

EUROPEAN STANDARDS OF FAIR COMPETITION IN PUBLIC ADMINISTRATION OF UKRAINE

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Abstract. The *subject* of the present study is the incorporation of European standards of fair competition into Ukraine's public administration through administrative procedures that govern access to public resources. The research focuses on the applied interaction between fair competition and good governance as procedural benchmarks for legality, predictability, and equal contestability in public decision-making. It pays particular attention to public procurement reform via Prozorro and to broader resource-allocation regimes under conditions of martial law and European integration. *Methodology.* The methodological framework underpinning this study combines comparative legal analysis and systemic institutional analysis, complemented by case-oriented examination of data-enabled governance instruments in Ukraine, including Prozorro and electronic auction mechanisms, as well as the EU-derived logic of narrow and reasoned exceptions, transparency, and reviewability. The *objective* of the present study is to conceptualise European standards of fair competition as an element of good governance in Ukraine's public administration. In addition, the study will assess how procedural safeguards and digital transparency mechanisms shape equal access to public resources across procurement and related allocation regimes under conditions of European integration and martial law. The study's *findings* indicate that competition within the public sector is predominantly influenced by procedural design. Mechanisms such as transparency, non-discrimination, proportionality, adequate reasoning, the right to be heard, conflict-of-interest controls, and effective remedies function as safeguards, constraining selective advantages and systematically embedding equal access. Although digitalisation strengthens these safeguards by making decision criteria and patterns observable on a large scale, it does not guarantee fair competition where procedures still permit discriminatory specifications, fragmentation, formalistic exclusions or the abuse of exceptions. Evidence from wartime procurement dynamics confirms that competitive outcomes are sensitive to the scope of non-competitive regimes and the controllability of derogations. *Conclusion.* European standards of fair competition in Ukraine should be regarded as a governance architecture that integrates good administration, digital transparency, and competitive neutrality into a unified procedural discipline for the allocation of public resources across procurement, state support measures, and public asset management.

Keywords: fair competition, good governance, administrative procedures, competitive neutrality, public procurement, Prozorro, state aid, public resources, transparency, EU integration, martial law.

JEL Classification: L40, D73, H57, H40, F15, H56

1. Introduction

Ukraine's European integration trajectory has brought the issue of fair competition to the forefront, not only as a subject of antitrust enforcement, but also as a criterion of the quality of public administration in general. In a modern state, competition is not formed exclusively in markets for goods and services. It is evident that this phenomenon manifests in domains where public authorities establish the regulations

governing access to opportunities, allocate financial and material resources, issue permits, determine the conditions for participation in support programmes, and conclude public contracts. Consequently, administrative procedures are the milieu within which equal opportunities can be guaranteed, or, in contrast, inequality can be perpetuated through excessive discretion, opaque criteria, and the preferential implementation of regulations. In this context, the

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principles of fair competition and good governance are to be understood as interconnected standards that secure legality, predictability, and equitable contestability within public governance.

European approaches are predicated on the premise that fair competition necessitates procedural safeguards, without which competition is reduced to a formal declaration. Such safeguards include transparency and clarity of participation conditions, non-discriminatory requirements, proportionality of administrative intervention, adequate reasoning of decisions, effective complaint and review mechanisms, and institutional accountability. These elements constitute the substantive content of good governance in its applied dimension. It is evident that the primary objective of the aforementioned measures is to ensure the protection of participants in administrative procedures. In addition to this, the neutrality of the state in establishing rules of access to resources and applying regulatory regimes is also secured. For Ukraine, which is undertaking a concurrent modernisation of its governance and implementing European integration commitments, this neutrality is of systemic significance in conditions of heightened competition for public resources and increased risks of distorted allocation.

Of particular significance is public procurement, where European competition standards are most operationally expressed through requirements of procedural openness, equal treatment of tenderers, and integrity-oriented control over contracting authority decisions. Research based on data from Ukraine's electronic procurement platform indicates that, in the context of full-scale war, procedural changes and the expansion of non-auction procurement were accompanied by reduced competition and a loss of part of price efficiency, demonstrating the sensitivity of competition to procedural design and the scope of exceptions (Klymak & Vlandas, 2024). Conversely, it should be noted that digitalisation in itself does not guarantee fair competition if procedural design continues to allow discriminatory technical specifications, manipulative use of exceptions, fragmentation of procedures, or formalistic rejection of bids. In this regard, the European standard pertains to the attainment of competition as an outcome through the implementation of suitable regulations, their consistent enforcement, and the provision of effective oversight.

The competition for access to state resources extends beyond the realm of procurement, encompassing a multitude of factors. These include financial support measures, the disposal and management of public property, concession mechanisms, access to infrastructure, licensing, and other regulatory regimes. Empirical findings on electronic auctions for leasing rights to public land resources in Ukraine suggest that a shift to transparent online procedures can substantially increase revenues and strengthen

competition by lowering information barriers and limiting opportunities for collusion (Deininger et al., 2023). This underscores a general conclusion for public administration: fair competition depends on the reproducibility of decisions, the openness of criteria, the controllability of exceptions, and the genuine accountability of public authorities.

2. Incorporation of Fair Competition and Good Governance Principles into Administrative Procedures

The integration of the principles of fair competition and good governance into administrative procedures signifies a transition from purely material regulation to a procedural architecture that renders decisions of public authorities verifiable, reproducible and impartial. European logic is predicated on the premise that competition in the public sector occurs whenever a state determines the rules for access to opportunities and resources or sets conditions for participation in an administrative regime. In this configuration, the procedure itself becomes the primary distortion fuse, as it imposes limitations on the available selectivity and guarantees uniformity of approach when comparing different situations. It is noteworthy that comparative studies of European administrative law consistently observe the replicability of fundamental procedural requirements across diverse national systems. This observation pertains to the right to be heard and the requirement to provide a rationale for decisions, irrespective of discrepancies in the specifics of codification (Della Cananea & Parona, 2024).

The European concept of transparency encompasses a wider scope than merely the publication of the final decision. It establishes the conditions for participation, provides clarity on the criteria, facilitates familiarisation with the case materials, and ensures the procedural manageability of communication between the administration and the addressee of the decision. Transparency is a prerequisite for competition, insofar as it reduces information asymmetry, eliminates hidden requirements, and increases the cost of manipulation. In practical terms, this signifies that the regulator or public administration body must formulate the case in such a manner that any external control can reproduce the logic of decision-making. Concurrently, the procedural transparency does not nullify the safeguarding of confidential information. The European standard requires that the limits of confidentiality be justified, rather than serving as a substitute for a lack of motivation.

The principles of non-discrimination and equality in the administrative procedure are manifested as the prohibition of selective application of rules and the requirement of equal treatment of subjects in comparable situations. This is directly related to the

concept of fair competition, since discriminatory requirements or uneven procedural barriers actually redistribute the chances between participants even before evaluating their proposals or arguments on the merits. In procedural design, the neutrality of criteria, their suitability for verification, and the absence of hidden conditions that can only be met by a narrow circle of subjects become critical. In this context, the administrative procedure functions as a filtration system that not only eliminates arbitrariness but also structural distortions that emerge as a consequence of ambiguous requirements and excessive reliance on internal interpretations by the body in question.

Proportionality establishes the limits of administrative intervention and, at the same time, sets the standard for justification. It stipulates that the means employed must be necessary and proportionate to the legitimate aim, and that less burdensome alternatives must be considered during the decision-making process. In the context of competition for access to resources, proportionality has a dual impact. It reduces the risk of regulatory requirements becoming hidden barriers to entry while increasing confidence in the results. This is because participants can see that the restrictions follow from a logical risk-based approach and are not arbitrary. In practice, this means that an internal proportionality test is required for each procedure where a decision affects a person's rights or economic opportunities. It is also required in the discipline of proof when the body does not simply refer to public needs, but demonstrates a causal relationship between the facts of the case, the risk assessment, and the chosen solution.

Good decision-making and the right to be heard are at the heart of good governance, combining procedural fairness with institutional accountability. The European doctrine emphasises that the right to proper administration is a general principle that establishes requirements for the consideration of cases and communication with individuals. In this sense, the thesis that "the right to good administration constitutes a general principle of EU law" (Craig, 2021) is indicative. The right to be heard goes beyond the mere ability to submit documents in a formal manner. It provides a genuine opportunity to influence the outcome of the decision, ensuring that an individual's arguments are considered and reflected in the reasoning, and that the rejection of key arguments is clearly explained. Motivation is a tool for monitoring non-discrimination and proportionality because it shows which criteria were applied, which evidence was accepted and which risks were assessed. It also explains why a particular decision was chosen.

For Ukraine, the practical incorporation of these principles implies consistency of general rules of administrative procedure with sectoral regimes, especially where state decisions determine access

to budget funds, property, permits or other scarce opportunities. In such an architecture, fair competition is not merely a consequence of declarations; rather, it is the result of the discipline of an administration that functions through transparent rules, equal treatment, and verifiable motives. It is also important that appeal mechanisms are an organic part of the procedure, and not an external application, since they provide correction of system errors and form stable expectations of participants. It is noteworthy that contemporary research has identified a correlation between the quality of access to legal protection and procedural guarantees, where transparency and due process are recognised as fundamental conditions for institutional responsibility. In this regard, the term "lack of transparency, inadequate remedies, and ineffective oversight" offers a concise yet comprehensive characterisation of the risks to rights and trust in joint administration (Nicolosi & Omičević, 2025).

A logical extension of the above procedural framework is the requirement of competitive neutrality of the state as a standard of good governance in areas where administrative decisions affect access to opportunities and resources. The content of the decision is that decisions made by a public administration body should not result in the creation of unjustified privileges for individual entities, nor should they establish barriers that do not stem from the legitimate purpose of regulation and are not necessary to achieve it. In contemporary approaches pertaining to the implementation of OECD recommendations, the concept of competitive neutrality is articulated as the practical obligation of the state to ensure it to the maximum possible extent. This is evidenced by the recommendation made to governments to "ensure competitive neutrality to the maximum extent practical and unnecessarily overriding Public Policy Objectives require otherwise" (Smith et al., 2023).

In the procedural dimension, a set of tools provides competitive neutrality by making decisions verifiable and limiting selectivity. Motivation standards are crucial since they show which facts have been established, which criteria have been applied, how the parties' arguments have been evaluated and why a certain solution has been chosen. Regulation of conflicts of interest reduces the risk of procedures being secretly directed towards predetermined outcomes, thus supporting equal access. The openness of data, in particular the disclosure of criteria, decisions and key parameters of procedures, has been demonstrated to reduce information asymmetry and create conditions for identifying system distortions. The concept of control of discretion hinges upon the establishment of clear boundaries that delineate the scope of administrative discretion. It also entails a concomitant obligation to provide a rationale for any deviations from established practices in analogous circumstances. This principle

fosters predictability in the realm of administrative conduct. It is submitted that effective means of appeal are instrumental in finalising this design, as they provide correction of errors in a particular case and, concomitantly, establish stable standards of due process for analogous cases.

3. Impact of European Standards on Public Procurement Reform in Ukraine (Prozorro)

European standards in the field of public procurement establish a procedural framework for competition rather than a declarative one. In EU law, the fundamental requirement is that customers treat economic operators equally and without discrimination, and act transparently and proportionally. This effectively transforms equal treatment and transparency into a daily criterion for the legality of procurement decisions (European Parliament and Council, 2014). In accordance with this logic, competition is regarded as the prevailing modality for accessing a contract, with deviations from competitive procedures being permissible solely as exceptions. These exceptions are expected to be constrained by legal justifications and overseen through a process of motivation. It is noteworthy that the official materials of the European Commission explicitly emphasise the exclusivity of non-publication procedures, indicating that the negotiation procedure without publication can only be applied in very specific cases defined by the directive (European Commission, 2021). This design, however, does not allow for the development of skills through practice, as the exception becomes a convenient means of regularly circumventing competition. The exception, in this context, necessitates a rational and verifiable justification.

The public procurement reform in Ukraine, with the introduction of the Prozorro system, has become a conduit for the practical implementation of this European logic in national administrative action. The institutional effect of this process is that the principles of equal treatment and transparency have received a technical form of execution through a digital trace of procedures and standardized disclosure of data. This, in turn, makes the customer's decisions reproducible for monitoring and comparison purposes (Niewiadomska, 2025). In this sense, Prozorro functions as an intermediary between legal principles and data. The legal framework establishes the parameters, while data provides a means to assess whether these parameters facilitate participation or merely serve as a foundation for formal compliance. An extensive study of procurement during the war period on an array of more than one million procedures has shown that changing regimes and increasing the share of simplified mechanisms is correlated with a decrease in competition and losses of part of price

efficiency. This means that the competitive result is directly dependent on the procedural design and the scale of exceptions (Klymak & Vlandas, 2024).

In the Ukrainian context, it is crucial to acknowledge that transparency extends beyond the mere publication of an advertisement or result; rather, it is employed as a comprehensive surveillance infrastructure. The joint case study of the Open Contracting Partnership and Transparency International Ukraine demonstrates that the implementation of open access to data via the API has facilitated the creation of analytical tools for a range of user groups. These include the free public module BI Prozorro and the professional module ProBI, which are utilised by authorities, businesses and the public sector to monitor procurement behaviour and risks (Open Contracting Partnership & Transparency International Ukraine, 2024). This ecosystem reinforces competitive guarantees because violations of the principles of equal access become visible at the level of patterns. These include repeated discriminatory requirements, abnormal deadlines, fragmentation of lots, concentration of wins, and signs of coordinated behaviour. This is of particular importance in the context of collusion risks, as the OECD emphasises that effective tender design and the identification of collusion practices are fundamental conditions for preserving genuine competition in public procurement (OECD, 2021a). Furthermore, OECD profile reviews explicitly state that the public BI Prozorro module contains 49 dashboards that cover the procurement stages and support monitoring and in-depth data analysis (OECD, 2025).

Concurrently, the Ukrainian experience of war demonstrates the rationale behind the European standard's insistence on a narrow interpretation of exceptions and their proper justification. In circumstances where the rate of supply becomes the paramount criterion, competitive mechanisms may be susceptible to deterioration, not due to criminal intent, but rather as a consequence of the proliferation of streamlined frameworks and the diminution of procedural safeguards. Empirical evidence indicates an increase in the proportion of successfully completed purchases, concurrently with a reduction in price efficiency. This suggests that the trade-off between efficiency and competition should be manageable, rather than spontaneous. It is the procedure that determines the limits of acceptable deviation (Klymak & Vlandas, 2024). In this context, Prozorro is not only a trading platform, but also a mechanism for returning to competitive mode after crisis phases, as it allows for the swift restoration of publicity and controllability of decisions based on market confidence and predictability of rules (Niewiadomska, 2025).

In the context of procurement, competition is facilitated through the implementation of standardised procedures and data. Conversely, within the broader

domain of public administration, the issue of generating open competition for access to public resources, including permits, licences, concessions, public property and financial support, emerges as a pivotal concern. The potential for unjustified privileges and barriers in this setting is contingent upon the quality of procedural design.

Ukraine's transition from the transparency model of public procurement, in which procedures are published, to the procurement risk management model logically follows from the European approach to public procurement, which is predicated on the principle that procurement rules should have a practical effect on the principles of equal treatment, non-discrimination, proportionality and transparency, and that the market for public contracts should be opened to competition (European Parliament and Council, 2014). In this framework, the key problem for military and post-war Ukraine is not the availability of ads and protocols, but rather the system's capacity to identify and rectify typical mechanisms of competition distortion, collusion in auctions, fragmentation of the subject of purchase, discriminatory requirements, manipulation of qualification criteria, abuse of exceptions and uncontrolled discretion of the customer in time. In the context of EU law, exceptions to competitive procedures are understood as a narrowly defined concept. With regard to the negotiation procedure, which does not involve prior publication, it is acknowledged that this procedure constitutes an exception to all procurement rules and principles, necessitating a narrow interpretation (Erdoğan & Štefan, 2023). The absence of preliminary transparency has the potential to transform the entire selection cycle into a process characterised by unequal access conditions, where the rules of the game are not known in advance and, consequently, the principle of competition is effectively circumvented (Erdoğan & Štefan, 2023). This is why the Ukrainian approach is gradually shifting towards risk-based surveillance. In this model, Prozorro's open data is used to identify suspicious patterns and prioritise inspections, rather than to legitimise decisions. In contemporary literature, this is described using a combination of procedural safeguards and analytical indicators, in particular "Previous network studies have used 'red flag' indicators (e.g., a contract with a single tenderer, a closed tender procedure, or a concentration of expenditure)" (Waxenecker & Prell, 2024), which in themselves are not evidence of a violation but form a vulnerability map where competition is most likely to be replaced by closed supplier networks. In parallel, the approach to combatting cartels in procurement through forecasting and continuous monitoring tools is being developed. This approach emphasises the practical value of complete transactional data in electronic systems: "Nearly all public procurement transactions in centrally

maintained e-procurement systems are of great value, not only for cartel risk detection" (Fazekas et al., 2023). For Ukraine, the next stage after achieving universal openness is the institutional cross-linking of law and data. This involves formalising requirements for motivating and justifying exceptions, establishing standards for conflicts of interest and controlling discretion, and integrating these with risk indicators, automated signals and clear response routes for auditing, antitrust control and appeals. The Prozorro ecosystem already incorporates the logic of this transition, including functions that allow high-risk transactions to be identified and submitted to monitoring and enforcement agencies (Niewiadomska, 2025). At the same time, maintaining a competitive edge requires more than just tools; it also requires a shared understanding of the process. Even with a digital platform, there are gaps in how different stakeholders interpret and use data, which makes proper procedures and public control more difficult (CEP KSE, 2017).

4. Creating an Environment of Open Competition for Access to Public Resources in Ukraine

In European logic, open competition for access to public resources begins with the state not only allocating funds, property or permits, but also creating predictable rules that minimise market distortion and reduce the scope for selective preferences. In the field of state aid and subsidies, ensuring that interventions are compatible with the competitive environment is paramount. The European model of state aid assumes that selective economic benefits pose a high risk of undermining equal conditions. Consequently, EU law imposes a general ban on state aid, accompanied by a list of exceptions and control procedures. The European Commission states this as clearly as possible: "To prevent companies doing business in the internal market from receiving selective advantages that distort competition, the TFEU contains a general prohibition of state aid" (European Commission, 2013). This presumption establishes a benchmark for Ukrainian public administration when designing support programmes, particularly during recovery periods when there is a strong temptation to make decisions quickly through non-competitive mechanisms.

The key challenge for Ukraine remains the procedural implementation of principles under martial law and the large volume of state interventions, rather than the declaration of principles itself. The European Commission's assessment of Ukraine's progress in competition and state aid explicitly states that the state aid rules are suspended during wartime. This means that new and modified schemes are not subject to full notification and control. The focus shifts to restoring

the control and inventory institution after the war (European Commission, 2023; European Commission, 2024). The European Commission also explains this logic through the basic goal of the regime: "Governments are only permitted to grant state aid if they meet certain restrictive conditions, in order to prevent the distortion of competition" (European Commission, 2024). In terms of administrative procedures, support programmes should not be designed for resource allocation, but rather as a reproducible decision-making process with transparent criteria, verifiable compatibility conditions and mandatory reporting.

A separate layer of open competition formation is related to how the state provides access to property, land, mineral resources, concessions, leases and privatisation assets. In this instance, the European standard is reduced to competitive design as the default rule, and deviations are permitted only on narrow and reasonable grounds. The Ukrainian practice in this section is worthy of note as digital tools gradually transform competition from a mere declaration into a measurable process, where decisions can be verified with data. The OECD records this via Prozorro. The state not only sells assets, but also lease rights to land plots and special permits for the use of mineral resources. These are the very resources where the risks of closed distributions and informal agreements have historically been concentrated (OECD, 2021b). Research on Ukrainian data also confirms the empirical effect of competitive and digital design. An analysis of the 2021 reform that made electronic auctions mandatory for transferring lease rights to public agricultural land shows a significant increase in income and a decrease in collusion opportunities, as "the shift to a collusion-proof electronic auction system increased lease revenue by 175%" (Deininger et al., 2023). In the context of administrative law, competitiveness must be "embedded" in the procedure as a technical and legal standard. This includes requirements for announcements, completeness of information, selection parameters, event recording and the formation of an audit trail.

Another aspect of open competition relates to state-owned enterprises, grants and support programmes. The risk of competition distortion arises not only from direct subsidies, but also from cross-subsidisation, opaque financial relations and the blurring of the distinction between public service obligations and commercial activities. Within the framework of the Ukraine Facility, the Ukrainian plan explicitly emphasises the need to restore control of state aid and create a special public register for assistance beyond thresholds, until full control is restored. It also emphasises the need to conduct sales of state assets through competitive, transparent and non-discriminatory procedures, in order to exclude hidden state aid and ensure market conditions

(Government of Ukraine, 2024). In procedural terms, this means that the administration is responsible for justifying its decisions, properly documenting financial flows, making beneficiary data public and effectively reviewing decisions, including judicial ones. This restores the role of public administration to that of a rule arbitrator rather than a distribution manager.

For Ukraine, the combination of good governance procedures, digital transparency and a competitive neutrality regime establishes a practical standard of fair competition as an everyday administrative discipline, rather than as a separate policy or purely antitrust strategy. Good governance establishes a framework of procedures through which decisions can be made in a predictable and verifiable way, based on reasoning, proportionality, non-discrimination, conflict of interest control and the right to an effective review. Digital transparency is instrumental in facilitating this framework, as open data and electronic registers render visible criteria, the course of the procedure, deviations from standard practices and repetitive patterns of risky behaviour that cannot always be seen within a single case. The regime of competitive neutrality is designed to ensure that the state does not create unjustified advantages or barriers, and that public instruments are applied so that the market perceives them as equal conditions, rather than as a channel of privileges.

In practical terms, this signifies that competition is no longer contingent upon the integrity of a single official, but rather, it becomes intrinsic to the system itself. Within the domain of procurement, this phenomenon assumes the form of a pronounced competitive regime and a circumscribed understanding of exceptions, necessitating substantiated justifications and enhanced oversight. In the context of state aid, this entails the alignment of support with the competitive environment, ensuring transparency in the schemes, accounting, and control mechanisms. This is to prevent the subsidy from becoming a selective advantage. In the context of concessions, leases, sales of public property, access to mineral resources, grants and support programs, this principle entails the implementation of competitive design processes, transparent admission and selection criteria, reproducible decisions that can be audited for adherence to the stipulated rules and the absence of conflicts of interest. In all these modes, digital tools are valuable not as a showcase, but as a risk management mechanism that allows the user to identify collusion, fragmentation, discriminatory requirements, and abuse of exceptions before they become the systemic norm.

For Ukraine, which is operating under martial law and undergoing reconstruction, this Triune model assumes added significance. This approach enables the synthesis of expeditious decision-making with a robust framework of accountability, underpinned

by clearly defined rules of retreat and evidence-based motivation. This framework serves to minimise the probability of temporary exceptions evolving into a permanent practice. Furthermore, it harmonises the multifarious channels of distribution of public resources into a unified logic, whereby procurement, state aid, property management and licensing regimes are subject to common procedural requirements. This is how the practical standard of fair competition in the public administration of Ukraine is formed, when equal access conditions are provided not by promises, but by the procedure, data and neutrality of the state as a guarantor of the rules.

6. Conclusions

This paper has demonstrated that European standards of fair competition in Ukraine cannot be reduced to antitrust enforcement alone. It is becoming increasingly evident that they are operating as a governance benchmark for public authorities in the design and application of administrative procedures that allocate opportunities, rights and public resources. From this perspective, competition is not merely an economic outcome, but rather a procedural condition of legitimacy. In circumstances where the rules of access are clearly defined, decisions are made on a rational basis, discretion is effectively limited, and review mechanisms are functioning effectively, competitive pressure becomes structurally embedded. In circumstances where criteria are opaque, exceptions are expanded without justification, or remedies are found to be ineffective, inequality of opportunity is reproduced through the very mechanisms of administration.

Analysis of administrative procedures confirms that fair competition and good governance are mutually reinforcing standards. Values such as transparency, non-discrimination, equality, proportionality, adequate reasoning and the right to be heard are not just abstract concepts; they are operational safeguards that ensure comparable treatment in comparable situations. In the Ukrainian context, these safeguards are particularly important because administrative decisions often determine market entry conditions, access to scarce resources and eligibility for support. A procedure based on verifiable criteria and accountable reasoning minimises selective advantages and bridges the gap between formal legality and substantive equality of access.

In this framework, competitive neutrality emerges as the connecting principle that translates procedural guarantees into market-relevant outcomes. It stipulates that public decisions must not create unjustified privileges or barriers, and that any deviation from equal conditions must be justified by a legitimate public objective and supported by proportionate measures. Thus, competitive neutrality shifts the burden from

rhetorical commitments to demonstrable decision logic. It also clarifies the institutional significance of conflict-of-interest rules, open data and control of discretion. These are not merely technical compliance tools; they are mechanisms that prevent the state from distorting the competitive landscape.

The public procurement reform implemented through Prozorro illustrates how European standards can be institutionalised through a combination of legislation and data collection. The system has transformed transparency into a reproducible evidence base, enabling both administrative and civic oversight. However, Ukraine's wartime experience also shows how easily competitive outcomes can be undermined when exceptions are expanded or simplified regimes dominate. The lesson to be derived from this is not that flexibility must be rejected, but rather that it must be procedurally governed. In order to prevent emergency tools from becoming a permanent means of bypassing competition, it is necessary to employ narrowly construed exceptions, evidence-based justification, and post control.

The broader allocation of public resources through state aid, concessions, leases and sales of public property, access to mineral resources, and grant programmes confirms that procurement is only one segment of a larger administrative economy. The risk structure is analogous across these regimes: selective advantage, weak comparability of decisions, and under controlled discretion can distort markets and undermine trust. The European logic underpinning this approach is predicated on the establishment of a uniform administrative discipline across domains. In this paradigm, competitive design is the prevailing modus operandi, criteria are transparent, and decisions are reproducible through documented reasoning. Digital platforms and open data have been demonstrated to strengthen this discipline by making patterns of fragmentation, discriminatory requirements, collusion risks, and abuse of exceptions detectable at scale.

In order to facilitate the reconstruction and integration of Ukraine, it is imperative to recognise the significance of a practical standard of fair competition, which is defined by three fundamental elements. Good governance provides procedural guarantees that stabilise expectations and enable accountability. Digital transparency is the provision of an evidence infrastructure that facilitates the practical enforcement of rules, as opposed to their enforcement in a theoretical context. Competitive neutrality is a principle that ensures that administrative decisions translate into equal conditions of access and prevent selective distortions. When these elements are coherently applied, fair competition becomes a daily administrative discipline and a foundation for credible public resource governance under conditions of high demand, limited capacity, and heightened integrity risks.

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Received on: 29th of November, 2025

Accepted on: 20th of January, 2026

Published on: 17th of February, 2026