



FEEDBACK ON EU PUBLIC PROCUREMENT RULES – REVISION

Transport and mobility services perspective

Key messages

Security of supply, resilience, service continuity and technological neutrality must be recognised as award criteria alongside price. The lowest price alone should not be decisive where it undermines operational reliability, limits technology-neutral competition or weakens long-term value and crisis preparedness.

Technological neutrality

EU-level public procurement legislation should be based on the principle of technological neutrality in order to ensure that different powertrains and technical solutions can compete on an equal footing. Legislation must not steer the market towards a single technology or predefined solution but instead enable innovation and a diversity of approaches to develop under fair competitive conditions. Maintaining technological neutrality supports both effective competition and cost efficiency and contributes to the long-term development and resilience of the sector.

SMEs and local market structures

The position of small and medium-sized enterprises (SMEs) must be strengthened in public procurement. Procurement procedures must not favour large operators nor impose disproportionate administrative burdens that, in practice, exclude SMEs from participating in tendering processes. SMEs constitute a significant share of the transport and logistics sector, and safeguarding their ability to participate is essential for maintaining competition, regional economic vitality and employment. Measures such as dividing contracts into appropriate lots, aligning eligibility and qualification requirements with the size of the contract, and simplifying procedures would significantly improve SMEs' effective access to public tenders.

Due consideration must be given to national and local market structures in order to ensure that domestic transport operators can genuinely participate in tendering procedures. The size of contract packages, contractual conditions and technical requirements should not be designed in a way that de facto favours large, multinational operators at the expense of local and regional companies. Public procurement has a significant impact on market structures and can either strengthen or weaken domestic business ecosystems. It is therefore important that contracting authorities assess the effects of procurement design on regional competition, business diversity and employment.



Essential services and societal responsibility

Public procurement is a key instrument for ensuring access to essential transport services across the EU. In sectors such as taxi and demand-responsive transport – including publicly procured reimbursed taxi services (e.g. Kela-taxis in Finland) – procurement directly affects access to healthcare and social services, particularly in rural and sparsely populated areas.

In these contexts, procurement should not be treated solely as a cost-driven market mechanism. Models that prioritise price at the expense of availability, safety and continuity risk undermining critical services and may endanger users' health and security. In-house procurement arrangements should therefore be carefully assessed where they risk weakening service quality or crowding out professional operators.

Security of supply

Security of supply, supply chain resilience and crisis preparedness should be recognised as award criteria alongside price. The lowest price alone cannot be the decisive factor if it undermines the system's ability to function in exceptional circumstances or increases dependence on vulnerable supply chains. Recent crises and geopolitical developments have demonstrated the importance of reliable supply and operational continuity in safeguarding essential public services. Taking these factors into account in procurement decisions strengthens long-term resilience and reduces systemic risks.

Simplification, flexibility and contract management

Procurement procedures should be simplified and clarified to ensure that they are predictable, proportionate and accessible also for smaller transport operators. Complex and burdensome procedures increase costs and uncertainty and disproportionately affect smaller companies, thereby reducing effective competition. Clear and predictable rules improve market functioning and strengthen trust in the public procurement system.

Contract modification rules during the contract period should better reflect the realities of an inflationary environment. Rapid and unforeseen changes in cost levels can jeopardise the economic viability of contracts if modification thresholds are overly restrictive. More flexible mechanisms, based on objective cost indices or verified cost developments, would help maintain contractual balance and reduce the risk of suppliers being forced to perform contracts at a sustained loss.

Contract management and enforcement during the contract period should be strengthened. A recurring problem is that certain commitments are made in tender submissions, but contracting authorities do not consistently monitor compliance or intervene in cases of clear and material breaches of contract. More effective monitoring and enforcement are essential to ensure fair competition and the proper use of public funds. Contractual obligations must be subject to real oversight, and significant breaches must be addressed in a consistent and transparent manner.



When procuring transport and logistics services, contracting authorities could make use of innovative tools such as a positive compliance register identifying operators that reliably comply with applicable rules and obligations. In suitable procurement procedures, this register could be applied as one of the evaluation criteria and as an official scoring element, supporting transparency, trust and a level playing field.

Integrity and transparency

Finally, the regulatory framework should include stronger tools to address situations in which public procurement is misused for money laundering or other forms of illicit activity through the channelling of funds via procurement contracts. In order to safeguard the integrity and credibility of the procurement system, authorities must have effective powers and instruments to detect, prevent and sanction abuses. This is essential to protect legitimate operators and to strengthen transparency and public trust in public procurement.

More information:

Ms. Katriina Korhonen katriina.korhonen@finmobility.eu

Mr. Pasi Moisio pasi.moisio@finmobility.eu

FinMobility

40 rue Belliard
B-1040 Brussels, Belgium

finmobility.eu
X: @smetrabxl
LinkedIn: FinMobility
Instagram: @finmobility