ENSIE's amendments application on GBER

March 2026

Following the recommendations of ENSIE's feedback on Revision of the General Block Exemption Regulation (EU) No 651/2014, the European Commission publicised a new legislation for the General Block Exemption Regulation (GBER).

As the European Network of Work Integration Social Enterprises (WISEs) ENSIE represents enterprises that combine economic activity with social impact, creating employment opportunities for vulnerable individuals. In particular, WISEs have been recognized explicitly in the COUNCIL RECOMMENDATION of 27 November 2023 on developing social economy framework conditions as a type of social enterprise that focuses on helping those groups of people integrate in society and in work by providing jobs at various skills levels with inclusive and flexible working conditions.

These enterprises, which are most often small and medium enterprises, can benefit from specific articles of the regulation.

ENSIE welcomes the application of its amendments in the draft of the new legislation of GBER, that aimed at reinforcing the importance of social economy in general, and social enterprises in particular.

2014 Public Procurement Directive	ENSIE amendment	2026 draft commission regulation
Art-2 : Definitions	**Art-2 : Definitions**	**Art-2 : Definitions**
(4) 'disadvantaged worker' means any person who: (a) has not been in regular paid employment for the previous 6 months; or (b)is between 15 and 24 years of age; or (c) has not attained an upper secondary educational or	Enlarge the current definition of 'disadvantaged workers' to include refugees, people who have relocated from abroad through family reunification and face structural barriers to employment, people with a criminal conviction, victims of (domestic) violence, people with addiction problems and extend the youth age range from 15-24 to 15-30	(11) 'disadvantaged worker' means any person who: (a) has not been in regular paid employment for the previous six months; or (b) is between 15 and 29 years of age; or (c) has not attained an upper secondary educational or

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vocational qualification (International Standard Classification of Education 3) or is within two years after completing full-time education and who has not previously obtained his or her first regular paid employment; or (d) is over the age of 50 years or; (e) lives as a single adult with one or more dependents; or (f) works in a sector or profession in a Member State where the gender imbalance is at least 25 % higher than the average gender imbalance across all economic sectors in that Member State, and belongs to that underrepresented gender group; or (g) is a member of an ethnic minority within a Member State and who requires development of his or her linguistic, vocational training or work experience profile to enhance prospects of gaining access to stable employment;	**JUSTIFICATION OF THE REQUEST:** in the past years ENSIE worked within the B-WISE project on a wider study concerning the ongoing definitions of 'disadvantaged workers' and 'severely disadvantaged workers'. The study revealed that many Member States are already including some of the categories suggested by ENSIE in their definitions.	vocational qualification (International Standard Classification of Education 3) or is within two years after completing full-time education and who has not previously obtained their first regular paid employment; or (d) is over 50 years of age; or (e) lives as a single adult with one or more dependents; or (f) works in a sector or profession in a Member State where the gender imbalance is at least 25 % higher than the average gender imbalance across all economic sectors in that Member State, and belongs to that underrepresented gender group; or (g) is a member of an ethnic minority within a Member State and who requires development of their linguistic, vocational training or work experience profile to enhance prospects of gaining access to stable employment; or **(h) in the preceding 48 months has been granted refugee status or subsidiary protection status within the meaning of the Directive 2011/95 or is applicant for international protection within the meaning of the same directive;**

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		(i) has been released from detention in the preceding 24 months; or **(j) is a former addicted substance user who has followed a rehabilitation programme in the preceding 24 months;** **(k) belongs to a category of workers with an unemployment rate that is doubled the national average unemployment rate;**
Art-31 : Training aid 1. Training aid shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled. 2. Aid shall not be granted for training which undertakings carry out to comply with national mandatory standards on training 3. The eligible costs shall be the following: (a) trainers' personnel costs, for the hours during which the trainers participate in the training;	**Art-31 : Training aid** Increase aid intensity to 100% for small and medium-sized enterprises (SMEs) that provide training to disadvantaged workers and severely disadvantaged workers. **JUSTIFICATION OF THE REQUEST:** WISEs play a crucial role as a gateway to sustainable employment, to meet the skills needs of the labour market. This cost must be partly borne by the traditional companies which hire and partly by the public authorities. This 70% ceiling could legitimately be removed from the European Commission's Regulation and to achieve this it is therefore proposed to: • Build on the objective of recital 52 to significantly differentiate the aid	**Art-44 : Training aid** 1. Training aid shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions set out in this Article and Chapter I are met. 2. This Article shall not apply to aid which exceeds EUR 3 million per training project. 3. Aid shall not be granted for training which undertakings carry out to comply with national mandatory standards on training. Where national mandatory standards prescribe a minimum content or duration of training activities, aid may only be granted for costs exceeding the minimum standards in force.

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(b) trainers' and trainees' operating costs directly relating to the training project such as travel expenses, accommodation costs, materials and supplies directly related to the project, depreciation of tools and equipment, to the extent that they are used exclusively for the training project; (c) costs of advisory services linked to the training project; (d) trainees' personnel costs and general indirect costs (administrative costs, rent, overheads) for the hours during which the trainees participate in the training. 4. The aid intensity shall not exceed 50 % of the eligible costs. It may be increased, up to a maximum aid intensity of 70 % of the eligible costs, as follows: (a) by 10 percentage points if the training is given to workers with disabilities or disadvantaged workers; (b) by 10 percentage points if the aid is granted to medium-sized enterprises and by 20 percentage points if the aid is granted to small enterprises. 5. Where the aid is granted in the maritime transport sector, the aid intensity may be increased to 100 % of the	intensity for trainings for disadvantaged workers • Rely on the "severely disadvantaged workers "entry to achieve 100% aid intensity • Build on the precedent given to the maritime transport sector to achieve 100% aid intensity for small and medium-sized businesses providing training for disadvantaged workers. • Rely on the combination of "disadvantaged workers " and employment rate in its workforce to legitimize 100% aid intensity.	4. The eligible costs shall be the following: (a) trainers' personnel costs, for the hours during which the trainers participate in the training; (b) trainers' and trainees' operating costs directly relating to the training project such as travel expenses, accommodation costs, materials and supplies directly related to the project, depreciation of tools and equipment, to the extent that they are used exclusively for the training project; (c) costs of advisory services linked to the training project; (d) trainees' personnel costs and general indirect costs (administrative costs, rent, overheads) for the hours during which the trainees participate in the training. ~~**4. The aid intensity shall not exceed 50 % of the eligible costs. It may be increased, up to a maximum aid intensity of 70 % of the eligible costs, as follows:**~~ **5. The aid intensity shall not exceed 50 % of the eligible costs.**

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eligible costs provided that the following conditions are met: (a) the trainees are not active members of the crew but are super numerary on board; and (b) the training is carried out on board of ships entered in Union registers		**(a) It may be increased, up to a maximum aid intensity of 100 % of the eligible costs, as follows:** – by 10 percentage points if the training is given to workers with disabilities or disadvantaged workers; – by 10 percentage points if the aid is granted to medium-sized enterprises and by 20 percentage points if the aid is granted to small enterprises; – by 10 percentage points if the training is given in a remote region or in an assisted area under Article 107(3), point (a), of the Treaty and by 5 under Article 107(3), point (c), of the Treaty; – by 10 percentage points if the training aims at enhancing skills is in the fields of digitalisation, science, technology, engineering and mathematics; – by 10 percentage points if the training aims at upskilling or reskilling workers in regions covered by a territorial just transition plans in accordance with Regulation (EU) 2021/105643; -by 10 percentage points if the training is provided by a social enterprise to its own workers. (b) Where the aid is granted in the maritime transport sector, the aid intensity may be increased to 100 % of the eligible costs provided that the trainees are not active members of the crew but are

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		supernumerary on board and the training is carried out on board of ships entered in Union registers. (c) Where the total amount of aid under this Article does not exceed EUR 300 000 per training project over any period of one year, the aid intensity may be increased to 100 % of the eligible costs.
Art-32 Aid for the recruitment of disadvantaged workers in the form of wage subsidies 1. Aid schemes for the recruitment of disadvantaged workers shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided the conditions laid down in this Article and in Chapter I are fulfilled. 2. Eligible costs shall be the wage costs over a maximum period of 12 months following recruitment of a disadvantaged worker. Where the worker concerned is a severely disadvantaged worker, eligible costs shall be the wage costs over a maximum period of 24 months following recruitment.	**Art-32 Aid for the recruitment of disadvantaged workers in the form of wage subsidies** Increasing the maximum support duration to 24 months for disadvantaged workers and 36 months for severely disadvantaged workers. For older workers (is over the age of 50 years), ENSIE recommends removing binding time periods entirely, given the unique obstacles they face by re-entering the job market and challenges provoked by demographic change. **JUSTIFICATION OF THE REQUEST**: using the principle of subsidiarity following which every Member States has the sovereignty to decide what to do in its labour market, some Member States are already going over these limits because too strict (as demonstrated in the European Commission study 'Study on	**Art-45 Aid for the recruitment of disadvantaged workers in the form of wage subsidies** 1. Aid for the recruitment of disadvantaged workers shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided the conditions set out in this Article and Chapter I are met. 2. This Article shall not apply to aid which exceeds aid EUR 5.5 million per undertaking, per year. ~~**2. Eligible costs shall be the wage costs over a maximum period of 12 months following recruitment of a disadvantaged worker. Where the worker concerned is a severely disadvantaged worker, eligible costs shall be the wage costs over a**~~

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3. Where the recruitment does not represent a net increase, compared with the average over the previous 12 months, in the number of employees in the undertaking concerned, the post or posts shall have fallen vacant following voluntary departure, disability, retirement on grounds of age, voluntary reduction of working time or lawful dismissal for misconduct and not as a result of redundancy. 4. Except in the case of lawful dismissal for misconduct, the disadvantaged workers shall be entitled to continuous employment for a minimum period consistent with the national legislation concerned or any collective agreements governing employment contracts. 5. If the period of employment is shorter than 12 months, or 24 months in the case of severely disadvantaged workers, the aid shall be reduced pro rata accordingly. 6. The aid intensity shall not exceed 50 % of the eligible costs.	State aid for access to finance for social enterprises and for the recruitment of disadvantaged workers in the form of wage subsidies') While maintaining the baseline of 50% for disadvantaged workers, ENSIE proposes introducing flexibility for higher aid intensity in the case of severely disadvantaged workers in social economy enterprises. This would allow for up to 75% of the eligible costs for severely disadvantaged workers in social economy enterprises. **JUSTIFICATION OF THE REQUEST:** the additional costs incurred by work integration social enterprises for the social inclusion of severely disadvantaged workers requires an aid intensity increase.	~~**maximum period of 24 months following recruitment.**~~ **3. Eligible costs shall be the wage costs over a maximum period of 24 months following recruitment of a disadvantaged worker. Where the worker concerned is a severely disadvantaged worker, eligible costs shall be the wage costs over a maximum period of 36 months following recruitment.** 4. The recruitment should result in a net increase in the number of employees in the undertaking concerned, compared with the average over the previous 12 months, unless the post or posts have fallen vacant following voluntary departure, disability, retirement on grounds of age, voluntary reduction of working time or lawful dismissal for misconduct and not as a result of redundancy. 5. The disadvantaged workers shall be entitled to continuous employment for a minimum period consistent with the national legislation concerned or any collective agreements governing employment contracts, except in the case of lawful dismissal for misconduct. 6. If the period of employment is shorter than 24 months, or 36

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		months in the case of severely disadvantaged workers, the aid shall be reduced pro rata accordingly. ~~**6. The aid intensity shall not exceed 50 % of the eligible costs.**~~ **7. The aid intensity shall not exceed 65 % of the eligible costs.**
Art-47 Investment aid for resource efficiency and for supporting the transition towards a circular economy 1. Investment aid for resource efficiency and circularity shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled. 2. The aid shall be granted for the following types of investments: (a) investments improving resource efficiency through one or both of the following: (i) a net reduction in the resources consumed in the production of a given quantity of output compared to a pre-	**Art-47 Investment aid for resource efficiency and for supporting the transition towards a circular economy** ENSIE calls for an explicit reference to Reuse Aid in art. 47 Investment aid for resource efficiency and for supporting the transition towards a circular economy to strengthen legal clarity around aid for reuse, especially for intact products like textiles, electronics, and furniture. This change would unlock support for reuse activities and inclusive circular business models, including those led by social economy enterprises.	**Art-65 Investment aid for resource efficiency and for supporting the transition towards a circular economy** 1. Investment aid for resource efficiency and circularity shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and exempted from the notification requirement in Article 108(3) of the Treaty, if the conditions set out in this Article and Chapter I are met. 2. This Article shall not apply to aid which exceeds EUR 30 million per undertaking per project. 3. For the purpose of this Article, the terms 'collection', 'separate collection', 're-use', 'preparing for re-use', 'recycling', 'waste', 'waste hierarchy', 'treatment', 'recovery' and 'disposal' have the meaning as defined in Articles 3 and 4 of Directive 2008/98/EC.

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existing production process used by the beneficiary or to alternative projects or activities listed under paragraph 7. The resources consumed shall include all material resources consumed, with the exception of energy, and the reduction shall be determined by measuring or estimating consumption before and after the implementation of the aid measure, taking into account any adjustment for external conditions that may affect resource consumption; (ii) the replacement of primary raw materials or feedstock with secondary (re-used or recovered, including recycled) raw materials or feedstock; (b) investments for the prevention and reduction of waste generation, preparing for re-use, decontaminating and recycling of waste generated by the beneficiary or investments for the preparing for re-use, decontaminating and recycling of waste generated by third parties and which would otherwise be unused, disposed of, or be treated based on a treatment operation that is situated lower in the priority order of the waste hierarchy referred to in Article 4(1), of Directive 2008/98/EC or in a less resource-efficient manner, or would lead to a lower quality of recycling output;		4. This Article does not apply to aid for waste disposal and to aid for waste recovery operations to generate energy. 5. Aid shall only be granted for the following types of investments: (a) investments improving resource efficiency by reducing the quantity of inputs needed to produce a unit of output or substituting primary inputs with secondary inputs, through one or more of the following: (i) a net reduction in the material resources consumed, with the exception of energy, in the production of a given quantity of output compared to a pre-existing production process used by the beneficiary. The reduction shall be determined by measuring or estimating consumption before and after the implementation of the aid measure, taking into account any adjustment for external conditions that may affect

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(c) investments for the collection, sorting, decontamination, pre-treatment and treatment of other products, materials or substances generated by the beneficiary or by third parties and which would otherwise be unused or used in a less resource-efficient manner; (d) investments for the separate collection and sorting of waste with a view to its preparing for re-use or recycling. 3. Aid for waste disposal and waste recovery operations to generate energy shall not be exempted under this Article from the notification requirement of Article 108(3) of the Treaty 4. The aid shall not relieve undertakings that generate waste from any costs or obligations relating to the treatment of waste for which they are liable under Union or national law, including under extended producer responsibility schemes, or from costs that should be considered as normal costs for an undertaking. 5. The aid must not incentivise the generation of waste or the increased use of resources. 6. Investments related to technologies constituting an already profitable established		resource consumption; (ii) the replacement of primary raw materials or feedstock with secondary (re-used or recovered, including recycled) raw materials or feedstock; (iii) the replacement of fossil-based raw materials or feedstock with biobased raw materials or feedstock. (b) investments for the prevention and reduction of waste generation by the beneficiary, the preparing for re-use, decontaminating and recycling of waste generated by the beneficiary, or the preparing for re-use, decontaminating and recycling of waste generated by third parties. In all cases listed in paragraph 5, point (b), the waste: (i) would otherwise be unused, disposed of, or be treated based on a treatment operation that is situated lower in the priority order of the waste hierarchy; ((ii) would be treated in a less resource-efficient manner; or

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commercial practice throughout the Union shall not be exempted under this Article from the notification requirement of Article 108(3) of the Treaty. 7. The eligible costs shall be the extra investment costs determined by comparing the total investment costs of the project with those of a less environmentally-friendly project or activity that shall be one of the following: (a) a counterfactual scenario consisting in a comparable investment that would credibly be realised in a new or pre-existing production process without aid and which does not achieve the same level of resource efficiency; (b) a counterfactual scenario consisting in treating the waste based on a treatment operation that is situated lower in the priority order of the waste hierarchy referred to in Article 4(1), of Directive 2008/98/EC or treating the waste, other products, materials or substances in a less resource-efficient way; (c) a counterfactual scenario consisting in a comparable investment in a conventional production process using primary raw material, or feedstock, if the obtained		(iii) would lead to a lower quality of recycling output. (c) investments for the separate collection of waste, collection of separated waste and sorting of waste with a view to its preparing for re-use or recycling; (d) investments for the separate collection, sorting, decontamination, pre-treatment and treatment of other products, materials or substances generated by the beneficiary or by third parties and which would otherwise be unused or used in a less resourceefficient manner. Other products, materials or substances refers to materials, products and substances other than waste, including by-products referred to in Article 5 of Directive 2008/98/EC, agricultural and forestry residues, waste water, rain water and runoff water, minerals, nutrients, residual gases from production processes, and products, parts or materials that are no longer needed by or useful for its holder but are suitable for re-use. 6. The aid shall not relieve undertakings that generate waste from any costs or obligations relating to the treatment of waste for which they are liable under Union or national law, including under

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secondary (re-used or recovered) product is technically and economically substitutable with the primary product. In all situations listed in the first subparagraph, points (a) and (c), the counterfactual scenario shall correspond to an investment with comparable output capacity and lifetime that complies with Union standards already in force. The counterfactual scenario shall be credible in the light of legal requirements, market conditions and incentives. Where the investment consists in installing an add-on component to an already existing facility, for which there is no less environmentally-friendly equivalent, or where the aid applicant can demonstrate that no investment would take place in the absence of aid, the eligible costs shall be the total investment costs. 8. The aid intensity shall not exceed 40 % of the eligible costs. The aid intensity may be increased by 20 percentage points for aid granted to small undertakings and by 10 percentage points for aid granted to medium-sized undertakings 9. The aid intensity may be increased by 15 percentage points for investments located in assisted areas fulfilling the conditions of Article 107(3)(a) of the Treaty and by 5 percentage		extended producer responsibility schemes, or from costs that should be considered as normal costs for an undertaking. 7. The aid shall not incentivise the generation of waste or the increased use of resources. 8. Investments related to technologies constituting an already profitable established commercial practice throughout the Union without the aid shall not be exempted under this Article from the notification requirement in Article 108(3) of the Treaty. 9. Where Union standards apply, aid under this Article may only be granted: (a) if the aid enables undertakings to go beyond applicable Union standards or (b) if the aid enables undertakings to comply with Union standards that have been adopted but are not yet in force, if the investment is implemented and finalised at least 18 months before the date of entry into force of the adopted Union standards. 10. The eligible costs are: (a) for investments referred to in paragraph 5, point (a), the difference between the investment costs of the project

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points for investments located in assisted areas fulfilling the conditions of Article 107(3)(c) of the Treaty 10. Aid shall not be granted under this Article for investments undertaken to comply with Union standards that have been adopted and are in force. Aid may be granted under this Article for investments undertaken to comply with Union standards that have been adopted but are not yet in force, provided that the investment is implemented and finalised at least 18 months before the standard enters into force.		and those of a counterfactual investment that can be expected to have occurred in the absence of the aid; (b) for investments referred to in paragraph 5, points (b), (c) and (d), the total investment costs. 11. The aid intensity shall not exceed: (a) 15 % of the total investment costs for investments referred to in paragraph 5, points (b), (c) and (d). The aid intensity may be increased by: (i) 5 percentage points for aid granted to medium-sized undertakings and by 10 percentage points for aid granted to small undertakings or, alternatively, where the total aid amount does not exceed EUR 1.5 million per undertaking, per project, 10 percentage points for aid to any undertaking, regardless of its size; (ii) 7.5 percentage points for investments located in assisted areas under Article 107(3), point (a) of the Treaty and by 2.5

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		percentage points for investments located in assisted areas under Article 107(3), point (c) of the Treaty. (b) 40 % of the eligible costs for investments referred to in paragraph 5, point (a). The aid intensity may be increased by: (i) 10 percentage points for aid granted to medium-sized undertakings and by 20 percentage points for aid granted to small undertakings or, alternatively, where the total aid amount does not exceed EUR 1.5 million per undertaking, per project, 20 percentage points for aid to any undertaking, regardless of its size; (ii) 15 percentage points for investments located in assisted areas under Article 107(3), point (a) of the Treaty and by 5 percentage points for investments located in assisted areas under Article

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		107(3), point (c) of the Treaty.

While ENSIE's demands have been almost entirely satisfied, some details remaining relevant for the prosperity of social enterprises are missing.

Indeed, in the **article 2**, the definitions, while the definition of disadvantage worker has been enlarged, there is **no mention of family reunification or domestic violence** leading to be disadvantage on the labour market.

In the **article 32/45** about "aid for the recruitment of disadvantaged workers in the form of wage subsidies", ENSIE recommended to "introduce flexibility for higher aid intensity in the case of severely disadvantaged workers in social economy enterprises. This would allow for up to 75% of the eligible costs for severely disadvantaged workers in social economy enterprises." **However, while the aid maximum grew from 50% to 65% (The aid intensity shall not exceed 65 % of the eligible costs.), it still is far away from the 75% from the recommendation.**

In the **article 47/65** about "investment aid for resource efficiency and for supporting the transition towards a circular economy", **There isn't any mention of Reuse Aid.**

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