



## Consultation: State aid – exemptions for small amounts of aid (de minimis aid) (update)

(10 January 2023)

ENSIE welcomes the European Commission's consultation on the proposal of the de-minimis regulation as this was something ENSIE suggested in its response to the call for evidence of July 2022.

In response to the consultation, ENSIE wishes to, together with its members, restate some suggestions it made when answering to the call for evidence, as well as add a couple of new points.

1. First of all, ENSIE welcomes the revised threshold of 275 000 EUR over a period of 3 fiscal years. This taking into account inflation since the entry into force of the Regulation and the likely future developments. It wants to add that for Regulation 360/2012 SGEI de minimis, a revised threshold is also needed. ENSIE suggests a threshold of 800 000 EUR instead of the current 500 000 EUR – ENSIE has included this in its response to the call for evidence that will close on January 9 2023.
2. ENSIE repeats its demand that following the EU Action Plan for the Social Economy, which was approved last December 2021, as this has not been included in the draft. ENSIE thinks it's crucial to add another exception in Article 1 of the de minimis Regulation: "aid granted to work integration social enterprises (sheltered workshops and economic operators whose main aim is the social and professional integration of disabled or disadvantaged persons or may provide for such contracts to be performed in the context of sheltered employment programmes, provided that at least 30 % of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers according to the article 20 reserved contracts of the Directive 2014/24/EU on public procurement)<sup>1</sup>.
3. ENSIE and its members also repeat their demand on the need to recognise the specificity of WISEs, which are often depending on other bigger associations or foundations or NGOs, classified as groups of linked enterprises by the European legislation. ENSIE asks that each individual enterprise should be allowed to receive its proper 'de minimis' aid. Therefore, ENSIE proposes to include an exception in article 2 (2): (e) an exception is foreseen for social economy enterprises, of which the individual entities will be perceived as single undertakings." The reasoning behind this is that the de minimis aid will be used to create new employment opportunities for people with needs in each individual entity, thus for promoting social inclusion and

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>



create social cohesion in the local community. Social economy enterprises put forward the primacy of people and a social objective, not their stakeholders and profit.

4. ENSIE supports that the revision would also introduce a mandatory public register (at national or EU level) setting out the beneficiaries and the amounts of aid granted under this regulation in order to meet the transparency requirements.
5. ENSIE wishes to refer to the judgement of the European Court of Justice C 608/19 of 28.10.2019. In case an undertaking which intends to grant it de minimis aid but that finds itself in a situation that due to previous aid, the total amount of aid granted to the undertaken would raise above the de minimis ceiling, that this undertaking may opt to reduce the funding so that it would not exceed the ceiling, until such aid is granted. This would give more flexibility to undertakings and would introduce a step between exceeding the ceiling or not, which is especially in the case of work integration social enterprises crucial.
6. Generally speaking, ENSIE supports Social Economy Europe's demand to the EU institutions to develop a fiscal framework for the social economy that would address the unfair competition linked with the fact that social economy actors mainly rely on their own funds to grow.<sup>2</sup>

*ENSIE is the European Network of Work Integration Social Enterprises (WISEs), which gathers 31 local, regional and national networks from 22 countries from the EU (Austria, Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and Spain) as well as Azerbaijan, Moldova, Serbia and Ukraine.*

*Work Integration Social Enterprises (WISEs) strive for more inclusive and integrated forms of employment at European level. WISEs are defined by three identifying pillars: they are enterprises whose main objective is the social and professional integration of disadvantaged people; they are at the core of the economic system; they present a strong pedagogical dimension.*

This position is supported and co-signed by the European network RREUSE, the International network representing social enterprises active in re-use, repair and recycling (Transparency register number 05052317999-60).

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<sup>2</sup> Social Economy Europe position on the upcoming Council Recommendation:  
[https://www.socialeconomy.eu.org/wp-content/uploads/2022/12/SEE\\_Towards-a-Council-Recommendation.pdf](https://www.socialeconomy.eu.org/wp-content/uploads/2022/12/SEE_Towards-a-Council-Recommendation.pdf)