

Regulation (EC) No 1370/2007 of the European Parliament and of the Council
of 23 October 2007 on public passenger transport services by rail and by
road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70

[^{F1}Article 5a

Rail rolling stock

1 With a view to launching a competitive tendering procedure, competent authorities shall assess whether measures are necessary to ensure effective and non-discriminatory access to suitable rolling stock. This assessment shall take into account the presence of rolling-stock leasing companies, or of other market actors providing for the leasing of rolling stock, in the relevant market. The assessment report shall be made publicly available.

2 Competent authorities may decide, in accordance with national law and in compliance with State aid rules, to take appropriate measures to ensure effective and non-discriminatory access to suitable rolling stock. Such measures may include:

- a the acquisition by the competent authority of the rolling stock used for the execution of the public service contract with a view to making it available to the selected public service operator at market price or as part of the public service contract pursuant to Article 4(1)(b), Article 6 and, if applicable, to the Annex;
- b the provision by the competent authority of a guarantee for the financing of the rolling stock used for the execution of the public service contract at market price or as part of the public service contract pursuant to Article 4(1)(b), Article 6 and, if applicable, to the Annex, including a guarantee covering the residual value risk;
- c a commitment by the competent authority in the public service contract to take over the rolling stock at predefined financial conditions at the end of the contract at market price; or
- d cooperation with other competent authorities in order to create a larger pool of rolling stock.

3 If the rolling stock is made available to a new public transport operator, the competent authority shall include in the tender documents any available information about the cost of maintenance of the rolling stock and about its physical condition.]

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2016/2338 of the European Parliament and of the Council of 14 December 2016 amending Regulation \(EC\) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail \(Text with EEA relevance\)](#).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 1370/2007 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 5a(2) comma omitted by [S.I. 2020/1470 Sch. 1 para. 2\(2\)\(a\)](#)
- Art. 5a(2) words omitted by [S.R. 2020/252 reg. 9](#) (This amendment not applied to legislation.gov.uk. S.R. 2020/252 revoked immediately before IP completion day by S.R. 2020/338, regs. 1(1), 2)
- Art. 5a(2) words omitted by [S.I. 2020/1470 Sch. 1 para. 2\(2\)\(b\)](#)
- Art. 5a(2) words omitted by [S.I. 2020/504 reg. 9](#)
- Art. 5a(2) words substituted by [S.R. 2021/337 reg. 2\(8\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex para. 6 words omitted by [S.R. 2020/252 reg. 15](#) (This amendment not applied to legislation.gov.uk. S.R. 2020/252 revoked immediately before IP completion day by S.R. 2020/338, regs. 1(1), 2)
- Signature words omitted by [S.I. 2020/504 reg. 14](#)
- Annex para. 6 words omitted by [S.I. 2020/504 reg. 15](#)
- Art. 2(b) words omitted by [S.R. 2020/252 reg. 4\(a\)](#) (This amendment not applied to legislation.gov.uk. S.R. 2020/252 revoked immediately before IP completion day by S.R. 2020/338, regs. 1(1), 2)
- Art. 2(b) words omitted by [S.R. 2021/337 reg. 2\(3\)\(a\)](#)
- Art. 2(b) words omitted by [S.I. 2020/504 reg. 4\(a\)](#)
- Art. 2(i) words omitted by [S.R. 2020/252 reg. 4\(b\)](#) (This amendment not applied to legislation.gov.uk. S.R. 2020/252 revoked immediately before IP completion day by S.R. 2020/338, regs. 1(1), 2)
- Art. 2(i) words omitted by [S.R. 2021/337 reg. 2\(3\)\(b\)](#)
- Art. 2(i) words omitted by [S.I. 2020/504 reg. 4\(b\)](#)
- Art. 2a(1)(3) words omitted by [S.R. 2021/337 reg. 2\(4\)\(b\)](#)
- Art. 2a(1)(4) words omitted by [S.R. 2021/337 reg. 2\(4\)\(c\)](#)
- Art. 5(2)(a) words omitted by [S.R. 2020/252 reg. 8\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.R. 2020/252 revoked immediately before IP completion day by S.R. 2020/338, regs. 1(1), 2)
- Art. 5(2)(a) words omitted by [S.R. 2021/337 reg. 2\(7\)\(b\)\(ii\)](#)
- Art. 5(2)(a) words omitted by [S.I. 2020/504 reg. 8\(b\)\(ii\)](#)
- Art. 5(4)Art. 5(1)(a) sum substituted by [S.R. 2021/337 reg. 2\(7\)\(e\)\(i\)](#)
- Art. 5(4)(a) sum substituted by [S.I. 2020/504 reg. 8\(e\)\(i\)](#)
- Art. 12(6) words omitted by [S.R. 2021/337 reg. 2\(14\)](#)