

EU public procurement rules – revision.

Finnish Property Owners Rakli (Transparency Register id 727236253172-92) is association of Finland's most prominent owners of residential and commercial properties and infrastructure, property investors, largest cities in Finland, as well as construction clients. Our members include both private and public sector entities.

Finnish Property Owners Rakli welcomes the opportunity to participate in the Call for evidence on EU public procurement rules – revision. Rakli supports the objective of simplification and reducing regulatory burden in public procurement procedures. A more streamlined and flexible legal framework is needed to support efficient procurement and to create more opportunities for the suppliers.

Currently, legal uncertainty and excessive administrative burden are created as regulations are dispersed across multiple legislative acts. Provisions relevant to public procurement should be consolidated within the Public Procurement Directives, rather than scattered across numerous sector specific directives and regulations. For example, requirements related to policy areas such as sustainability or security impose obligations on procurement processes, yet today they are spread across separate legal instruments. This should be addressed in the revision.

1. Simplification is needed to ensure efficient procurement

Clear and unambiguous regulatory provisions are essential to ensure the effective functioning of public procurement. A future directive should ensure fair and efficient procurement and thus be centred on core principles such as transparency, equal treatment and non-discrimination, complemented by the overarching goal of fostering competition. Extensive, procedure specific rules and technical prescriptions are unnecessary.

The changing operating environment is rendering public procurement increasingly complex, and an expanding range of considerations must be taken into account in procedures. Procurement procedures that fail due to procedural or formal deficiencies, and consequently have to be relaunched, generate significant costs for Member States and all relevant stakeholders. The regulatory framework governing public procurement should therefore be clear and coherent, with requirements structured in a logical and consistent manner.

2. Increasing competition

Simplification of the framework may have positive effects on the market as more understandable procedures can attract more suppliers to take part. For example, tools such as the ESPD and eForms should be further improved to make them clearer and easier to

complete, especially for suppliers without specialised legal knowledge. Enhancing these tools would increase competition and reduce administrative effort also for contracting authorities.

Also, the current restrictions on clarifications often lead to the exclusion of otherwise viable bids. Contracting authorities should have greater discretion to request clarifications without this being interpreted as unlawful bid modification.

3. Streamlining procedures to avoid unnecessary administrative work

At the moment, the regulations can cause unnecessary work for contracting authorities as well as suppliers. For example, current rules limit sensible adjustments, for example in response to additional development needs or organisational restructuring. Allowing proportionate modifications during the contract term would reduce unnecessary retendering. Correction notices should also be available for amending material elements of a procurement, thereby reducing the need to cancel and restart procedures.

Finally, negotiated procedures often yield better outcomes in complex procurements, yet their use remains restricted under current legislation. Greater flexibility to use negotiation would enhance value for money and support innovative solutions.

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