

(English version)

**Question for written answer E-003697/25
to the Commission
Jonas Sjöstedt (The Left), Hanna Gedin (The Left)
(24 September 2025)**

Subject: EU rules are making rail maintenance dearer and more difficult

Västernorrland in Sweden is currently feeling the effects of climate change. Torrential rain is destroying roads, railways and infrastructure in a number of areas. This is compounded by the fact that Sweden has a major backlog where railway maintenance is concerned — maintenance that is unfortunately being delayed and hindered as a result of EU rules.

Railway maintenance work is carried out by various maintenance companies under procurement contracts. Maintenance is now slower and of poorer quality because the Swedish Transport Administration has started choosing the cheapest tender in every procurement procedure. This is because the maintenance companies appeal as a matter of course when procurement contracts worth billions of kronor are awarded. Court cases and settlements have cost taxpayers hundreds of millions of kronor ⁽¹⁾ — money that could otherwise have been used to repair the railways. Rail passengers are also paying the price, with a rail service that's getting worse by the day.

1. Does the Commission take the view that there are EU rules that in various ways make it dearer and more difficult for Member States to maintain their railways, and if so, how does the Commission intend to review those rules to secure the smooth running of the railways in Europe?
2. Does the Commission consider it reasonable that the way procurement rules are formulated in the rail sector often leads to the lowest price being the deciding factor and results in expensive court cases when the cheapest tender is not chosen?
3. Does the Commission think it is possible to comply with EU procurement rules for railways without having the extensive right of appeal currently in place in Sweden?

Submitted: 24.9.2025

**Answer given by Mr Tzitzikostas on behalf of the European Commission
(27 November 2025)**

The EU legal framework on public procurement ⁽¹⁾ provides procuring entities with a balanced framework to purchase works, goods or services from commercial undertakings globally. It applies to authorities as well as to public companies, such as rail infrastructure managers that manage large and costly projects.

EU public procurement rules guarantee fair competition between suppliers, while allowing to consider additional factors to reflect quality, technical aspects or long-term sustainability of project deliverables. Every award should be based on clear details and description of the expected deliverables.

1. The Commission considers that, in addition to the flexibility provided by the EU procurement rules, especially Directive 2014/25 ⁽²⁾, EU railway law on interoperability and safety harmonises 25 national rules into one set of requirements based on which the rail supply industry can produce standardised products, which would render cost of rail less expensive.
2. According to the above EU public procurement rules applying to the transport sector, public contracts are to be awarded on the basis of the most economically advantageous tender, not to the lowest price. The Commission has no information on the number of court cases and their costs in Sweden.
3. The right to appeal procurement decisions is enshrined in Directive 2007/66/EC and Directive 92/13/EEC as amended by Directive 2007/66/EC ⁽³⁾ and in Article 47 of the Charter of Fundamental Rights. This right is transposed by Member States and interacts with national procedural rules and organisational provisions.

¹ <https://www.dn.se/ekonomi/jarnvagen-vittrar-sonder-mitt-framfor-vara-ogon/>

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2014/23/oj/eng>, <https://eur-lex.europa.eu/eli/dir/2014/24/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/eli/dir/2014/25/oj/eng>.

⁽³⁾ <https://eur-lex.europa.eu/eli/dir/2007/66/oj/eng>.