

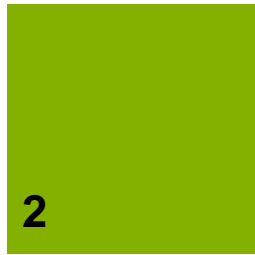
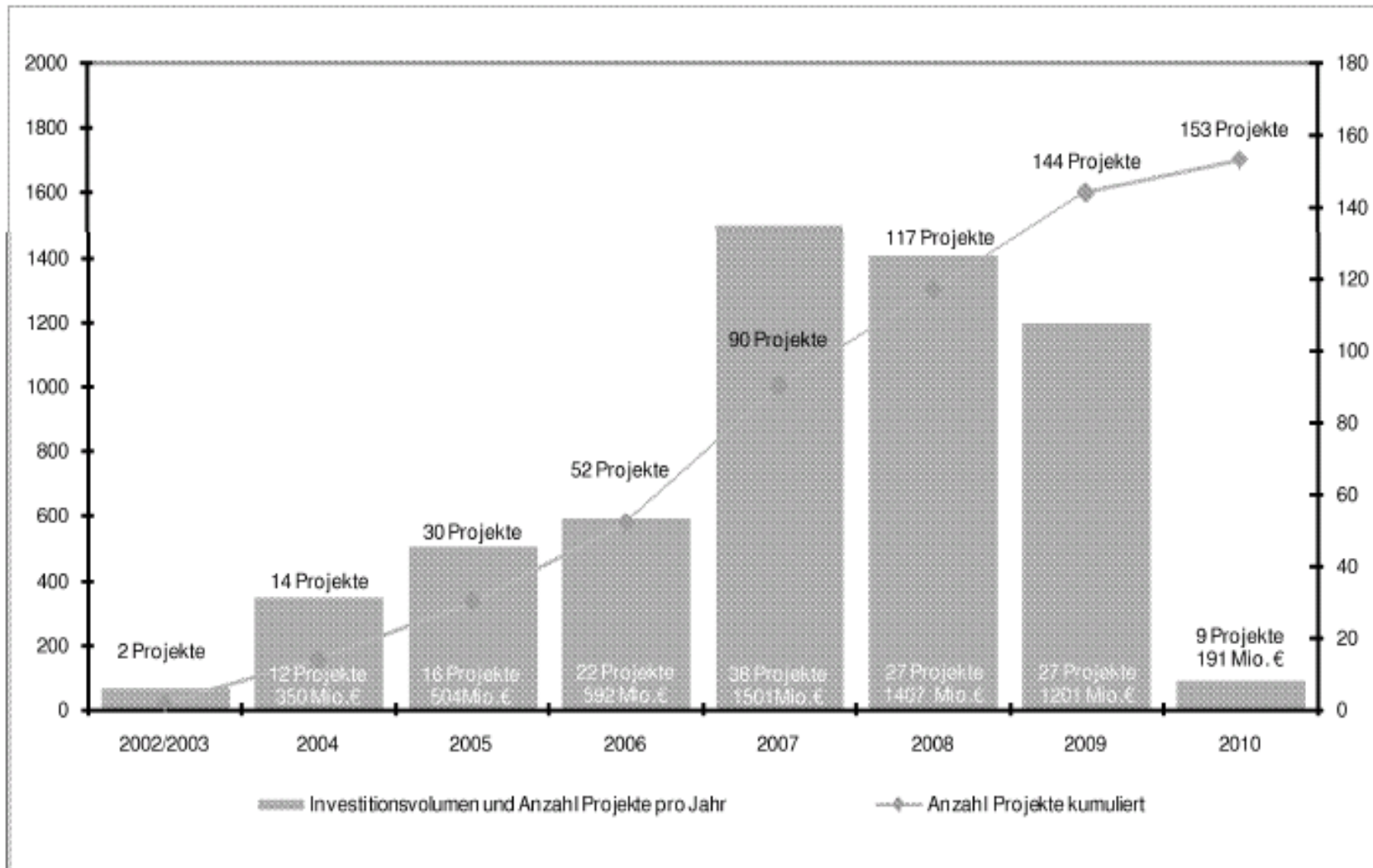


# HEUKING KÜHN LÜER WOJTEK

IBA Brussels

Germany: PPP-financing models during and after the crisis

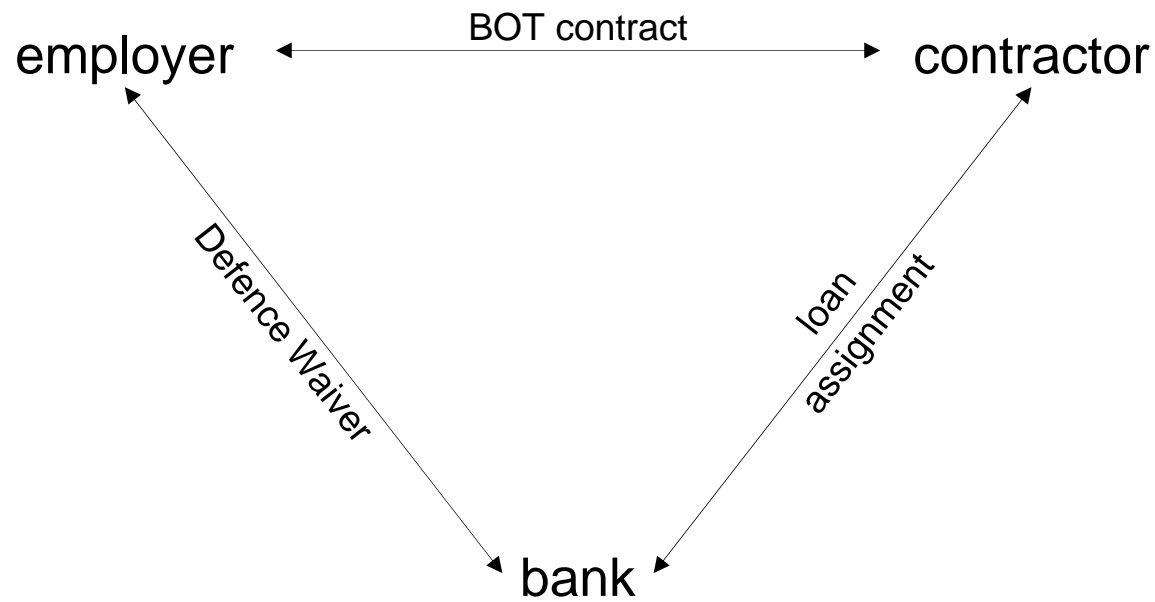
**Brussels, 17. - 18. September 2010**



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**Abbildung 1:** ÖPP-Projektanzahl und Investitionsvolumen im Hoch- und Straßenbau 2002 bis Juni 2010;  
 Quelle: PPP-Projekt Datenbank, Stand 30.06.2010

# Forfeiting



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➤ after completion

## Role of Banks in PPP-Procedures

- Bank regularly accompanies the bidder during the entire procurement process
- Bank is fully informed on bidders offer

## Exclusivity – the Role of Banks in the PPP-Procurement process

- Within the procurement process bidders are asked to provide for bank commitment at a very early stage
- Banks are approached by different bidders for respective commitment
- Can one bank give a respective commitment to different bidders?

## **Exclusivity – the Role of Banks in the PPP-Procurement process**

- EIB-compliance rules: different teams with chinese walls for different bidders
- German KfW: not practicable due to lacking resources

## Exclusivity – the Role of Banks in the PPP-Procurement process

- European Court of Justice (C-538/07): Authority would not be entitled to exclude bidders from the proceedings for using the same financing bank
- There would be no automatic assumption that one bidder knows the competitors offer in case they use the same bank
- Banks are by law obliged to confidentiality