

ANNEX No. 16

to the Agreement on Transfer of Movable Assets for Consideration and Subsequent Lease Back of Means of Transport dated [•]

SCENARIO B PENALTY

The terms defined in the Agreement shall have the same meaning in this Annex.

Under Section 17.6.2.6 of the Agreement, the amount of contractual penalty to be paid by the Seller to the Buyer should be calculated as the outstanding amount of payments in respect to Facility A of the Facilities Agreement to be made by the Buyer to the Financing Entity funding the Buyer in order to buy the Railway Carriages including but not limited to principal, accrued interest, default interest, early redemption penalties and break funding costs, any costs in respect to hedging arrangements, and other related costs linked directly or indirectly to the financing, such amounts to be evidenced by a “final statement of account” issued by the Financing Entity; calculated to the moment of occurrence of the Change of Control as if the Financing Entity accelerated the loan as a result of the respective event of default.