

EN

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Answer given by Mr Schmit
on behalf of the European Commission
(6.4.2021)

There is no specific definition of sheltered workshops in EU law. Article 20 of directive 2014/24/EU on public procurement¹ provides for the possibility to reserve the right to participate in a public procurement procedure to a sheltered workshops and economic operators whose main aim is the social and professional integration of disadvantaged persons or persons with disabilities. At least 30% of their employees must be disadvantaged workers or workers with disabilities. For the purposes of the General Block Exemption Regulation (GBER)², ‘sheltered employment’ means employment in an undertaking where at least 30% of the workers are workers with disabilities³.

For commercial enterprises, GBER sets out special provisions for training aid⁴. The aid intensity may go up to 60 % of the eligible costs if the training is given to workers with disabilities or disadvantaged workers. GBER enables Member States to grant wage subsidies and aid to compensate the additional costs of employing disadvantaged or disabled workers, subject to certain conditions⁵. Aid designed in line with GBER provisions is exempted from notification.

Support granted by a Member State to a single company is de minimis, when it does not exceed the thresholds set out in the general de minimis Regulation⁶ or the Regulation on de minimis aid to companies providing services of general economic interest (SGEI)⁷. The thresholds are, respectively, EUR 200,000 and EUR 500,000 over any period of three fiscal years. In those cases the support can be implemented without a notification to the Commission.

The Strategy on the Rights of Persons with Disabilities 2021-2030, which was adopted on the 3rd March 2021, supports employment of persons with disabilities, with the aim to foster access to quality and sustainable jobs.

¹ Directive 2014/24/EU of the European Parliament and the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=en>

² Commission Regulation (EU) No 651/2014.

³ See Article 2(100).

⁴ Training aid shall be compatible with the internal market within the meaning of Article 107(3) TFEU and shall be exempted from the notification requirement of Article 108(3) TFEU, provided that the conditions laid down in Article 31 and Chapter I of the GBER are fulfilled if the amount of aid may not exceed the threshold of EUR 2 million per training project.

⁵ See Articles 32 to 35 GBER.

⁶ Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24.12.2013, p. 1–8).

⁷ Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L 114, 26.4.2012, p. 8–13).