

EASPD Briefing Paper

European Commission's evaluation of the EU public procurement directives (2025)

**key findings and implications
for disability service providers**



Policy briefing

European Commission’s evaluation of the EU public procurement directives (2025): key findings and implications for disability service providers

Table of Contents

| | |
|---|---|
| Background | 2 |
| Introduction | 2 |
| Key findings | 2 |
| The “light regime”: low use, high complexity | 3 |
| Reserved contracts: low uptake and design flaws | 3 |
| Persistent barriers for non-profit and social economy service providers | 4 |
| Socially responsible public procurement (SRPP) vs “lowest price” approach | 4 |
| Inconsistencies across Member States & low cross-border dimension of social services..... | 5 |
| Positive developments acknowledged by the EC..... | 6 |
| Implications for EASPD members..... | 6 |
| Conclusions | 7 |

Background

The EU spends around 15% of its GDP on public procurement. How this money is spent directly affects EASPD members. Through public procurement, our members can secure contracts to deliver essential disability care and support services, invest in quality workforce conditions, and create meaningful employment opportunities for people with disabilities. Yet, in reality, public procurement is complex and risk-laden, many of the mechanisms meant to support our sector remain out of reach. This briefing sets out the core obstacles disability service providers face in accessing public funds, as per the [European Commission's evaluation of public procurement directives](#), and makes clear why fundamental changes in the procurement framework are urgently needed.

Introduction

Over this and the upcoming year, the European Commission (EC) is revising the EU public procurement rules. For this reason, it published a comprehensive evaluation of its related directives, providing evidence and useful insights into how to reshape the existing legal acts.

The EU's public procurement framework governs how public authorities purchase everything from construction to IT services, but includes a specialised section designed to accommodate the unique nature of disability service providers. A recently published [evaluation](#)¹ reveals a significant implementation gap, which confirms the majority of the [issues consistently raised by EASPD](#) and its partners: overly complex rules, limited use of social tools, insufficient uptake of quality criteria, barriers for non-profit social service providers, and a lack of ambition to use the directive to improve implementation of the UNCRPD.

EASPD prepared this briefing to highlight the key findings related to our sector and provide a brief analysis of them, relevant to our members. Please note that the briefing does not necessarily reflect EASPD's views but rather informs about the report's conclusions and how they relate to EASPD's work.

Key findings

The flexibilities intended to prioritise quality, continuity, and social impact in this sector remain largely unused. Member States overwhelmingly apply standard procurement approaches across all contract types, treating social services no differently than infrastructure projects. Implementation also varies widely across countries, creating

¹ Commission Staff Working Document Evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities.

inconsistency throughout the EU, while cross-border procurement in this sector remains minimal.

This creates systematic barriers for non-profit organisations and social economy providers that employ disadvantaged workers, despite the fact that they are the best-suited organisations to deliver person-centred care. The result is a procurement system that does not support how social services actually work. In the sections below, a more detailed description of the key findings of the report in relation to social services.

- **The “light regime”: low use, high complexity**

The light regime (Articles 74–77) is a simplified set of public procurement rules designed to allow public authorities to buy social and care services in a more flexible and less bureaucratic way than usual. The light regime recognises the **specific characteristics** of social services: quality, continuity, accessibility, affordability, availability, comprehensiveness, user needs, inclusion of vulnerable groups, user involvement, and innovation.

The evaluation highlights that the light regime is not functioning as intended for social and health services. Contracting authorities often lack clarity and confidence on how to use the light regime and fear legal cases. As a result, “nearly four out of five” contracts that fall under the light regime were instead tendered using the general rules in the Directive, and only 7 out of 100 analysed contracts used the light regime correctly. Moreover, the evaluation found that reserved contracts were used only 70 times in six years across all EU countries.

In addition, Article 77 includes two separate time restrictions that, when combined, make it very difficult for organisations to rely on reserved contracts in a stable or predictable way: the three-year maximum contract duration (a reserved contract can run for no longer than three years); and the three-year non-award rule (an organisation cannot receive another reserved contract for the same service for the next three years). Quality of disability support services depends on continuity, stability, and uninterrupted human relationships, so the combination of these limitations makes the reserved contract a not-so-attractive option for service providers.

Consequently, social services are being procured under frameworks better suited to, for example, construction or IT contracts. The intended flexibility for person-centred, continuity-based services (Article 76 criteria: quality, continuity, accessibility, user involvement, innovation) remains underused. Last but not least, many providers face administrative barriers, and contracting models are incompatible with service quality.

- **Reserved contracts: low uptake**

Article 20 was designed to reserve the right to participate in public procurement for sheltered workshops or businesses that employ disabled or disadvantaged people.

Despite potential benefits the usage of this article may give, the report shows little evidence of it being used in the Member states: from the reported cases, only one such contract was used in Hungary, 15 in Slovakia, and 4 in Slovenia.

- **Persistent barriers for non-profit and social economy service providers**

The evaluation highlights that non-profit organisations face difficulties accessing public contracts despite the flexibilities offered: “the non-governmental and non-profit organisations involved in the provision of social services face difficulties concerning access to public contracts.”

Competitive tendering models often prioritise price over quality, and smaller social economy providers (typical for EASPD members) find it difficult to compete. On top of that, the lack of division of big tenders into lots and disproportionate requirements makes it difficult for disability support providers to compete with other economic actors. This leads to the conclusion that the specific nature of social care and support services is not addressed in the directives.

- **Socially responsible public procurement (SRPP) vs “lowest price” approach**

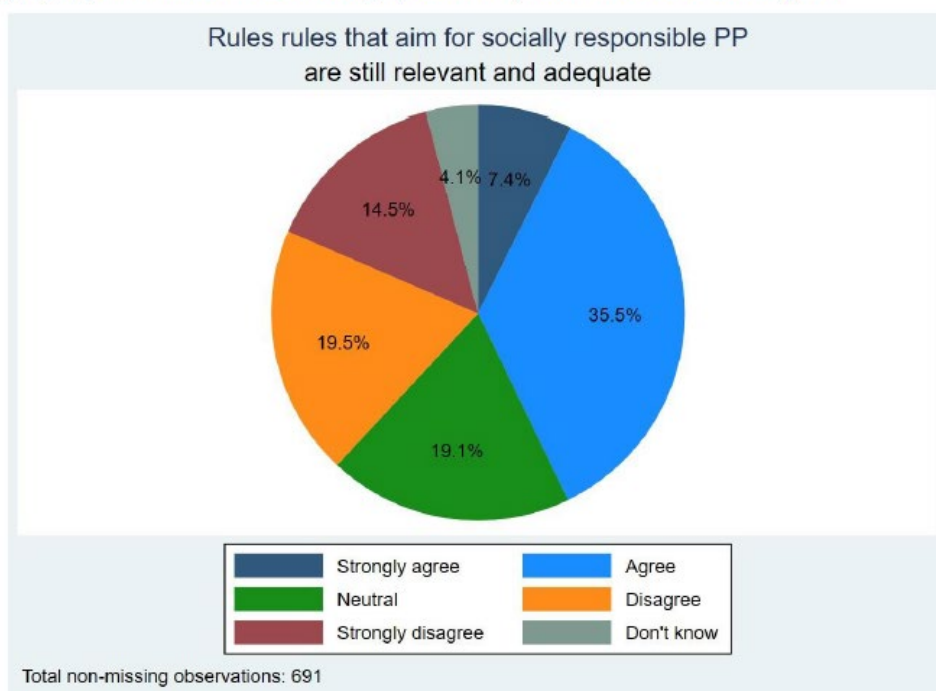
The directives contain MEAT (Most Economically Advantageous Tender) and BPQR (Best Price-Quality Ratio) principles, which allow public authorities to award contracts based on the best overall value, taking into account quality, social impact, and other important criteria, rather than simply choosing the cheapest offer.

The EC evaluation shows that Member States mostly do not use social criteria, despite having the legal tools to do so. Instead, many authorities default to the familiar approach of awarding contracts to the lowest-price bidder, driven by fear of legal challenges and a lack of expertise on how to integrate social considerations into tendering. “Risk of legal actions” is among the top barriers. “Lack of capacity of public procurement staff” and “lack of professionalisation” complete the biggest challenges list to use the social criteria.

This becomes a significant risk, since very often a lower price is due to the cuts in staff costs in the provided bids. But because employers of people with disabilities cannot cut support or wage costs without harming workers, lowest-price procurement places them at a competitive disadvantage compared with operators who reduce labour standards to offer cheaper bids.

EASPD repeatedly called for SRPP to be the default standard instead of the “lowest price option” and to exclude abnormally low tenders from the bidding process. As can be seen in the figure below (p. 140 of the evaluation), the SRPP remains highly relevant in the Member States.

Figure 36. The directives' rules that aim for socially responsible procurement (e.g. reserved contracts, requirements on accessibility for people with disabilities and design for all users) are still relevant and adequate



- **Inconsistencies across Member States & low cross-border dimension of social services**

The evaluation indicates that cross-border participation in social service procurement is almost non-existent, with only 0.1% to 0.6% of contracts attracting providers from another Member State. This is explained by the fact that social services have different contexts in all Member States because of each country’s distinct administrative, organisational and cultural circumstances. Consequently, Member States should retain broad discretion in determining how service providers are selected.

The evaluation documents generally low and highly uneven usage of the light regime, social clauses, and reserved contracts, which could partially be explained by a lack of consistent EU-wide practice recognising the specificities of social services or disability employment.

- The *light regime* for social and other specific services (health, social, educational, cultural, etc.) has been used most extensively in France and Germany, which each account for about 17% of all light-regime contract award notices published between 2016 and 2022, followed by Spain (around 12%) and then Italy and Poland (around 9% each). In terms of share of national procurement, Hungary has the highest proportion of its relevant notices on light-regime standard forms (about 67%), followed by Finland (about 64%), Estonia (about 56%), and Germany (about 40%), while Cyprus, Luxembourg, Malta and Slovakia have published very few notices using those dedicated forms despite awarding contracts in light-regime sectors.

- All Member States have transposed the EU rules on *reserved contracts* in their national systems, although some apply them with restrictions.
- For *social clauses* (SRPP), countries highlighted for broad SRPP frameworks or strong use of social clauses include France and Germany (national laws and targets, guidelines, and monitoring), Spain and Portugal (large numbers and shares of procedures with social criteria), Finland, Sweden, Denmark and Ireland (guidelines, high reported shares of socially responsible tenders or clauses), as well as Austria, Czechia, Hungary, Poland, Slovenia, Belgium, Latvia, Estonia, Italy and Romania (laws or action plans including social criteria, reserved contracts, or mandatory social requirements in certain services).
- **Positive developments acknowledged by the EC**

The evaluation highlights some positive trends, such as the increasing legislative frameworks and national strategies for SRPP in Belgium, France, Portugal, and the Netherlands, as well as the usage of reserved contracts in some countries. It is strengthened by a general wider recognition that procurement can promote employment for disadvantaged groups, including people with disabilities.

Top-performing Member States often share common success factors, such as the adoption of public procurement strategies addressing the social dimension, the presence of dedicated support centres or networks providing guidance and expertise to contracting authorities, or the introduction of specific minimum targets for socially responsible public contracts.

Implications for EASPD members

The evaluation demonstrates a consistent pattern: the problem is not the scope of the directives, but the fact that the mechanisms designed for social services do not always work in practice. Across almost all dimensions (light regime, reserved contracts for certain services, socially responsible procurement, threshold use, and cross-border collaboration), the evidence points to a structural mismatch between procurement tools and the nature of social services. When it comes to the reserved contracts for sheltered workshops and employers of people with disabilities, this tool is underused despite its potential for service providers.

Even in countries with strong national frameworks, the wider EU procurement system can create a chilling effect: many authorities limit the use of social considerations because of fear of breaching EU rules or the lack of clarity as to when the public procurement rules have to be used, and when another system would be more suitable (as also highlighted in the [EASPD study](#))². A regime cannot be considered 'light' if it requires expert-level legal

² [EASPD. Developing Alternatives to Public Procurement in Social Services: What Legal Options Exist?](#) Discussion note – December 2022. Access: https://easpd.eu/fileadmin/user_upload/News/EASPD_discussion_note_Developing_Alternatives_to_Public_Procurement_in_Social_Services_what_legal_option_exist.pdf

interpretation to use correctly; this complexity undermines the very purpose of simplification. As a result, implementation remains uneven across Member States, weakening the social ambitions of the Directives.

The limited cross-border purchases of social services reflect the reality that social services are locally rooted, personalised, and embedded in national welfare systems. When a market is not cross-border, the usual EU objectives of market opening and competition might not be relevant, yet the same administrative burdens are still imposed.

More guidance, training, and capacity-building are essential, but they are not sufficient on their own. Previous efforts, including national guidelines, competence centres, and awareness-raising initiatives, have helped but have not resolved the core problems (legal uncertainty, fear of litigation, and limited procurement capacity).

Finally, the evaluation recognises that socially responsible procurement is gaining political traction across the EU, which is a positive signal that the environment is becoming more supportive of social objectives. However, it also creates a vision that Member States innovate despite, not because of, the directive.

Conclusions

The EC's evaluation confirms that while public procurement has the potential to support high-quality disability services and meaningful employment for people with disabilities, the current framework falls short of enabling this in practice.

The evidence demonstrates that the legal architecture, though well-intentioned, remains too complex, legally risky, and poorly aligned with the realities of social services, leading to underuse of the very tools meant to support our sector.

The light regime is not truly light; reserved contracts are not-so-usable; and socially responsible procurement is uneven and often overshadowed by lowest-price competition that undermines quality and inclusive employment.

The results of this evaluation give solid evidence to call for a revised framework that is simpler, clearer, and genuinely tailored to social services, one that empowers authorities to prioritise quality, accessibility, continuity, and social impact.



EUROPEAN ASSOCIATION OF SERVICE PROVIDERS FOR PERSONS WITH DISABILITIES

Avenue des Nerviens 85 | Nerviërsiaan | 1040 Brussels - Belgium

+32(0) 2 238 3920 | info@easpd.eu | www.easpd.eu

Follow our work on



Easpd Brussels



@easpd.eu



EASPD



EASPD

Copyright © EASPD 2026 All rights reserved. No part of this publication may be reproduced, stored in or introduced into a retrieval system without the prior permission of the copyright.



Co-funded by
the European Union