rules



## ***4. Enforcement***

### ***1. Commission + NCAs decisions***

- € 75 million fine for Deutsche Bahn and Spanish Renfe for collusion in freight market
- € 41 million fine for NS for using data it had as infrastructure manager in a tender
- € 28 mi fine for Lithuanian Railways to remove a section of its tracks to make life harder for rival company
- DB commitment decision re traction current

### ***2. Complaints ongoing***

- predatory pricing (below cost)
- collusion on second hand rolling stock





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# ***Bidders' access to production factors***

10.2.e, DHoU

**DG MOVE A4, Legal issues and Enforcement**

10.2.e

**DG MOVE C3, Single European Railway Area  
European Commission**

**Workshop on the 4<sup>th</sup> Railway Package  
The Hague, 10 October 2019**



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## Access to production factors

- Rolling stock
- Staff
- Service facilities:
  - Stations
  - Maintenance workshops
  - Ticket distribution



## Access to Rolling Stock

- Access to rolling stock can be very important market entry barrier
- PSO Regulation requires that competent authorities (CA) assess the need to take measures to ensure non-discriminatory access to RS
- These measures have to comply with EU law, in particular with state aid rules



## Access to rolling stock

- Measures that CA can take as indicated in PSO Regulation (open list):
  - Acquisition of RS to make it available to PSO operator
  - Provision of guarantee covering financing, including risk of residual value
  - Providing a take-over guarantee
  - Cooperating with other CA to set up a larger RS pool



## Access to Rolling Stock

- In case of a directly awarded PSC and new RS purchased by the operator:
  - The COM recommends that the PSC contains provisions for the transfer of the RS either to the CA or to the operator selected based on a competitive procedure
  - The outgoing operator should receive a compensation at a level of the residual (market) value



## **Access to rolling stock**

### **- Financing for open markets -**

- Numerous financing models of new rolling stock
- EIB has a long-standing experience in financing RS
  - EIB Advisory Hub/10.2.e can provide technical assistance
- EUROFIMA provides financing in framework of public service contracts
- ERDF/CF, if region qualifies for support







## Access to suitable staff

- Depending on the volume of the contract and the characteristics of the labour market a staff transfer may be useful to foster market opening
- In most MS with open markets staff transfer is obligatory, either contractually or by law





## Access to suitable staff

- Conditions of staff transfer being determined:
  - By Directive 2001/23, if conditions fulfilled (e.g. transfer of assets such as rolling stock)
  - By competent authority (Art 4(5) of PSO Regulation)
- Staff transfer and its conditions to be included in tender documents

## ***Access to service facilities (Annex II of directive 2012/34/EU)***

**Passenger stations**

- *plus their buildings and other facilities, incl travel information display and suitable location for ticketing*

**Freight terminals**

**Marshalling yards and train formation facilities**

*incl. shunting facilities*

**Storage sidings**

**Maintenance facilities**

*with the exception of heavy maintenance facilities*

**Maritime/inland port facilities**

- *when linked to rail activities*

**Other technical facilities**

*incl. cleaning and washing facilities*

**Relief facilities**

**Refueling facilities**

- *plus supply of fuel*

Operators of service facilities must supply

## **NON-DISCRIMINATORY ACCESS**

to the

**service facilities AND services**

supplied in these facilities (art.13(2))

(services supplied in these facilities = „basic services“)

## Procedure for Access/supply of „basic services“ – Art. 13(4) of the recast

Request

- Answer within reasonable time limit set by RB

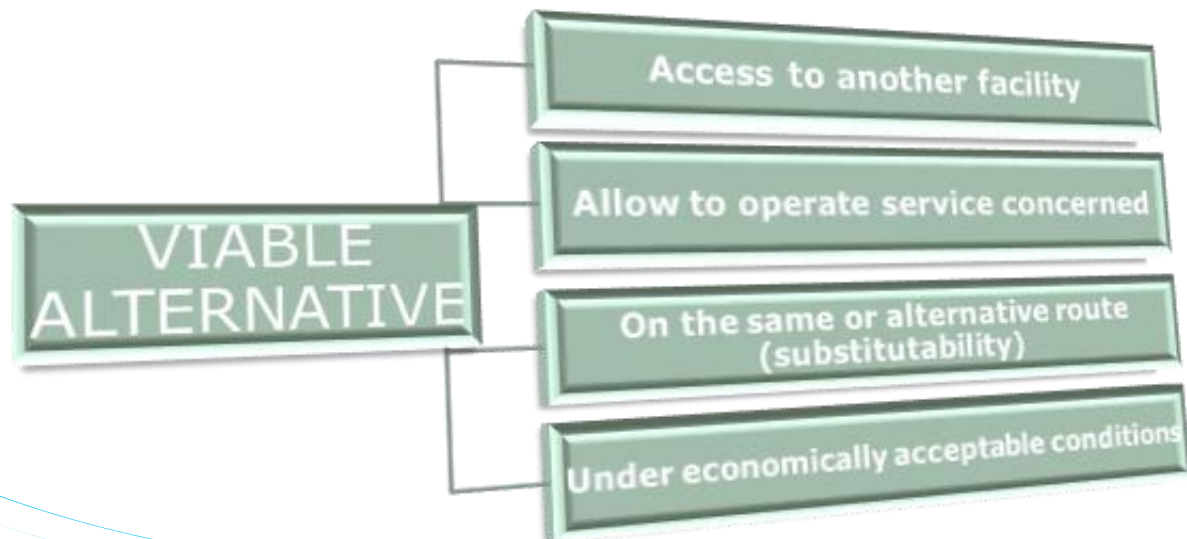
Reply

- Refusal only possible if there is viable alternative (*Justification in writing, if operator has dominant position*)
- In case of conflict: obligation to try to accommodate all requests

[RB]

- No capacity, no viable alternative, demonstrated needs: RB may act to ensure that appropriate part of capacity is allocated to applicant

## ***Viable alternative – Art. 13(4) of the recast***



## Article 13(7) and (8) of the recast

- Additional/ancillary services (e.g. traction current, control of dangerous goods, technical inspection of rolling stock, heavy maintenance for high-speed trains)
- May be subject to less stringent access rules
- Principle of non-discrimination

# Information on service facilities (Article 27, 31(10) and Annex IV, point 6)

## Service facility operators

- Information on
- *access charges*
- *Service charges*
- *Technical access conditions*



## Infrastructure manager

- Publish information in network statement
- *Alternative: link to website or to common web portal*



## Charging rules (Article 31(7) and (8) of the recast)

Cost of providing service + <i>(optional) reasonable profit</i>		
Track access + supply of „basic“ service	Additional service – only one supplier	Ancillary service – only one supplier



## Other aspects – Art. 13(3) and (6) of the recast

- Use it or lease it
- Independence requirements
- Accounting separation



# *Arbitrating between PSO and open access*

10.2.e

**Policy Officer**  
**DG MOVE C3 “Single European Rail Area”**  
**European Commission**

**Workshop on the 4<sup>th</sup> Railway Package**  
**The Hague, 10 October 2019**



## Presentation overview

- Open access and PSO-services
- Arbitrating the effect of open access on an existing PSC: the Economic Equilibrium Test



## Directive (EU) 2016 / 2370

- Amended Article 10(2) of Directive 2012/34/EU:

*".... Railway undertakings shall be granted .... the right of access to railway infrastructure in all Member States ..... operating rail passenger services."*

- Article 2:

*"...shall apply from 1 January 2019 in time for the working timetable starting on 14 December 2020".*



## ***The best of both worlds? Need for a strategic vision***

- Both options offer benefits
- Benefits to be assessed in the wider transport strategy



## PSO

### Advantages:

- ☐ continuity of service
- ☐ provision of unprofitable services
- ☐ minimum quality requirements
- ☐ competent authority in control of network and services

### But:

- ☐ high entry barriers if size not well chosen
- ☐ need for use of public budget
- ☐ specific knowledge required







## Open Access

### Advantages:

- ❑ clear customer orientation / downward pressure on fares
- ❑ driver of innovation / upward pressure on quality
- ❑ grows the market (higher total ridership)
- ❑ lower entry barriers for smaller operators
- ❑ cost efficiency

### But:

- ❑ cherry-picking?
- ❑ need to police the competitive playing field
- ❑ services can be discontinued
- ❑ congestion – scarcity of paths for other types of traffic







## Examples of market opening

- ITALY: Open Access on High Speed lines
- SWEDEN: Open Access on High Speed (3 operators)  
all PSO are competitively tendered
- GERMANY: PSOs systematically tendered  
Open Access on long-distance - not thriving
- UK: all PSOs are competitively tendered (franchises)  
limited Open Access (subject to NPA test)
- CZECHIA: Open Access: Prague-Ostrava (two new entrants)
- AUSTRIA: WESTBAHN Open Access on Wien - Salzburg



## How does Open Access interface with PSO?

- Some connections in areas covered by PSO may be operated profitably – leading to open access requests
- Open access can co-exist with PSO on same line– e.g. at specific times of day
- Open access may cause only limited revenue abstraction from PSO
- Right to provide open access services can only be restricted if substantial impact on economic equilibrium of the PSO
- Economic Equilibrium Test – carried out by independent Regulatory Body





## Economic Equilibrium Test (1)

cf. Art.11 of Directive 2012/34/EU and Commission Implementing Regulation (EU) 2018/1795

Objective of EET: arbitrate between

- right to operate open access services EU-wide and
- right of PSO operator/MS to preserve financial equilibrium of PSO contract

Financial equilibrium is compromised if:

- Substantially reduced profitability of operations and/or

Substantial impact on public finances



## Economic Equilibrium Test (2)

EET – how does it work (Implementing Act)

- No uniform definition/threshold of impact, each regulator to set own methodology
- Triggers: new open access request on line covered by existing PSO, or substantially modified service (for RB to assess) AND
- Request for EET by PSO operator, competent authority, IM within set deadline (1 month)



## Economic Equilibrium Test (3)

- Regulator can request any information from parties BUT
- Sensitive information is protected
- Principle of legal certainty
  - Strict deadline for regulator's decision (in time to ensure inclusion of the new service in working timetable)
  - once service has been authorised, no revision possible





## Economic Equilibrium Test (4)

- Exception: open access requests introduced when PSO is being competitively tendered: regulator can delay decision by 1 year to protect tender process – temporary access possible
- Can existing Open Access be protected from new PSO?
- EU law only protects public services, but PSO must be necessary and justified
- Protection possible in national law (FR)



## What about cherry-picking?

- Open access has a **short-term** price tag: new commercial services might abstract some revenue from PSO
- **BUT:** Open access brings **long-term** societal benefits
- **TOOLS** to minimize extra cost: levy based on Article 12 of Directive 2012/34 – makes open access pay (within limits) for PSO financing
- Levy must not endanger viability of new services, should be non-discriminatory



## Useful links

6<sup>th</sup> Rail Market Monitoring, adopted in February 2019 - COM(2019) 51 final (available in Polish)

<https://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:52019DC0051&from=EN>

Full analysis in the accompanying Commission Staff Working Document (available in English only)

[https://ec.europa.eu/transport/modes/rail/market/market\\_monitoring\\_en](https://ec.europa.eu/transport/modes/rail/market/market_monitoring_en)



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**THANK YOU!**



# Tendering procedures for rail in the Netherlands



provincie  
Gelderland

10.2.e

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, 10 October 2019





erzicht Concessies per Vervoerder

Vervoerder	Concessie	Concessieperiode	Looptijd
Arriva	Friesland	Provincie Friesland	dec 2010 - dec 2020
Arriva	Groningen	Provincie Groningen	dec 2010 - dec 2020
Arriva	Groningen - Leeuwarden	Provincie Groningen / Provincie Friesland	dec 2010 - dec 2020
Arriva	Vechtdallijnen	Provincie Drenthe / Provincie Overijssel	dec 2012 - dec 2027
Arriva	Vechtdallijnen Almelo - Marienberg	Provincie Overijssel	dec 2013 - dec 2027
Arriva	OV Limburg	Provincie Limburg	dec 2016 - dec 2031
Arriva	Arnhemse / Rivierland	Provincie Gelderland	dec 2012 - dec 2035

≡ provincie  
**Gelderland**

# Improvements regional rail

- New stations and upgrade existing station areas
- More and better infrastructure
  - Higher speeds possible
  - More double track
  - Electrification of various lines
  - Extension of platforms
  - Less level crossings
- Higher frequencies
- Modern trains
- More travelers!

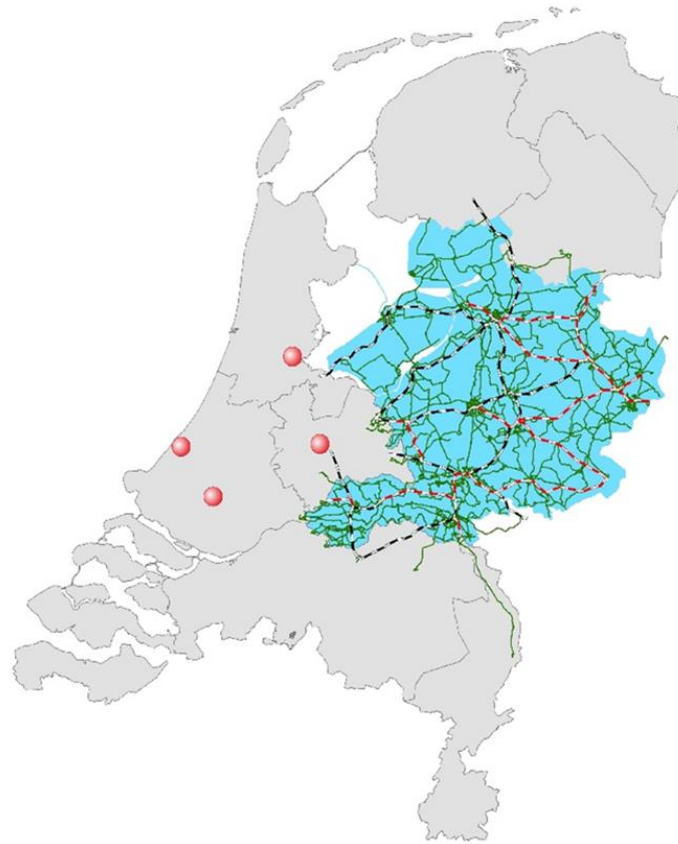
# Challenges

- Introduction of faster train services:
  - Second express train Groningen – Leeuwarden
  - Second express train Zwolle – Enschede
  - Express Arnhem – Doetinchem – Winterswijk
- More double track on busy regional lines necessary
- Connections from regional lines into the NS-concession
- Possible new decentralisations (e.g. Zwolle – Groningen)
- Realisation electrification Maaslijn

# Challenges

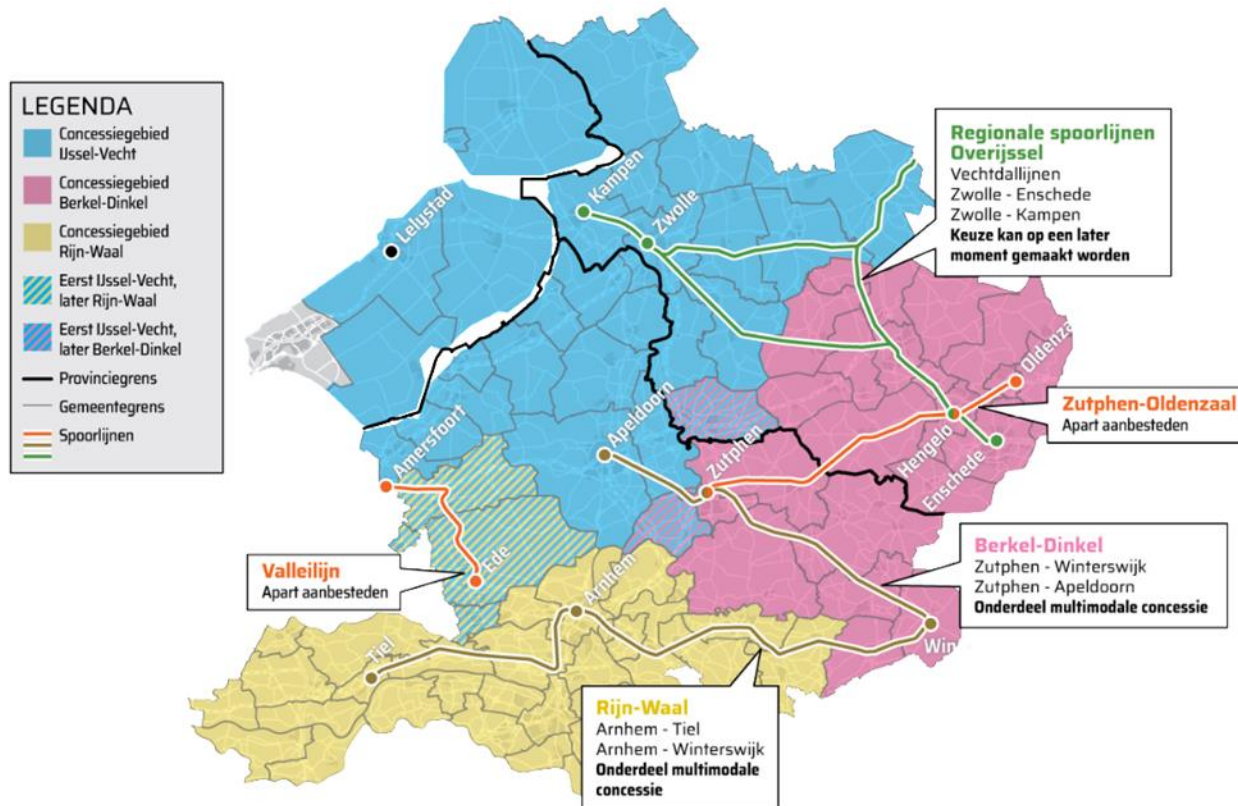
- Transition to zero emission. Developments:
  - Battery-powered trains: province of Friesland
  - Pilot hydrogen train: province of Groningen
  - Biodiesel: provinces of Friesland and Groningen
  - Electrification of 2 remaining diesel lines: province of Overijssel

# East-Netherlands





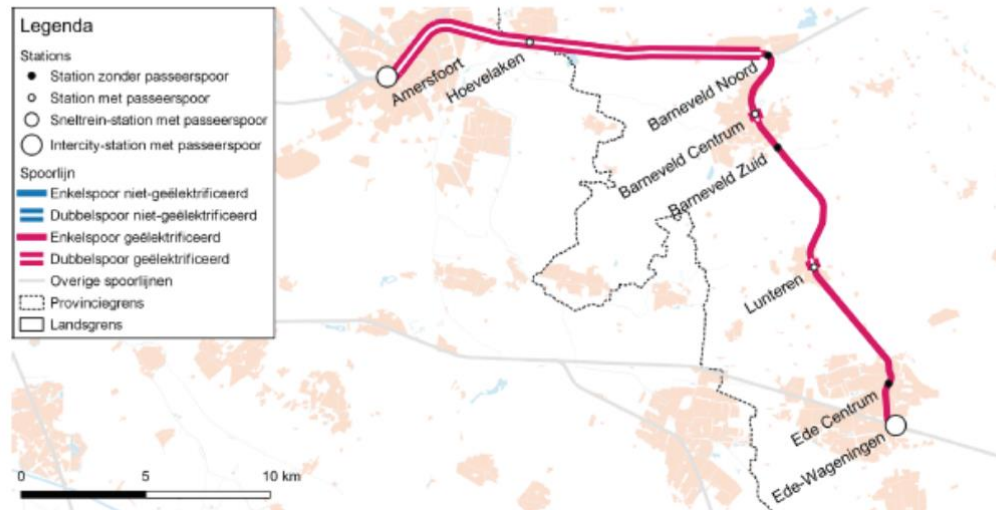
# Future concessions



# Valleilijn

143

Amersfoort → Ede-Wageningen





5x2 bakken  
PROTOS

ELEKTRISCH



2x3 bakken  
FLIRT-3

ELEKTRISCH

**Unimodale concessie**  
**LOOPTIJD 2006 → 2021**  
**Concessie Valleilijn**  
CONCESSIEHOUDER **CONNEXION**

# Station Barneveld Zuid

144

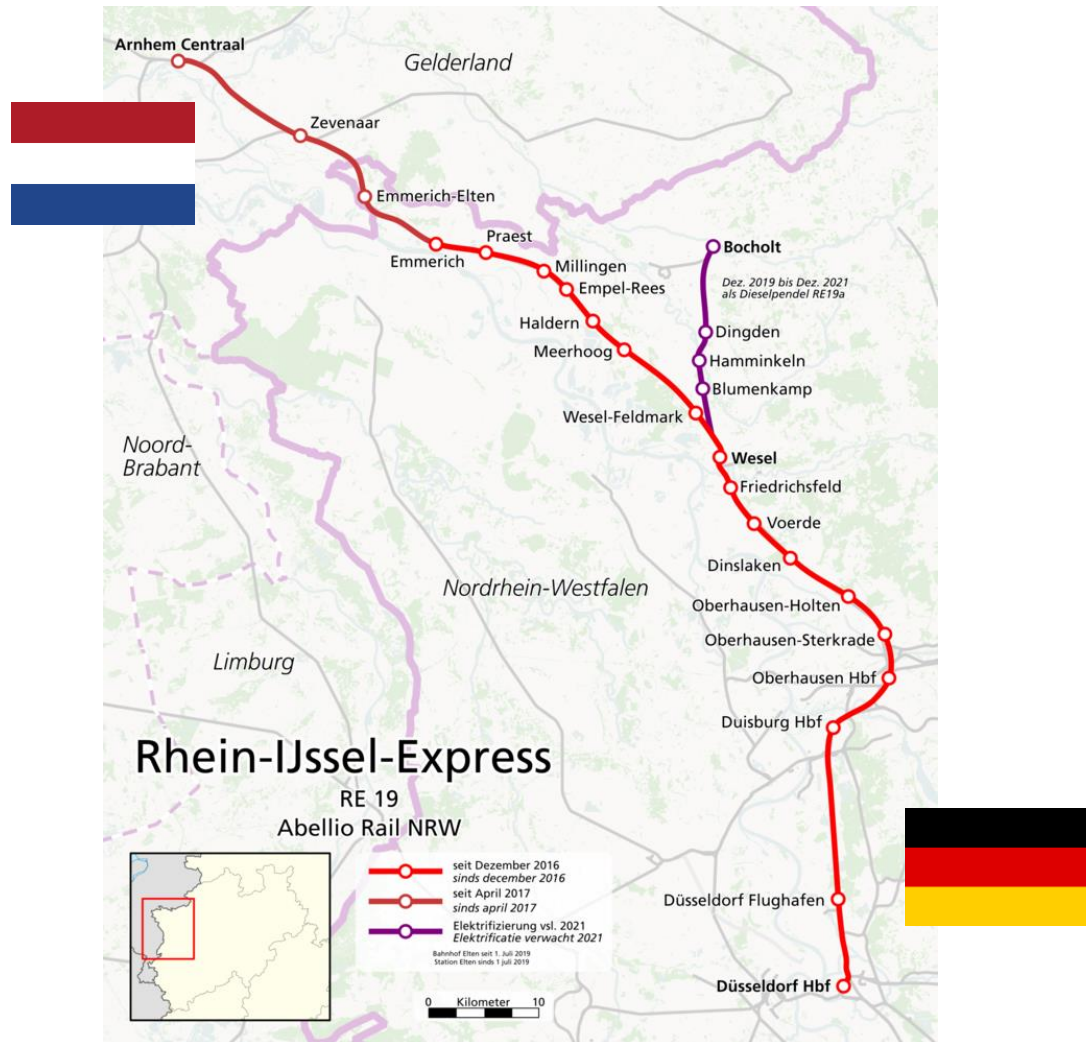




# Station Hoevelaken



# RE 19: Arnhem – Düsseldorf



# RE 19: Arnhem – Düsseldorf

- VRR: tendering procedure (Niederrhein Netz)
- Province of Gelderland: annual subsidy
- Cooperation agreement VRR – province (2012)
- Period: December 2016 – December 2028 (cross boundary April 2017)
- Trains: continuation for at least another 13 years
- Station Elten: 1 July 2019

# RE 19: Arnhem – Düsseldorf

- Vehicle finance model
- Winner: Financial most attractive bid (€/trainkm)
- Winner: Abellio
- Trains: 3 safety and energy systems
- Cross-boundary: tariffs of VRR and NRW
- Dutch OV-chipkaart valid between Arnhem and Zevenaar



# 3 safety and energy systems



# Zuid-Holland - general

- 2 Rail concessions
- Single track / Electric
- Fixed subsidies including track access fees
- Operators responsible for turnover, marketing and development
- Province invests in
  - New stations
  - Station facilities
  - Additional rail infrastructure
  - Car parking (with municipality)
  - Bicycle parking (with ProRail)
  - Product formula elements (excl rolling stock)
- Municipalities invest in
  - Station environment





# R-net Network

151



# Zuid-Holland - process

- Regional consultation
- Policy document (beleidskader)
  - Goals
  - Financials
- Prov parliament approval
- Market Consultation
- Requirements document (PvE)
- Procedure document (bestek)
- Information phase (Nvl)
- Call for Proposal (Bieding)
- Assessment (beoordeling)
- Provisional Decision (gunning)
- Appeals (never in ZH 😊)
- Final decision
- Implementation





# Zuid-Holland - general

- 2 Railconcessions
- Single track / Electric
- Fixed subsidies including track access fees
- Operators responsible for turnover, marketing and development
- Province invests in
  - New stations
  - Station facilities
  - Additional rail infrastructure
  - Car parking (with municipality)
  - Bicycle parking (with ProRail)
  - Product formula elements (excl rolling stock)
- Municipalities invest in
  - Station environment



# Alphen - Gouda

- Railconcession
  - Single track / Electric
  - 17,6 km
  - 7 stations, 2 new stations (paid for by province)
  - 2 contenders in 2014
  - NS Abellio winner
  - 2016-2031
- 
- 4 trains/hour (was 2/hour) until 19.00 hrs on weekdays
  - New trains (FLIRT by Stadler)
  - Toilets in trains (not asked)
  - R-net product formula (extends to bus, subway and tram in Randstad area)
  - Increased ridership



# Alphen - Gouda

- Fixed subsidy
- Operator responsible for turnover and profit
- Development role for operator in collaboration with province
- Transfer points to national railway at end stations
- Conflicts with Network Manager ProRail and NS Stations on Product formula at station and around





# Merwede- Lingelijn

- Mixed Concession bus / train
- Single track / Electric
- 49 km
- 12 stations, 3 new stations paid for by province
- Toilets on 8 stations, not in trains
- 1<sup>st</sup> tender in 2008
  - 2 contenders
  - Arriva (DB subsidiary) winner
  - 2008-18
- 2<sup>nd</sup> tender in 2018
  - 3 contenders in 2018
  - Qbuzz (Trenitalia subsidiary) winner
  - 2019-26 (+2, +5 years)



# Merwede- Lingelijn

- 2008
  - 4 trains/hour (was 2/hr) until 19.00 hrs on weekdays
  - New trains (Gtw by Stadler)
  - Transfer of Rolling Stock guaranteed
  - Increased ridership
  - MLL as separate brand
- 2018
  - No change in train service
  - Direct bus services to relieve train
  - R-net product formula (extends to bus, subway and tram in Randstad area)



# Merwede–Lingelijn 2018 tender<sup>158</sup>

- Fixed subsidy
- Operator responsible for turnover and profit
- Development role for operator in collaboration with province
- Transfer points to national railway at end stations
- Conflicts with Network Manager ProRail and NS Stations on Product formula at station and around
- Conflict between old and new operator on value of rolling stock
- Discussion with lessor on guarantees and pledge
- Transfer of staff very late in implementation phase
- Issues on rail safety management with govt inspectors



# Merwede–Lingelijn 2018 criteria

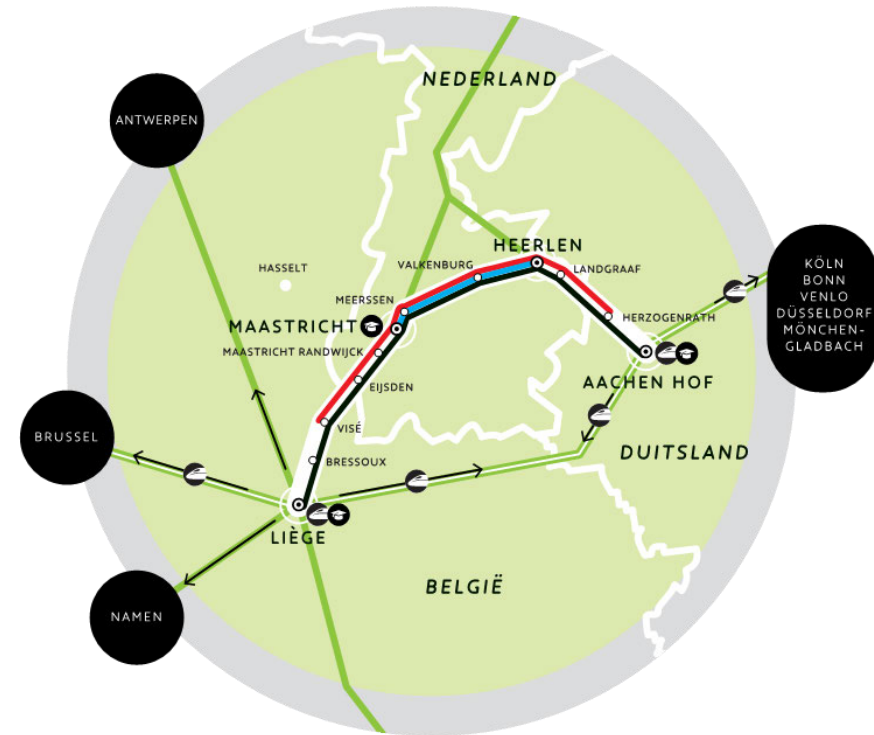
Nr.	Criteria	Para - graaf	Maximale score
<b>G1</b>	Available Public Transport		
<b>G1.1</b>	Timetable Hours supplied	6.1.1	<b>42,5</b>
<b>G1.2</b>	Transport Plan scheduled Public Transport	6.1.2	<b>15,0</b>
<b>G1.3</b>	Multi modal integration and management in addition to scheduled Public Transportation (first and last mile)	6.1.3	<b>10,0</b>
<b>G2</b>	Reliability and Quality		
<b>G2.1</b>	Implementation Plan	6.2.1	<b>2,5</b>
<b>G2.2</b>	Rolling Stock Plan	6.2.2	<b>7,5</b>
<b>G3</b>	Sustainable Public Transport		
<b>G3.1</b>	Sustainability Plan	6.3.1	<b>5,0</b>
<b>G4</b>	Affordable and developing Public Transport		
<b>G4.1</b>	Development Plan	6.4.1	<b>12,5</b>
<b>G4.2</b>	Marketing and Communication Plan	6.4.2	<b>5,0</b>
<b>Totaal</b>			<b>100,0</b>

Note:

A safety plan must be submitted is not part of the criteria

# Three-country train

- 27 Januari 2019:  
Maastricht – Heerlen – Aken
- Bottleneck: Liège - Maastricht:
  - Consultation between governments the Netherlands and Belgium
  - Consultation between NS, NMBS and Arriva in consultation



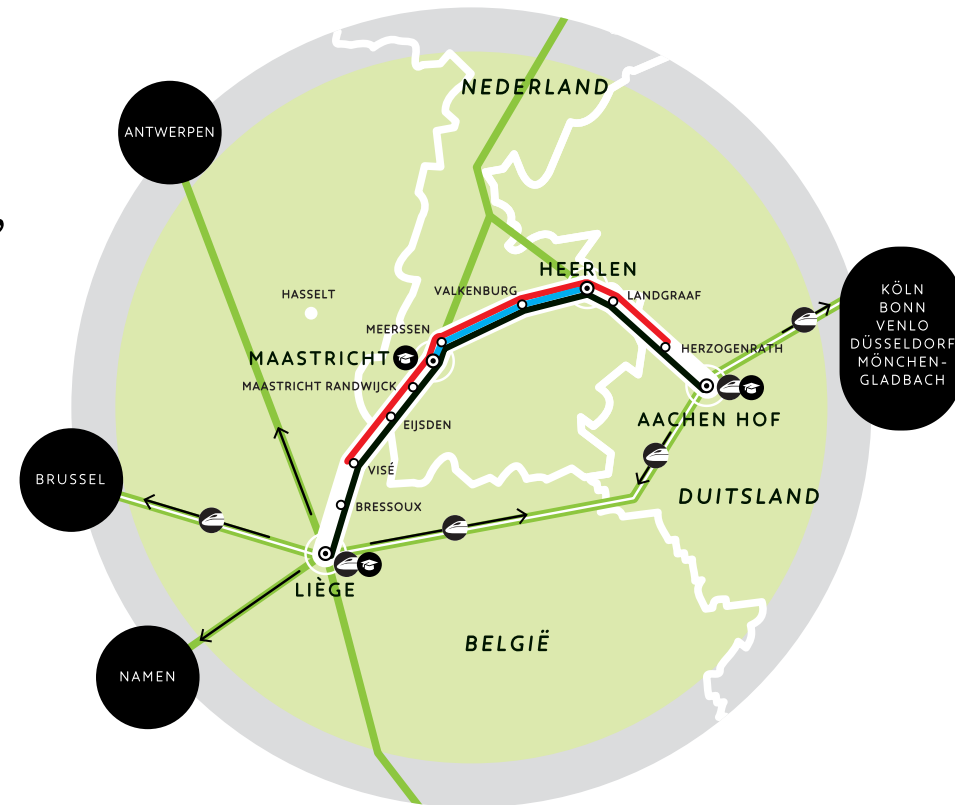
**eurekaraail** CONNECTING US : PEOPLE, COUNTRIES & ECONOMIES



# Three-country train: actors

## Goals:

- Connection Aachen, Heerlen, Maastricht en Liège
- Modern trains
- Every hour / half hour
- 1 ticket for 3 countries



# Three-country train: actors

- Ministerie van IenW
- Federale Overheidsdienst Mobiliteit
- Nahverkehr Rheinland
- Provincie Limburg
- NMBS
- Arriva
- NS
- DB regio
- ProRail
- DB Netz
- Infrabel



# Points of attention

- Political commitment
- Technical feasibility
  - Admission trains (ERTMS)
  - Adjustment stations
  - Timetable
- Financial feasibility