Ministerie van Infrastructuur en Waterstaat

Market consultation document

Subject: **Draft Schedule of Requirements for Frisian Wadden Island Ferries Transport Concession**

Department : ***Ministerie van infrastructuur en Waterstaat* (Ministry of Infrastructure and Water Management)**

DG / Directorate : **DG Mobility / Public Transport and Railway**

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Contents

1. Introduction

This is the market consultation document (hereinafter: "MCD") for the second market consultation within the framework of the tender procedure for the Frisian Wadden Island ferries transport concessions initiated by the Ministry of Infrastructure and Water Management (hereinafter: "I&W").

1.1 Background to the market consultation

The aim of this market consultation is to prepare for the planned tender procedure for the Western and Eastern Frisian Wadden Island ferries transport concessions (*Waddenveren West* and *Waddenveren Oost*). I&W very much values the views of market parties and intends to actively involve them at an early stage before the planned tender procedure is launched. While the first market consultation was aimed at collecting input and insights for the Schedule of Requirements draft (PvE draft), this second market consultation focuses on the practical implementation of the PvE draft for these transport concessions. The report from the first market consultation has been published on TenderNed.

1.2 Aim of the market consultation

I&W published this MCD on TenderNed to reach as many market parties as possible and to generate interest and further input. This is why I&W opted to publish this market consultation document, like the first market consultation document, in Dutch and in English. Since the questions in this market consultation documents pertain primarily to the PvE draft, an English version of the PvE will be published as well. However, it should be noted that the final tender documents will only be published in Dutch. This is because communication during the operation of the concession will be in Dutch as well.

I&W is launching this market consultation with a view to:

- collect input about specific components of the PvE draft and the annexes, although the market parties will be invited to respond to other components of the PvE draft and the annexes as well.
- gain insight in the feasibility and practicability of the transport concessions described in the PvE draft.
- gain insight into whether market parties are interested in and able to operate one or both transport concessions.

1.3 What I&W would like to know

I&W is inviting market parties to participate in this market consultation. I&W is asking market parties to respond to the questions in this MCD by making use of the accompanying market information document (referred to below as MID).

I&W would like to stress that this market consultation is not part of the tender procedure and no rights may be derived from it. Where relevant, I&W will use the insights gained from this market consultation in preparing the tender procedure and related documentation. I&W reserves the right to disregard all or some of these insights.

1.4 Information about I&W

Description of I&W
The contracting authority is the State of the Netherlands, Ministry of Infrastructure and Water Management. The tender procedure is being coordinated by the Finances and Purchasing Directorate (*Directie Financiën en Inkoop*) on behalf of the Directorate-General for Mobility (*Directoraat generaal Mobiliteit,* DGMo).

I&W is committed to a safe, accessible and liveable Netherlands. As part of this, I&W endeavours to achieve strong connections on the roads, railways, the water and by air. I&W protects against flooding, aims to safeguard the quality of air, water and soil and is working to achieve a circular economy. I&W carries out an enormous amount of work on a daily basis. The roads and waterways, dikes and railways all require regular maintenance and occasional modification or expansion. Equally, laws and regulations need to be maintained and updated in order to keep pace with developments in society.

It is part of I&W's duty to maintain and enforce these laws and regulations. The increasing pressure on the environment is another key area that requires attention. I&W works on all of this and much more every single day. Because I&W cannot achieve all of this work alone, it seeks to collaborate with a range of different parties. I&W works with private individuals and businesses, with civic organisations and local authorities. Without the cooperation and expertise of others, I&W would not be capable of maintaining the balance between liveability, accessibility and safety.

For more detailed information about I&W, we refer you to the website https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat.

Description of organisational division
The Frisian Wadden Island ferries transport concessions are the responsibility of the Directorate-General for Mobility (DGMo). The aim of DGMo is to further develop the quality of the railway and waterway/road networks while ensuring their safe and sustainable use by passengers and the transport sector. By doing so, it contributes to

the Netherlands' economic and spatial development within the conditions for liveability and safety.

The Public Transport and Railway Directorate (*Directie Openbaar Vervoer en Spoor*, OVS) is part of the DGMo. It is the responsibility of OVS to ensure that passengers can make use of a public transport network, that goods can increasingly be transported by rail and that the main railway infrastructure has sufficient capacity and is safe. The directorate has system responsibility for the whole of public transport (railway, metro, bus, tram, taxi and ferries) in the Netherlands. This is done in close collaboration with all our partners.

1.5 Information about the concessions and current situation

For the purposes of the tender procedure for the Frisian Wadden Island ferries, the following details will prove useful in forming a picture of the information that I&W is hoping to discover and in enabling market parties to provide effective and useful responses.

Background
For Frisian Wadden Island residents and visitors, good accessibility for the Wadden Islands is highly important. For island residents, the ferry connections between the Frisian Wadden Islands and the mainland are a lifeline: island residents depend on the ferry connections to reach essential mainland services, such as hospitals. Effective ferry connections are of great importance for quality of life on the islands. I&W is responsible for passenger transport between the mainland and the Frisian Wadden Islands.

Current concessions
In order to guarantee good ferry connections, the Dutch central government granted two transport concessions for passenger transport to and from the Frisian Wadden Islands, which took effect in April 2014. For the connections to the islands of Vlieland and Terschelling this concerns the Western Wadden Island ferries transport concession (*Waddenveren West*), awarded to B.V. Terschellinger Stoomboot Maatschappij (TSM), a division of the Doeksen shipping company. For the connections to the islands of Ameland and Schiermonnikoog, it concerns the Eastern Wadden Islands ferries transport concession, awarded to the Wagenborg Passagiersdiensten B.V. (WPD). Both of these concessions were awarded by means of private tenders and have a term of 15 years.

Follow-up concessions
Since the current transport concessions will expire in 2029, I&W is in the process of preparing new concessions that will take effect in 2029. One of the conclusions of a market analysis conducted in 2023 was that the awarding of a concession would be necessary because the potential offer from the free market is expected to be insufficient in terms of both quality and quantity (See the Letter to the Dutch House of Representatives of 20 December 2023, *Kamerbrief 20 december 2023*). In accordance

with the relevant legislation and regulations (Article 7a, paragraph 3 of the Passenger Transport Decree 2000) (*Besluit personenvervoer 2000*), the new concessions must be granted via a European public procurement procedure, as is the case for most transport concessions and licenses. An alternative way of awarding the contract, by means of private tender, is not possible for legal reasons.

Current situation
The Set of Principles (*Nota van Uitgangspunten*, NvU) for the new transport concessions was communicated to the House of Representatives by letter on 8 October 2024 (see *Kamerbrief 8 oktober 2024*). The NvU lays down the relevant frameworks and principles for the future concessions. I&W then prepared a PvE draft on the basis of this information. I&W collected input from stakeholders at several points during the process of preparing the PvE draft. Recommendations and responses to the PvE draft will be incorporated in the preparation of the final PvE and the other tender documents. This set of documents will then be used as the basis of the tender procedure.

2. Market consultation procedure

2.1 Outline of market consultation approach

The market consultation will be in two parts. It will start with a written round of questions with all market parties who have registered and wish to make a contribution. Immediately after that, I&W may invite market parties who have indicated a willingness to discuss their views on these questions in more detail to attend a one-to-one explanatory meeting.

2.2 Schedule

Activity	Date and time
Publication of MCD	19 May 2025
Final deadline for asking questions	04 June 2025
Deadline for publication of Information Notice (*Nota van inlichtingen*)	12 June 2025
Deadline for submission of the MID	26 June 2025
Date of possible explanatory meetings	30 June - 4 July 2025
End of procedure	14 July 2025

Interested parties cannot derive any rights from the above schedule. I&W reserves the right to make adjustments to the schedule.

Asking questions
Market parties will have an opportunity to ask questions about any unclear wording in the MCD in order to achieve transparent and clear communication. If there are questions about the MCD, these can be asked via TenderNed before the deadline for asking questions stated in the schedule.

Information Notice
I&W will provide answers to the (anonymised) questions from market parties in an Information Notice which will be published on TenderNed.

Submission of MID
All interested market players who believe that they can make a contribution to the market consultation are asked to submit the answers to the questions in section 3 of this MCD as an MID via TenderNed before the deadline for submitting the MID stated in the schedule.

Explanatory meetings
I&W is keeping the option open to invite parties following the submission of the MIDs to provide additional information about their answers. Market parties are requested to ensure that they will be available to attend any such meeting in the period stated in the schedule. If we wish to have an explanatory meeting with your organisation, you will be notified of this as soon as possible, together with details of the date/time when you will be asked to attend the I&W offices (in The Hague) or participate in a Teams meeting.

End of procedure
The answers to the questions put will be included in an anonymised market consultation report. The completion of the procedure, when the market consultation on TenderNed is closed, will take place on the date stated in the schedule when the anonymised market consultation report is published.

2.3 Confidentiality

I&W will handle all input from participating market parties confidentially. I&W will only reveal this information to staff and advisers who are directly involved in the market consultation or the tender, unless I&W is legally bound to make this information more widely known. However, I&W will be entitled to use the information provided in compiling the tender documents. I&W will not include any specific references to participants or to commercially sensitive information in the tender documents.

2.4 Other conditions with regard to the market consultation

The market consultation is not part of the tender procedure. In order to ensure that participants in the market consultation are not placed in a privileged position, I&W will publish the results of the market consultation in the tender documents. In addition, the information shared by I&W during the market consultation will also be included in the tender documents.

In the tender procedure, no distinction will be made between the parties who did or who did not take part in the market consultation.

The information included in this market consultation may differ from information provided at a later stage (as part of the tender procedure). No rights may be derived from information provided as part of the market consultation. The information provided is indicative and intended purely to improve the quality of the market consultation. In the event that information in the market consultation differs from information in the tender documents, the information in the tender documents will take precedence.

I&W will not provide any remuneration to participants in the market consultation.

3. Questionnaire

The questions that I&W wishes to put to you as part of the market consultation are listed below.

A. Minimum timetable

The PvE states that the concession holder must provide at least the minimum timetable at all times, as described in Annex B03 (Ontwerp-Programma van Eisen Minimale Dienstregeling). The concession holder will have the freedom to modify the number of departures and departure times to meet the needs of different passenger groups as effectively as possible.

Minimum timetable	
A1	What are your thoughts on the minimum timetable described in Annex B03? For example: is it clear to you?
	<Please enter your answer here>

B. Operating assets and infrastructure

The PvE states that the concession holder will use the fairways specified by the Directorate-General for Public Works and Water Management (Rijkswaterstaat, RWS) and the operating assets provided by the Central Government Real Estate Agency to operate the concession, unless agreed otherwise by the concession holder and the contracting authority. Annex B07 (Ontwerp-Programma van Eisen Overzicht infrastructuur en productiemiddelen) includes an overview of the fairways and operating assets.

Operating assets and infrastructure	
B1	Is the overview provided in Annex B07 clear to you?
	<Please enter your answer here>

Unlike the current situation, where RWS is responsible for the management and maintenance of most operating assets (except for vessels and chargers), the concession holder will be responsible for the daily (or “first-line”) management and maintenance of certain operating assets as of 31 July 2031. The exact division of responsibilities and related requirements with regard to the daily management and maintenance of different operating assets are included in Annex B05.1(Vastgoedovereenkomst huur- en opstalrecht Waddenveren West) and Annex B05.2 (Vastgoedovereenkomst huur- en opstalrecht Waddenveren Oost).

Operating assets and infrastructure	
B2	Are the division of responsibilities and related requirements described in Annex B05.1 and B05.2 clear to you?
	<Please enter your answer here>

C. Electrification

As the likelihood that the necessary charging infrastructure for electrification of the ferry services will be realised has increased since the last market consultation, we would like to ask a few additional questions about the electrification of the ferry services. Although a decision about the realisation of this charging infrastructure has yet to be made and is therefore not final yet, please base your answers to the questions below on the assumption that the government will complete the charging infrastructure in Harlingen, Holwert, Lauwersoog, Oost-Vlieland, West-Terschelling and Nes, but not in the ferry port of Schiermonnikoog.

Electrification	
C1	Please indicate for each port how much capacity you think you will need to fully operate the connection on electricity.
	<Please enter your answer here>
C2	Please indicate the maximum peak capacity (in MWh) that will be needed for each port.
	<Please enter your answer here>

Once a decision about the electrification of a connection has been made,
I&W intends to follow the following process:

1. I&W will notify the shipping company no later than four years before the planned completion date of the charging infrastructure needed to operate a connection with battery-powered vessels that the shipping company will be able to operate a connection with battery-powered vessels as of that date.
2. The shipping company will make every effort to operate the connection in question completely with battery-powered vessels as soon as possible once the charging infrastructure is available by deploying at least 1 battery-powered vessel per connection per year until all the vessels used for the connection are battery-powered.
3. I&W is responsible for the realisation, management and financing of all components of the charging infrastructure except for the charging stations, including the network connection, the transformer, any batteries and the connections between all the components, including the connection to the charging stations.
4. The shipping company is responsible for the purchase/conversion, management, maintenance and financing of the battery-powered vessels and the charging stations. The shipping company will be eligible for a subsidy to compensate for the purchase costs of the charging stations; all other costs related to the purchase/conversion, management and other infrastructure that is needed to operate battery-powered vessels will be at the risk and cost of I&W.
5. Unless agreed otherwise, I&W and the shipping company will enter into discussions no later than 2 months after the notification referred to in section 1 to discuss the following topics:
   a. The necessary charging infrastructure for the charging stations for the battery-powered vessels that are to be deployed;

b. The required contracted capacity to charge the battery-powered vessels and the size of the network connection;

c. The planning for the work to build the charging infrastructure insofar as this information is available at that point;

d. The planning for the purchase of new battery-powered vessels and/or conversion of vessels into battery-powered vessels insofar as this information is available at that point;

e. Any other relevant topics relating to the transition to operating the connection with battery-powered vessels.

6. After the discussions referred to in section 4 until the moment the shipping company is fully operational with battery-powered vessels, I&W and the shipping company will have progress meetings at least once every 6 months to discuss, at a minimum, the 4 abovementioned topics.

Electrification	
C3	What are your thoughts on the abovementioned process? For example: is the abovementioned process feasible for you and do you foresee any problems?
	<Please enter your answer here>

D. Other components of the PvE draft

In addition to the questions we ask with regard to specific components of the PvE draft, we also invite you to respond to other components of the PvE draft and the annexes.

Other components of the PvE draft	
D1	Is there any information in the Draft Schedule of Requirements that you believe is incorrect? If so, which information is it, and why is it incorrect? *We would appreciate it if you could indicate which chapter/page/requirement your comment refers to.*
	<Vul hier uw beantwoording in>
D2	Are there any requirements that are currently missing and, in your opinion, should be added? Or are there existing requirements that need to be clarified or made more stringent? If so, which ones? *We would appreciate it if you could indicate which chapter/page/requirement your comment refers to.*
	<Vul hier uw beantwoording in>
D3	Is there anything else you would like to share?
	<Vul hier uw beantwoording in>

E. Major Developments

I&W uses the term major development to refer to special circumstances beyond the concession holder's control that have a (financial) impact that is so severe that the concession holder cannot be expected to absorb this impact within the framework of the existing agreements. Annex B12 (Draft Schedule of Requirements Process for Major Developments) describes the steps to be taken in the event of a major development. A separate process has been included in article 8.4 of the PvE draft for the specific uncertainties regarding the Ameland fairway/MIRT (Multi-Year Programme for Infrastructure, Spatial Planning and Transport) exploration.

Major Developments	
E1	What are your thoughts on the process with regard to major developments as described in Annex B12?
	<Please enter your answer here>

F. Financial Economic Basis

In order to gain insight into the "business case" of the transport concessions, I&W will ask bidders to prepare a Financial Economic Basis (FEB) during the tender procedure. Annex D (FEB) includes the format I&W plans to use for the FEB. I&W intends to use the FEB during the term of the transport concession for the purpose of financial accountability and projections, and it will therefore ask the concession holder to keep the FEB up to date. To clarify the use of the FEB and how it relates to the financial accountability and projections, the draft of the financial provisions for the FEB, financial accountability and financial projections is included below.

Section 2: Financial Economic Basis	
2.1.	The Contracting Authority and the Concession Holder will use the information from the Financial Economic Basis (to be updated annually) as a starting point for any agreements about Contract Variations, Business Cases, Major Developments and Proposed Withdrawals from the Quality Fund.
2.2.	By submitting the Tender, the Concession Holder confirms that the Financial Economic Basis: a. includes all costs and Revenues related to the operation and continued development of the Concession in conformity with the level of quality specified by the Contracting Authority in the Concession Decision and its Annexes, including the Schedule of Requirements, and the level of quality offered by the Concession Holder in the Tender. Any Contract Variations will be dealt with by means of the procedure described in section 8. b. includes a risk paragraph with a description of special circumstances and their financial impact.

Section 9: Financial accounts	
9.1.	The Concession Holder will keep clear, separate accounts that are separate from the accounts for other activities, within the meaning of article 32, paragraph 2(e) of the Wp2000.
9.2.	The Concession Holder will submit an updated Financial Economic Basis (Standard Form X) to the Contracting Authority every year by 1 August at the latest on the basis of the actual results for the past calendar year. The Concession Holder will explain the elements from the Financial Economic Basis, at a minimum discussing the changes compared to the previous year (realisation in year N compared to the realisation in year N-1) and the changes compared to the financial projection as referred to in section 10 (realisation for year N compared to the financial forecast for year N).The Contracting Authority will treat the financial accounts submitted by the Concession Holder as confidential information.
9.3.	The data provided by the Concession Holder pursuant to this article will be accompanied by an explanation and an audit certificate within the meaning of article 393, paragraph 1 of Book 2 of the Civil Code. Where applicable, this obligation applies both to the auditor of the holding company and to the auditor of any other (legal) entity performing the activities of the concession. The audit certificate will state that the review was performed in accordance with Dutch law, including the Code of Conduct Regulation, the Further Regulations on the Independence of Auditors in Public Practice and the Further Regulations on Auditing Standards and Other Standards (COS). Where relevant, the auditor shall apply the International Standards on Auditing (ISA) instead of the COS. The applicable provisions of the concession must be complied with. The audit must be planned and performed in such a way as to obtain reasonable assurance that the financial reporting contains no material misstatements.
9.4.	The audit certificate is intended for the Contracting Authority. The Contracting Authority will be able to ask the auditor additional questions, if there is reason to do so on the basis of the documents.

Section 10: Financial Projection	
10.1.	The Holder will submit an update of the projections included in the Financial Economic Basis (Standard Form X) to the Contracting Authority every year by 1 August at the latest for the remaining concession years, including the adjusted amounts based on the price level for year N (with year N being the most recent year for which the price level is available). The Concession Holder will explain the elements from the Financial Economic Basis needed for the Financial Projection, discussing the changes compared to the projection from the previous year (or from its Tender). The Contracting Authority will treat the financial projection submitted by the Concession Holder as confidential information.
10.2.	The projection method used by the Concession Holder will allow for the comparison of the projections with each other and with the financial accounts. The Contracting Authority will be able to have the financial projection subjected to an external review for consistent application of the projection method.
10.3.	The data provided by the Concession Holder pursuant to this article will be accompanied by an explanation and an audit certificate within the

	meaning of article 393, paragraph 1 of Book 2 of the Civil Code. The audit certificate will state that the review was performed in accordance with Dutch law, including the Code of Conduct Regulation, the Further Regulations on the Independence of Auditors in Public Practice and the Further Regulations on Auditing Standards and Other Standards (COS) The review must be performed in accordance with COS 3400 "Review of Prospective Financial Information".
10.4.	The audit certificate is intended for the Contracting Authority. The Contracting Authority will be able to ask the auditor additional questions, if there is reason to do so on the basis of the documents.

Financial Economic Basis	
F1	Does the FEB (see Annex D) include all the elements that are needed for projection and accountability (e.g. cost and income items, balance sheet, cash flow statement), or are there elements that are missing?
	<Please enter your answer here>
F2	Does the FEB (see Annex D) align with the cost structure of your business operation?
	<Please enter your answer here>

G. Prevention of excess profit

The NvU states that both the maximum return amount and the measures to be taken if the returns (are likely to) exceed this maximum will be specified in the new concessions. This is to prevent concession holders from realising disproportionally high profits (= excess profit), which would not be appropriate in light of the public nature of the ferry services. The following section describes how I&W intends to apply these principles from the NvU to the financial provisions.

Section 11: Maximum return	
11.1.	In order to prevent excess profit, the Concession Holder's average return on investment over a three-year period cannot [1]exceed xxx%.
11.2.	he Contracting Authority will assess ex ante whether or not the Concession Holder's return will exceed the maximum return referred to in the previous section by comparing the financial forecast for the next three years referred to in section 10 with the percentage specified in paragraph 11.1. If the forecast shows that the Concession Holder is likely to exceed the maximum return, the Concession Holder will revise its Transport Plan in conformity with the provisions in the next paragraph.
11.3.	If the maximum return referred to in paragraph 11.1 is likely to be exceeded, the Concession Holder must revise its next Transport Plan in such a way that the maximum return will not be exceeded. The Concession Holder will ensure that the excess profit (i.e. the amount that exceeds the maximum return) will be used to benefit the Passengers through one of the following measures: a. Revision of the prices referred to in paragraph 9.1 of the Schedule of Requirements.

[1] An investigation is still ongoing to determine the exact percentage of the 'maximum return'.

	b. Revision of the service level referred to in paragraph 1.2. in such a way that it meets the needs of Passengers, without prejudice to the provisions in paragraph 1.3 of the Schedule of Requirements; c. Investments that contribute to the goals of the Concession (described in the introduction of the Schedule of Requirements) insofar as these investments are efficient and effective, meaning that the investments contribute to the realisation of returns and that they contribute to the realisation of the goals in a cost-effective manner. The Concession Holder prepares a business case for this purpose that meets the provisions in section 3, including an explanation of the net financial effect per calendar year of the measure(s) the Concession Holder intends to take.
11.4.	The Contracting Authority will determine retroactively, on the basis of the reporting described in section 9, whether the maximum return was exceeded. The assessment of the Contracting Authority will cover a three-year period, and the first assessment will take place as soon as the data on the first three years of the Concession are available.

Section 12: Quality Fund	
12.1.	The Concession Holder will create a Quality Fund and include this fund on its balance sheet. The Concession Holder may use the money in this Quality Fund, provided that: a. the balance of the Quality Fund is sufficient to cover the expense; and b. the Contracting Authority has approved the expense in advance.
12.2.	If the assessment referred to in paragraph 11.4 reveals that the Concession Holder has exceeded the maximum return described in paragraph 11.1, a compensation amount will be transferred to the Quality Fund. The compensation amount will be equal to the amount that has to be deducted from the operating results to ensure that the return is equal to or less than the maximum return referred to in paragraph 11.1.
12.3.	Every calendar year before 1 June, the Concession Holder may submit a request to the Contracting Authority to withdraw money from the Quality Fund for use during the following calendar year. These funds must be used to implement the measures described in paragraph 11.3. The request must include the following elements: a. A description of the measure(s): b. An explanation of how this/these measure(s) • contribute(s) to the affordability of the ferry service(s) for the Passengers; and/or • increase(s) the quality of the ferry service(s); and/or • contribute(s) to the realisation of the Concession goals described in the introduction of the Schedule of Requirements. c. A list of the required funds from the Quality Fund, and a substantiation of the extent to which the Quality Fund is able or is expected to be able to cover these expenses. d. A Business Case that meets the provisions in section 3, including an explanation of the net financial effect per calendar year of the measure(s) the Concession Holder intends to take. e. A schedule for the implementation of the measure(s). f. The way in which the Concession Holder has involved the Consumer Organisations and Local and Regional Authorities in the process and how their input has been incorporated.

	The Concession Holder my submit a proposal for saving the money in the Quality Fund for a bigger expense the following calendar year(s), provided it submits a substantiated plan for this expense.
12.4.	The Contracting Authority will make a decision within 12 weeks about the request to withdraw money from the Quality Fund. The Contracting Authority may refuse all or part of a request if the Contracting Authority is of the opinion that: a. the request does not include all the elements described in the previous paragraph and/or the measures are not sufficiently described or substantiated; b. the proposed measures will not improve affordability for Passengers and/or the quality of the ferry services to a sufficient extent; and/or c. the request does not demonstrably contribute to the realisation of the Concession goals.
12.5.	If the request to withdraw money from the Quality Fund is approved, the Concession Holder will incorporate this request in the Financial Economic Basis referred to in paragraph 10.1.
12.6.	As part of the reporting mentioned in paragraph 9.2, the Concession Holder must account for all the money disbursed from the Quality Fund during the past calendar year.
12.7.	Any remaining funds in the Quality Fund at the end of the Concession (including as a result of contributions to the Quality Fund during the last year of the Concession) will accrue to the Contracting Authority.

Prevention of excess profit	
G1	What are your thoughts on this way of dealing with the maximum return and the measures to be taken in the event of projected or retroactively identified excess profit?
	<Please enter your answer here>
G2	In your opinion, what are decisive factors that should be taken into account in the determination of the maximum return on invested capital?
	<Please enter your answer here>

H. Interest in the tender

I&W intends to select a tender procedure that is open to all interested market parties and that offers the option of entering into discussions with shipping companies that show interest in operating (one of) the Frisian Wadden Island ferries concessions. The proposed procedure will allow all interested shipping companies to submit bids. There will be no preselection phase. Based on the first submitted bids, I&W will determine first of all whether the interested market parties are able, in light of factors such as their experience and financial capacity, to operate (one of) the Frisian Wadden Island ferries concessions. I&W will also determine whether elements of the bids require further explanation or verification. If this is the case, it will set up meetings with the shipping companies in question to improve the quality of the bids, followed by final bids. The procedure is expected to take place during the second and third quarter of 2026, and the contract is expected to be awarded in the fourth quarter of that year.

Interest in the tender	
H1	What can I&W do to increase your interest in participating in the tender procedure?
	<Please enter your answer here>

I&W plans to conduct the tender procedure in Dutch. This is in part because communication during the operation of the concession will be in Dutch as well. This means that I&W will publish the tender documents in Dutch and that bids must be written and submitted in Dutch.

Interest in the tender	
H2	What are your thoughts on this plan?
	<Please enter your answer here>

I. Final questions

In conclusion	
I1	Would you be interested in and prepared to participate in an explanatory meeting as described in section 2?
	<Please enter your answer here>