

RocaJunyent

Informa

Public Law Department
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On 9 April 2026, State Law 1/2026 of 8 April on the comprehensive promotion of the social economy was published in the Official State Gazette (BOE). The purpose of this law is to update and strengthen the regulatory framework for the social economy, adapting it to new economic and social realities.

The legislation aims to strengthen the integration of social criteria into public procurement by amending Law 9/2017 of 8 November on Public Sector Contracts (LCSP), Law 44/2007 of 13 December on the regulation of social integration enterprises, and Law 5/2011 of 29 March on the Social Economy.

Increase in the mandatory quota percentage and provisions in the event of a contract being declared void

With regard to the quota of contracts reserved for social initiative special employment centres and integration enterprises, as provided for in the LCSP, the minimum mandatory reserve percentage to be applied by contracting authorities in the state public sector is increased to 15% of the total value of supplies and services awarded in the previous financial year included in Annex VI, such as, amongst others, cleaning, forestry, or collection and recycling services.

Furthermore, for all public sector entities, it is stipulated that public authorities must ensure that the quota reserved for social economy entities is at least 0.5%.

Thirdly, the tender documents for these reserved procedures must provide that, should the contract remain unawarded, a new tender notice shall be published and a new tender submission period shall be opened, of the same duration as the initial one, during which it shall not be a requirement to hold the status of a special social initiative employment centre or a social integration enterprise in order to participate.

Award criteria and performance conditions relating to individuals on integration pathways

Secondly, a general obligation is established for contracting authorities to include in the tender documents for procurement procedures both specific award criteria, including tie-breaking criteria, and special performance conditions relating to the subject matter of the contract that promote the recruitment of persons participating in integration pathways and their subcontracting, as these concepts are defined in Law 44/2007.

Promotion of social clauses

Finally, as part of the public authorities' policies to promote the social economy, provision is made for support for the introduction of social clauses of a general nature in public procurement procedures.

Entry into force

In accordance with the fifth final provision of Law 1/2026, the legislation came into force on the day following its publication in the Official State Gazette (BOE), that is, on 10 April 2026.