

**Question for written answer E-004601/2018  
to the Commission**  
Rule 130  
**Merja Kyllönen (GUE/NGL)**

**Subject:** Possibilities to award public service contracts for public passenger transport services by rail directly at national level

**Reference:** National application of the Fourth Railway Package and PSO Regulation (EC) No 1370/2007 on public passenger transport services and Regulation (EU) No 2016/2338

**Background:**

Regulation (EU) No 2016/2338 amending the PSO Regulation (EC) No 1370/2007 of the Commission adds paragraph 4(a) to Article 5 of the PSO Regulation, which states the following:

'Unless prohibited by national law, the competent authority may decide to award public service contracts for public passenger transport services by rail directly:

- (a) where it considers that the direct award is justified by the relevant structural and geographical characteristics of the market and network concerned, and in particular size, demand characteristics, network complexity, technical and geographical isolation and the services covered by the contract; and
- (b) where such a contract would result in an improvement in quality of services or cost-efficiency, or both, compared to the previously awarded public service contract.'

For the contracts that are awarded directly, the competent authority must specify open performance requirements (concerning punctuality of services, frequency of train operations, quality of rolling stock and transport capacity for passengers in particular), which are measurable and verifiable. The Regulation also defines other possibilities for diverting from the competitive procurement standard and, for example, allows for awarding small-scale public service contracts directly.

Can the Commission say:

In accordance with Article 5(4)(a) of the PSO Regulation, is it possible for the Finnish competent authorities to continue to award public service contracts directly, without tendering, for public passenger transport by rail, if the competent authority specifies the performance requirements in the contract as defined in the Regulation, and if the direct awarding can be proven to be more efficient for society than competitive procurement based on the defined criteria, and if this possibility of direct awarding of contracts is not specifically prohibited under Finnish legislation?