

Questionnaire - GBER general revision 2025

Fields marked with * are mandatory.

1

Introduction

The current version of Commission [Regulation](#) (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (“General Block Exemption Regulation” or “GBER”) entered into force on 1 July 2014 and applies until 31 December 2026. With this questionnaire, the Commission invites stakeholders to provide written input on the purpose and the scope of the revision of the GBER.

As the GBER encompasses many different aid categories, please mention precisely in your replies the specific GBER article or articles concerned.

For each question, please elaborate, if relevant, on the expected impact of the change on the reduction of the administrative burden for undertakings and Member States, competition in the market, legal certainty for undertakings, harmonised application of the competition rules, compliance or enforcement costs, innovation and sustainability. As regards these impacts (and more generally for all your replies), please provide, as much as possible, quantitative evidence underpinning your statements. This will ensure that the review process is based on facts and reliable evidence.

2 About you

* 1 Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian

- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* 2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* 3 First name

Simone

*** 4 Surname**

Schirru

*** 5 Email (this won't be published)**

simone.schirru@reuse.org

*** 9 Organisation name**

255 character(s) maximum

RREUSE - Reuse and Recycling European Union Social Enterprises

*** 10 Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

11 Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

05052317999-60

*** 12 Country of origin**

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- Afghanistan
- Djibouti
- Libya
- Saint Martin
- Åland Islands
- Dominica
- Liechtenstein
- Saint Pierre and Miquelon
- Albania
- Dominican Republic
- Lithuania
- Saint Vincent and the Grenadines

- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States

- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena, Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* 14 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

3 Objectives of the GBER and of the GBER revision

3.1 Objectives of the GBER

15 In its 2012 [Communication](#) on State aid modernisation, the Commission considered that the objectives of State aid modernisation were the promotion of growth, the prioritisation of enforcement on aid with the highest impact on the single market, and the simplification of the State aid rules. Do you consider that the implementation of the GBER has contributed to the achievement of these objectives?

Please rank each objective from 1 to 4 according to the following scale: 1 – Not at all. The implementation of the GBER did not contribute in any meaningful way. 2 – To a small extent. The implementation of the GBER had a noticeable but limited contribution. 3 – To a large extent. The implementation of the GBER contributed significantly to achieving the objective. 4 – Yes, to a very large extent. The implementation of the GBER was instrumental in achieving this objective.

| | 1 - No, not at all | 2 - Yes, to a small extent | 3 - Yes, to a large extent | 4 - Yes, to a very large extent |
|---------------------|-----------------------|----------------------------------|----------------------------|---------------------------------|
| Promotion of growth | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | |
|--|----------------------------------|-----------------------|-----------------------|-----------------------|
| Prioritisation of enforcement on aid with the highest impact on the single market (“big on big, small on small”) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Simplification of the State aid rules | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

16 In your view, is the GBER well aligned with the following policy objectives?

Please rank each objective from 1 to 3 according to the following scale: 1 – Not at all. The GBER should not contribute in any meaningful way. 2 – To some extent. The GBER should contribute to achieving the objective. 3 – To a large extent. The GBER should be instrumental in achieving this objective.

| | 1 – Not at all | 2 – To some extent | 3 – To a large extent |
|---|----------------------------------|----------------------------------|--------------------------------|
| Encouraging the green transition (including decarbonization) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Fostering the digital transition | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Legal certainty (predictability and ease of understanding) for Member States and undertakings | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Promoting R&D and innovation | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Promoting the economic, social and territorial cohesion of Member States and the Union as a whole, as well as regional development of disadvantaged areas | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Promoting the uptake of private investment in the EU through de-risking | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Protecting a level playing field in the single market and minimising distortions of competition | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Strengthening the resilience of the EU economy against external shocks and dependency on third countries (including mining and processing of critical raw materials and growth of EU key strategic sectors referred to in the Competitiveness Compass) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Supporting social protection measures | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Supporting the competitiveness of the EU | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Supporting the just transition | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The prioritisation of enforcement on the most distortive types of State aid, which should be notified to the Commission | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3.2 Objectives of the revision of the GBER

17 In your view, does the GBER adequately address the following issues?

Please rank each issue from 1 to 4

| | 1. No | 2. Yes, to a limited extent | 3. Yes, to some extent | 4. Yes, to a large extent |
|---|----------------------------------|--------------------------------------|---------------------------------|------------------------------------|
| The reduction of the administrative burden of Member States and the Commission | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Improving the user-friendliness, readability, consistency and accessibility of the GBER | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increasing the scope of the GBER to more aid measures | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Simplifying the compatibility conditions to block exempt more aid measures while keeping sufficient safeguards to avoid undue distortions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Adapting the current text to take into account political, economic, technical and social changes | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

18 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a climate neutral, clean and sustainable economy, in particular for SMEs? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

To a limited extent. Despite the 2023 reform more strongly acknowledged preparation for reuse and broader circular economy, the GBER lacks explicit reference to end-of-life product reuse, directly conflicting with the EU Waste Hierarchy. This oversight significantly worsens the current shortage of EU infrastructure for collecting and reusing items. The effect is especially harmful to SMEs, particularly social economy enterprises in the circular economy, which are pioneer in local, solidarity-based reuse and repair initiatives. Textiles are a case in point: key parts of the second-hand and recycling textile ecosystem in Europe are at risk of collapse, largely due to poor infrastructure support worsened by cheap imports from third countries (source: <https://www.rreuse.org/publications/addressing-the-second-hand-textiles-crisis>). As such, we suggest adding the following wording to strengthen the legal clarity around reuse, especially for intact products like textiles, electronics, and furniture: - Article 47, 2(a) (ii): "... with secondary raw materials, feedstock # or reuse of end-of-life products and components #." - Article 47, 2(b): " investments for the prevention and reduction of waste generation # , including re-use of end-of-life products #, preparation for re-use, decontaminating..." - Article 47, 2(c): "investments for the collection, [...] in a less resource efficient manner, # including investments enabling the reuse of end-of-life products, as well as reuse and repair infrastructure operated by social economy entities, including social enterprises. # " This would help unlock support for reuse operations and inclusive circular business models, including those led by social economy enterprises. These additions also ensure alignment with the "re-use" and "preparation for re-use" definitions (Article 2 (126) (127)) and cross-check new ones for 'social economy entities' and 'social enterprises' advanced in the answer to question 38.

19 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting a just transition (addressing negative impacts on territories and communities that are most affected by the transition to a climate-neutral, clean and sustainable economy), especially in view of the retraining and re-employment needs of workers from decarbonized industries? If not, please explain why.

2000 character(s) maximum

20 Digitalisation and new technologies are a key driver of innovation, competitiveness and growth. Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a digitalised economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

21 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the resilience of the EU economy, in particular of certain strategic sectors defined in the [EU Competitiveness Compass](#), against external shocks and dependency on third countries? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

22 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting research, development and innovation activities? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

23 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting cohesion objectives (regional development, recognition of territorial specificities) or social objectives? If not, please explain why. Should in particular cohesion policy objectives be better taken into account in the various provisions of GBER (also beyond Section 1 of Chapter III), by including specific support in certain regions?

2000 character(s) maximum

Please explain and provide examples

Social economy entities and other social economy entities frequently face exclusion from state aid opportunities due to a limited understanding of their economic models and insufficient representation in legislation. This exclusion occurs despite their social objectives. The 2023 Council Recommendation on developing social economy framework conditions (C/2023/1344) explicitly addresses this issue by calling for improvements within the GBER for: - Recognising social economy entities in the GBER. - Clarifying eligibility criteria. - Facilitating access to aid schemes, particularly those related to employment, training, and infrastructure. Recent evidence from France, a country with a notable supportive social economy framework, further highlights this inadequacy. The 2025 French Court of Auditors report confirmed both the significant role of the social economy in the French economy and the insufficient public support it receives (link: <https://www.ccomptes.fr/fr/documents/77638>). In France, the social economy generates over 2.6 million jobs, representing 13.7% of private employment. Yet, in 2024, the French government allocated approximately 16 billion euros to the social economy, which constitutes only 7% of the total public aid to enterprises (estimated at 211 billion euros). This percentage is considerably lower than the social economy's 13.7% share of private employment. The report also revealed that only 4% of social economy entities receive subsidies, with the majority directed towards ensuring social rights and local services. The report, therefore, underscores the inadequacy of state support, which it deems lower than that provided to the conventional economy. It also sheds light on the substantial size and contribution of social economy entities to the European economy. Lastly, this limited state aid support in a country with one of the most robust social economy frameworks rings the alarm bell about the situation in other EU Member States.

24 Do you consider that the current GBER contributes sufficiently to the competitiveness of the EU economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

25 Do you consider that the current GBER contributes sufficiently to improving the business environment (including access to finance) for SMEs, small mid-caps, startups and scale ups? Please explain in particular whether the possibility of benefitting from block exempted aid improves the business environment for SMEs, for example by facilitating or accelerating the completion of projects carried out by SMEs.

2000 character(s) maximum

26 Do you consider that the current GBER contributes sufficiently to supporting integrated investments/projects, such as those combining multiple objectives (and thus possibly multiple articles of Chapter III) and multiple types of costs (related to infrastructure, equipment, personnel, services, etc.)? Please explain and provide examples.

2000 character(s) maximum

27 Do you consider that the current GBER contributes sufficiently to promoting the uptake of private investment in the EU through de-risking? If not, please explain why.

2000 character(s) maximum

4 Common compatibility conditions (Chapter I of the GBER)

28 Do you consider that certain articles (or parts thereof) in Chapter III are not or not often used?

- No
- Yes, certain articles (or parts thereof) are not or not often used and should be updated.
- Yes, certain articles (or parts thereof) are not or not often used and should be deleted.
- I don't know

4.1 Scope of the GBER

Article 1(1) of Council [Regulation](#) (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (the “Enabling Regulation”) empowered the Commission to block exempt 15 different categories of State aid in favour of (i) SMEs, (ii) research, development and innovation, (iii) environmental protection, (iv) employment and training, (v) culture and heritage conservation, (vi) making good the damage caused by natural disasters, (vii) making good the damage caused by certain adverse weather conditions in fisheries, (viii), forestry, (ix) promotion of food sector products not listed in Annex I of the TFEU, (x) conservation of marine and freshwater biological resources, (xi) sports, (xii) residents of remote regions, (xiii) certain telecommunications infrastructure, (xiv) infrastructure in support of the objectives above, of cohesion, and of other objectives of common interest, (xv) aid that complies with the regional aid maps. The GBER may only block exempt these aid categories from the notification obligation.

31 Do you consider that, within the scope of the Enabling Regulation, there are categories of aid that meet the block exemption criteria and that are not included in the GBER?

- No
- Yes
- I don't know

4.2 Application of the GBER to primary agricultural production and fisheries /aquaculture

The GBER only exceptionally applies to the sectors of primary agricultural production and fisheries /aquaculture (the scope is defined in Article 1(3)(a) and (b)), given that tailor-made Block Exemption Regulations exist for those sectors. This initiative concerns a revision of the GBER, not of the specific block exemption regulations applicable to agriculture, forestry, fisheries and aquaculture (Regulation (EU) 2022 /2472 'ABER' and Regulation Regulation (EU) 2022/2473 'FiBER').

33 Do you think that other GBER articles, which are currently not applicable to the sectors of primary agricultural production/fisheries and aquaculture, should be opened to those sectors, taking into account the existing block-exemptions under ABER and FiBER?

- No
- Yes
- I don't know

35 Is the GBER used to grant aid to the sector of primary agricultural production and /or fisheries and aquaculture? If yes, which provisions of the GBER are used and were there difficulties to apply these provisions?

2000 character(s) maximum

36 Under the current version of the GBER, there are specific aid measures which apply to the fisheries and aquaculture sector but not to primary agricultural production (or the other way around) leading to a difference in treatment between these sectors. Is this problematic in your view or are the exclusions justified by the specificities of the sectors, e.g. because the aid categories would not be relevant for the excluded sectors? Please substantiate your reply and provide relevant evidence.

2000 character(s) maximum

4.3 Definitions

37 Article 2 of the GBER provides a list of definitions of certain terms or concepts. What is your position regarding the definitions laid down in the GBER?

- The current list of definitions is fine.
- Certain concepts should be defined while they currently are not.
- Certain definitions should be updated.
- Certain definitions are unnecessary and should be deleted.
- Certain definitions rather constitute substantial compatibility conditions and should be moved to Chapter III.
- I don't know.

38 If you replied that some concepts should be defined, please provide a list of concepts and definitions and explain

The GBER currently lacks any reference to 'social economy' or 'social enterprises' in its definitions, despite their unique expertise in delivering inclusive, sustainable, and locally rooted economic activity. This omission creates legal ambiguity and undermines the visibility of actors who are central to the EU's circular economy, just transition, and social economy priorities. The evidence presented by DG EMPL, as mentioned in the current public consultation, highlights this need. Social enterprises often operate under non-profit or limited-profit models, reinvesting surpluses into social missions. Recognising them formally allows for targeted aid intensities, simplified cost options, and transitional employment models that reflect their unique structure. Without a definition, social enterprises risk being misclassified as standard SMEs or NGOs, which may limit their access to appropriate aid categories, such as in underrepresented groups' employment and training, or distort competition assessments. Including these terms in Article 2 would provide legal certainty for Member States and granting authorities when designing aid schemes targeted at social economy actors. RREUSE thus strongly suggests that the next GBER integrate the following definitions based on the EU Social Economy Action Plan and Council Recommendation (C/2023/1344) on developing social economy framework conditions: - (xx) 'social economy' means a set of private law entities providing goods and services to their members or to society, encompassing organisational forms such as cooperatives, mutual societies, associations (including charities), foundations or social enterprises, as well as other legal forms, that operate in accordance with the following key principles and features: (i) (ii) the primacy of people as well as social or environmental purpose over profit; the reinvestment of all or most of the profits and surpluses to further pursue their social or environmental purposes and carry out activities in the interest of their members/users ('collective interest') or society at large ('general interest'); and (iii) democratic or participatory governance. Social economy entities also include private law entities that are social enterprises as defined in Regulation (EU) 2021/1057 of the European Parliament and of the Council. - (xx) 'social enterprise' means a private law entity that provides goods and services for the market in an entrepreneurial way and in accordance with the principles and features of the social economy, having social or environmental objectives as the reason for its commercial activity. Social enterprises can be set up in a variety of legal forms; Lastly, regarding the ongoing definitions, RREUSE supports maintaining the definitions of 're-use' and 'preparation for re-use' in Article 2 (126) and (127), in accordance with the (now updated) EU Waste Framework Directive.

4.4 Evaluation

42 In 2014, the corollary of the expansion of GBER to new aid categories was the obligation of Member States to conduct an ex post evaluation of large aid schemes. As a result, the GBER does not apply to large aid schemes under certain sections of Chapter III beyond a period of 6 months after their entry into force, unless the Commission has approved an evaluation plan (Article 1(2)(a) GBER). Large aid schemes are defined as those having an average annual budget above €150 million (certain articles of Sections 1, 2, 3, 4 and 7) or above €200 million (Section 16). What is your position concerning the obligation to submit an evaluation plan for large aid schemes?

- The evaluation obligation has contributed to the efficiency and effectiveness of large aid schemes and should be maintained as it is.

- The notion of large aid schemes should be expanded (e.g. lower thresholds, more Sections of Chapter III).
- The notion of large aid schemes should be restricted (e.g. higher thresholds, fewer Sections of Chapter III, only long-term schemes beyond a certain duration, because it is difficult to carry out an evaluation of short-term schemes, only schemes which were not subject to an evaluation plan carried out in the past).
- The evaluation obligation should no longer be a requirement for block exemption and could be moved to Chapter 2, by analogy to the conditions on reporting).
- The evaluation obligation does not add value and should be deleted.
- Other

43 Please explain your reply as to the evaluation requirement.

2000 character(s) maximum

4.5 Undertakings in difficulty

44 In principle, aid to undertakings in difficulty cannot be block exempted (Article 1(4) (c)) GBER). There are exceptions concerning aid schemes to make good the damage caused by certain natural disasters, start-up aid schemes, regional operating aid schemes, aid schemes to SMEs benefitting from community-led local development projects, and aid to financial intermediaries under certain articles. While the general principle of exclusion should remain because State aid to undertakings in difficulty is among the most distortive types of aid, do you see a need for adaptations of the exceptions to this general exclusion or to the definition in Article 2(18) of the GBER?

- No
- Yes
- I don't know

4.6 Incentive effect

46 The incentive effect requirement under the GBER is generally met if a written application for the aid has been submitted before the start of works, which covers among others any commitment that "makes the investment irreversible" (Article 6 in combination with Article 2(23) GBER). This is to ensure that an undertaking does not receive aid if it was able to execute the project without it. What is your position on the assessment of the incentive effect?

- This condition functions well.
- This condition is complex to apply and could be simplified.
- This condition is not sufficient and should be reinforced.
- I don't know

47 Please explain your reply as to the incentive effect requirement and provide specific examples. If you consider that the condition can be simplified, please explain why and how it could be simplified to reduce the administrative burden while preserving this essential compatibility condition.

2000 character(s) maximum

4.7 Simplified cost options

48 Article 7(1) of the GBER lays down the general possibility of calculating eligible costs in accordance with simplified cost options (SCOs), provided that the operation is "at least partly financed through a Union fund that allows the use of simplified cost options". Other articles also lay down specific possibilities of using SCOs. What is your position on the use of SCOs under the GBER?

- The possibilities of using SCOs are sufficient.
- The possibilities of using SCOs are not sufficient for small enterprises.
- The possibilities of using SCOs are not sufficient for SMEs.
- The possibilities of using SCOs are not sufficient for all types of beneficiaries.
- I don't know

49 Please explain your reply as to the use of SCOs. If you consider that a wider use of SCOs is needed, please explain for which aid categories and under which conditions.

2000 character(s) maximum

5 Specific conditions for compatibility (Chapter III of the GBER)

5.1 Complexity of the conditions

50 Which provisions of the GBER are too complex, raise difficulties of interpretation or application, and should in your view be updated or clarified? Please refer to specific provisions and explain why. Please specify how you consider these provisions could be clarified.

3000 character(s) maximum

~~Please refer to specific provisions and explain how these provisions could in your view be clarified~~

51 Apart from aid intensities and eligible costs, Chapter III of the GBER lays down a series of other compatibility conditions, for instance related to the eligibility of the beneficiaries and/or projects. Are any of these other compatibility conditions unnecessary or disproportionate in your view? Why? How should they be updated, relaxed or should they be completely lifted?

3000 character(s) maximum

Please explain and provide examples

52 The amount of aid can be determined in several ways under the GBER: by reference to a maximum aid intensity applied to eligible costs determined with or without a counterfactual scenario, by reference to a funding gap or by reference to a competitive bidding process. What is your position concerning the possibility for Member States of determining State aid by reference to a funding gap (e.g. instead of using a maximum aid intensity)?

- Funding gap calculations should remain in the GBER, because they are most of the time not mandatory and national authorities may already rely on other methods to demonstrate the proportionality of aid.
- Funding gap calculations should not be required for small aid amounts, or they should be replaced with other methods (e.g. aid intensity).
- Funding gap calculations should be removed from the GBER, because they are too complex and not commonly used by granting authorities.
- Other

54 Some GBER provisions lay down that the eligible costs are the extra costs of a project by comparison to a counterfactual scenario in the absence of aid. The rationale for requiring a counterfactual scenario is the need for calibrating aid and avoiding that the aid covers costs that the beneficiary would have incurred in any event. It aims at ensuring that the aid only covers the extra costs of the green investment. What is your position concerning this condition?

- This condition is reasonable and does not need to be changed. Member States should have the choice between either determining aid by reference to a counterfactual with higher aid intensities or without counterfactual but with lower aid intensities.
- This condition is too complex. To simplify, Member States should only have the possibility of granting the aid without reference to the counterfactual based on aid intensities that already take the counterfactual into account.
- Other

56 Certain articles in Chapter III lay down the possibility of carrying out a competitive bidding process as an appropriate way to ensure proportionality of aid and lay down additional conditions compared to the general definition in Article 2(38) GBER. This is

because a competitive bidding process ensures that the aid amount is kept to the minimum. What is your position?

- A competitive bidding process is an efficient way to keep the aid amount limited to the minimum and the current criteria do not involve a particular administrative burden.
- Some conditions are unnecessary and could be simplified.
- A competitive bidding process is burdensome especially for small projects and should be replaced with another method such as aid intensities.
- Other

57 Please explain your reply and provide suggestions or examples.

2000 character(s) maximum

Ensuring the aid amount is kept to a minimum at all costs systematically excludes SMEs and social enterprises from competing. For social enterprises, their activities entail higher upfront costs than mainstream undertakings (e.g., assistance to employment for people with disabilities requires a targeted approach), so a competition based solely on the lowest price is detrimental to access to finance and supporting services of general economic interest, like social services.

5.2 Consistency of the conditions (within the GBER, with other EU rules and with the evolution of technology and markets)

58 The GBER sometimes uses conditions or concepts which seem very similar (for instance 'competitive bidding process', 'competitive selection procedure' or 'competitive selection process'). The revision will seek to harmonise this terminology. Are there other concepts (or conditions) for which you consider that the terminology used in the GBER should be standardised? Please list them.

3000 character(s) maximum

59 Are there concepts and definitions used in the GBER that are not well aligned with other concepts and definitions already laid down in EU law?

3000 character(s) maximum

Please provide specific references

While not just peculiar to the GBER, the term “disadvantaged workers” can carry deficit-based connotations, especially when used without nuance or context. Terms like “disadvantaged” risk: - Framing individuals by what they lack, rather than their potential; - Reinforcing stigma or paternalism; - Undermining the dignity and agency of people who face structural barriers. We suggest replacing “disadvantaged workers” with alternative wordings such as “workers facing (severe) structural barriers to employment”, “(severely) underrepresented groups in the labour market”, or “people at (severe) risk of poverty or social exclusion (ARPE)”. These alternatives: - Focus on context and systems, not individual deficits; - Align with modern social policy and inclusive employment language; - They are already used in EU policy documents such as the European Social Fund Plus and the EU Social Economy Action Plan. For example, the European Social Fund Plus (ESF+) Regulation (EU) 2021/1057 refers to “groups facing barriers to employment,” and “underrepresented groups in the labour market.” Similarly, the Social Economy Action Plan (COM(2021) 778 final) frames inclusion in terms of “active participation” and “quality jobs,” rather than deficit-based labels. This change would improve legal clarity, align with modern policy language, and help uphold the dignity of the individuals concerned.

60 Does the GBER appropriately reflect technological and market development?

- No
- Yes
- I don't know

62 What do you think about the alignment between the GBER and conditions laid down by support programmes funded or co-funded by the EU budget?

- The GBER conditions are well aligned
- Better alignment is needed
- I don't know

65 Under the current Multiannual Financial Framework (2021-2027), EU funds can be granted until the end of 2029, while the GBER will expire by 31 December 2026. Should transitional provisions in the GBER be introduced to ensure that measures co-financed under the next Multiannual Financial Framework 2028-2034 remain block-exempted even after the expiry of the validity of the GBER (similarly to the provisions in Article 62(2) of Commission Regulation (EU) 2022/2472)?

- Yes
- No
- I don't know

5.3 Aid in the form of financial instruments

67 Member States may in some cases provide aid in the form of financial instruments instead of (or in addition to) aid in the form of grants. Financial instruments are a vehicle to deliver support via a multi-layer structure through which financial instruments (e.g. loans, guarantees, equity) are provided to final recipients in order to leverage private investment. The multi-layer structure may involve – apart from Member State authorities providing the aid – also implementing bodies or partners (e.g. international/multilateral financial institutions, national promotional banks and institutions and financial intermediaries) and private co-investors, and may therefore imply the presence of aid at different levels. Some GBER articles directly cover aid in the form of financial instruments (e.g. Article 39 on investment aid for energy efficiency in buildings in the form of financial instruments). Do current GBER rules sufficiently accommodate the use of financial instruments to provide aid to final beneficiaries?

- No
- Yes
- I don't know

69 Do the current GBER rules appropriately accommodate and promote the use of specific type of financial instrument, such as equity?

- Yes
- No

71 Should the GBER be simplified to enable participation of financial intermediaries other than banks and involvement of co-investors in financing programmes?

- Yes
- No

5.4 Training and employment aid

73 The [Communication](#) on training aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

-

Yes

No

I don't know

75 Do you consider that the GBER requirements on training aid are appropriate?

No

Yes

I don't know

76 Please explain which conditions should be changed and provide a justification

3000 character(s) maximum

We strongly advocate for increased aid intensity, particularly for Small and Medium-sized Enterprises (SMEs). We propose a 100% aid intensity for SMEs that offer comprehensive training programs to individuals with disabilities, disadvantaged workers, and severely disadvantaged workers. This acknowledges the crucial role SMEs, including social economy entities, play in fostering social inclusion and providing vital opportunities for these vulnerable groups. For larger enterprises (non-SMEs) with over 250 employees engaging in similar training initiatives for people with disabilities, disadvantaged, and severely disadvantaged workers, we recommend a maximum aid intensity of 80%. This differentiation recognises varying capacities and resource availability between SMEs and larger undertakings while still incentivising all entities to invest in inclusive workforce development. These proposed increases in aid intensity aim to remove financial barriers that might otherwise discourage enterprises from undertaking these essential training programs. As highlighted by the EU Union of Skills, these changes reflect the EU's strategic focus on upskilling and reskilling workers to meet evolving job demands, supporting SMEs and strategic sectors with tailored training initiatives, and promoting inclusive access to education and employment, especially for underrepresented groups. By making it more economically viable to invest in the skills and development of these often marginalised groups, we can promote greater employment opportunities, enhance social equity, and contribute to a more inclusive and productive economy. This policy also aims to address systemic inequalities and support entities, such as social enterprises, that actively work towards creating a more diverse and representative workforce and face additional upfront costs compared to mainstream enterprises. Examples of training initiatives and funding gaps by circular social enterprises can be found in the 2023 RREUSE report on green skills: <https://www.rreuse.org/publications/putting-people-and-skills-at-the-core-of-the-circular-economy-18-stories-from-social-enterprises>.

77 The [Communication](#) on employment aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

Yes

No

I don't know

79 Do you consider that the GBER requirements on employment aid are appropriate?

- No
- Yes
- I don't know

80 Please explain which conditions should be changed and provide a justification

3000 character(s) maximum

Regarding the length of wage subsidy support, for disadvantaged workers, we propose extending the support period to a maximum of 24 months, acknowledging the complex nature of their return to stable employment. For severely disadvantaged workers, we suggest a maximum support duration of 36 months, reflecting the greater barriers they face and the need for sustained and intensive support. Crucially, for older workers, we recommend eliminating fixed time periods for support, recognising the unique and multifaceted challenges they encounter, such as age discrimination and skill obsolescence, which are not adequately addressed by arbitrary time limits. The recommendations are supported by the "Study on State aid for access to finance for social enterprises and for the recruitment of disadvantaged workers in the form of wage subsidies". Concerning wage subsidy aid intensities, while maintaining the baseline aid intensities of 50% for disadvantaged workers and 75% for workers with disabilities, we strongly propose introducing increased flexibility of up to 75% for severely disadvantaged workers when employed by social economy entities, including social enterprises: - Article 32, 6: "... shall not exceed 50% of the eligible costs. # However, in cases where severely disadvantaged workers are employed by social economy entities, including social enterprises, the aid intensity may be increased up to 75% of the eligible costs, provided that the entity complies with the principles of the social economy as defined in Article 2(xx). # This clause would reflect the increased needs of severely disadvantaged workers and cross-reference the definitions of 'social economy entities' and 'social enterprise' in Article 2, specifically suggested in the answer to question 38 of this questionnaire. Similarly, we suggest up to 75% of intensity for aid to compensate for the additional costs of employing (severely) disadvantaged workers (Article 35). This aid would cover additional expenses such as enhanced supervisory support, necessary workplace adjustments, and other measures integral to the work integration assistance provided by social enterprises. Transitional aid that supports workers' transition from the protected to the mainstream labour market should also be made explicit. Furthermore, this higher intensity more accurately reflects the demonstrably additional costs that social economy entities incur to facilitate the social inclusion and integration of severely disadvantaged individuals into the workforce. It would also help recognise their unique social economic model as eligible beneficiaries. As highlighted by the European Commission's Communication COM(2021) 778 final: "Social economy entities are still not sufficiently recognised and understood. They are often not visible in statistics, public procurement, or state aid rules, and their specificities are not always taken into account in policy and legal frameworks."

81 The definition of disadvantaged workers is provided in Article 2(4) GBER and has not been updated since 2008. Is this definition still relevant?

- No
- Yes
- I don't know

82 Please specify and provide examples. Are the age ranges not relevant? Are categories of workers not included?

We advocate for a more inclusive definition of disadvantaged workers, expanding beyond the current scope to encompass several critically overlooked groups and better account for intersectionality issues. This expanded definition should: - Include “refugees and asylum seekers”, who often face immense barriers to employment due to their legal status, lack of recognition of qualifications, and cultural integration challenges. - Furthermore, we propose the inclusion of “persons who have relocated from abroad through family reunification”. While not necessarily refugees, these individuals frequently encounter structural barriers to employment, such as difficulties with language acquisition, navigating new administrative systems, and discrimination in the job market. - The definition should also extend to “prisoners and ex-convicts”, who face significant societal stigma and systemic disadvantages in securing training and employment upon release, crucial for their successful reintegration and reduced recidivism. - “Victims of (domestic) violence” also warrant inclusion, as their experiences often lead to economic instability, mental health challenges, and disruptions in employment. - “Individuals struggling with addiction problems” should be recognised as disadvantaged, as their condition often impacts their ability to maintain stable employment and access appropriate support services. - Moreover, “LGBTIQ+ workers facing systemic disadvantage” who continue to face discrimination and prejudice in the workplace, leading to higher rates of unemployment, underemployment, and lower wages. Their inclusion is vital to address these pervasive inequalities. - Finally, we recommend extending the youth age range from the current 15-24 to 15-30. This adjustment acknowledges the prolonged period many young people now experience in transitioning from education to stable employment, often due to economic downturns, precarious work, and the need for further education or training. This expanded age range would better capture the challenges faced by a significant segment of the youth population in accessing and sustaining decent work opportunities. This broader definition would more accurately reflect the diverse individuals facing barriers to employment and training, as attested by the on-the-ground experience of our social enterprise members active in the circular economy. Ultimately, it would also help guarantee more targeted aid.

5.5 SMEs and small mid-caps

83 Annex I to the GBER provides a definition of SMEs based on the 2003 [Recommendation](#). Because of their limited size, SMEs generally benefit from more favourable rules under the GBER, such as specific aid categories or higher aid intensities (recitals 40-46 to the GBER). Should the SME definition be clarified?

- No
- Yes
- I don't know

85 Are the current GBER rules (e.g. Articles 38b and 56e GBER) sufficient to accommodate the needs of small mid caps?

- No
- Yes
- I don't know

5.6 Other

87 Should the GBER be updated or simplified for other reasons?

3000 character(s) maximum

Please provide justifications and examples

6 Structure of the GBER

88 The GBER is currently divided into four chapters containing common provisions (Chapter I), monitoring (Chapter II), specific provisions for different categories of aid (Chapter III) and final provisions (Chapter IV). There are also four annexes on the definition of micro, small and medium-sized enterprises (SMEs – Annex I), information sheets (Annexes II and III) and a list of critical raw materials for the purposes of specific compatibility provisions (Annex IV). Do you consider that the current structure of the GBER is satisfactory?

- Yes
- No, all provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid), such that all compatibility conditions would be, for each aid category, laid down in a self-standing chapter or section.
- No, some provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid).
- Other

91 The current structure of Chapter III of the GBER (Specific provisions for different categories of aid) is based on the list of aid categories laid down in the Enabling Regulation. For example, there are distinct sections within Chapter III on, among others, aid to SMEs (Section 2), aid for R&D&I (Section 4), aid for environmental protection (Section 7), etc. This leads to a situation where distinct GBER articles cover relatively similar activities (e.g. Articles 18 and 49 about consultancy services, Articles 25 and 30 about R&D&I).

- The current structure of Chapter III of the GBER is sufficiently clear.

- Chapter III of the GBER should be organised using a different structure which would be more helpful for granting authorities.
- I don't know

94 The structure of individual articles in Chapter III is not always the same, in that the order of provisions regulating an article's scope, eligibility conditions, compatibility conditions and proportionality is not uniform across all the articles. Do you see a need for harmonisation of the structure of each article in Chapter III?

- No
- Yes
- I don't know

7 Guidance on (and interpretation of) the GBER

Since the State aid modernisation, the Commission has provided central national authorities with guidance on the interpretation of State aid legislation, and especially on the GBER, through the e-State aid wiki platform.

96 Should the Commission consider ways of providing guidance on the interpretation of the GBER?

- No, the current e-State aid wiki system (through which only Member States may ask interpretation questions) works well.
- Yes, the Commission should provide guidance in a different format in addition to replies on e-State aid wiki
- I don't know

97 How should the guidance be provided by the Commission?

- Information sessions
- Practical guide or Q&As published on DG Competition's website
- Other

Contact

GBER-REVISION-PUBLIC-CONSULTATION@ec.europa.eu

