



POLSKA ORGANIZACJA PRACODAWCÓW OSÓB NIEPEŁNOSPRAWNYCH

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Proposal by
the POLISH ORGANIZATION OF EMPLOYERS OF PEOPLE WITH DISABILITIES (POPON)
to the
draft Commission Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, amending Regulations (EU) 2022/2472, (EU) 2022/2473, and (EU) XX/XX

Introduction

POPON was founded in 1995 and is the largest organization of employers of persons with disabilities in Poland. It brings together employers from various sectors and promotes employment of persons with disabilities at the open job market in the first place. As a result of stakeholder consultations conducted by POPON among employers, and bearing in mind that the simplicity and clarity of regulations are key motivations for employers to hire persons with disabilities, we submit the following proposals.

Content of the proposed changes

POPON proposes following amendments to the Regulation:

1. In **Article 47 paragraph 2** of the Regulation the term „*EUR 11 million*” shall be replaced by „*EUR 15 million*”;
2. In **Article 48 paragraph 2** of the Regulation the term „*EUR 11 million*” shall be replaced by „*EUR 15 million*”;



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3. In **Article 48 paragraph 3** of the Regulation,

- a) in the first sentence, text before the subparagraphs shall be replaced with the wording of Article 34 subparagraph 2 the Regulation GBER currently in force:

Shall be *“The eligible costs shall be the following:”*

- b) In point **d)** existing text shall be completed by adding the words: *“...and the transport of employees with disabilities for the purposes of rehabilitation, diagnosis or treatment, as well as the purchase and operation of cars or other means of transport intended for these purposes.”*

- c) Point **f)** shall be named point **i)**

- d) After point **e)** shall be added points **f)- h)** with following wording:

“f) the costs of primary and specialized medical care, counselling and rehabilitation services provided to employees with disabilities;

g) the costs of the remuneration of employees organizing, supporting, supervising or verifying the implementation of rehabilitation programs provided by respective employer for employees with disabilities;

h) the costs of additional remuneration for employers for their knowledge and interpretation in the sign language and additional remuneration for the sign language interpretation for deaf and audio description for blind and visually impaired persons;”

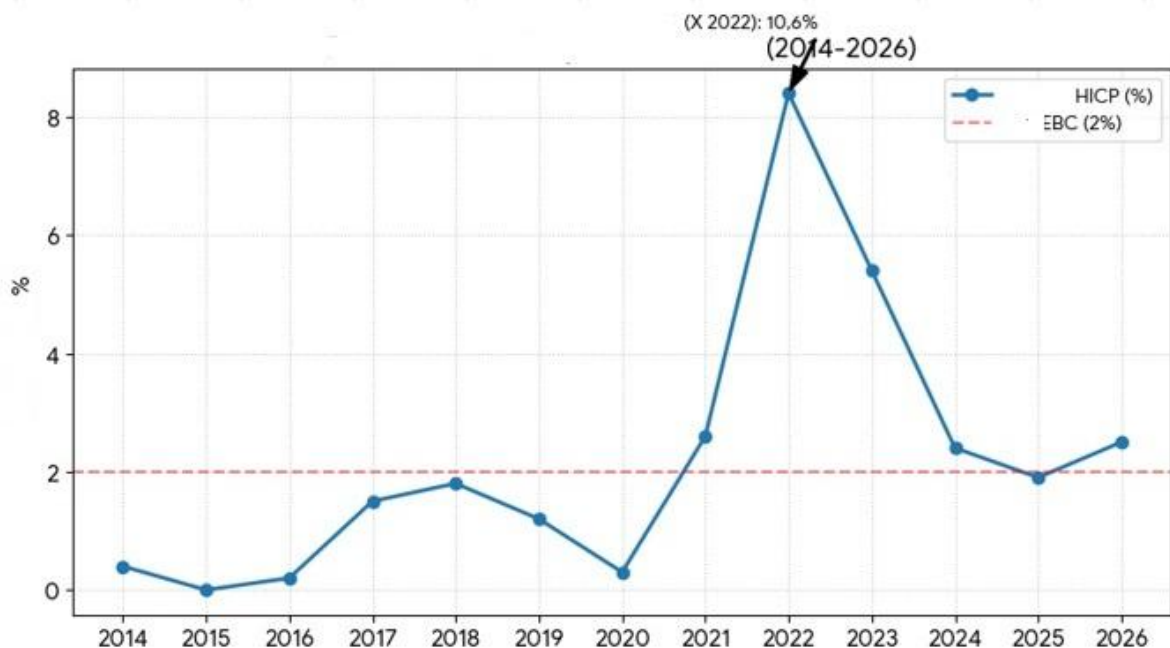
Grounds

Point 1 and 2: the change concerns increase of the limit from 11 to 15 Million Euro. The adjustment of limits made as of July 1st 2023 is insufficient to restore the real purchasing power of the original limits applicable since July 1st 2014. One shall remember that during the last 12 years there have been periods with year on year inflation over 10 %. Considering that the calculations were made solely on the basis of inflation for the past period, and the proposed solution increasing the value of the aid limit will be valid in the following years, in which the expected inflation (currently impossible to estimate) will also reduce its real value.



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Year on year inflation in the Eurozone 2014 – 2026



Source: Own estimate based on Eurostat and ECB data

Point 3. a)

POPON advocates for the current wording (Article 48 paragraph 3 of the draft and currently Article 34 paragraph 2 GBER) of the introductory for the eligible costs, no changes needed.

The wording “eligible costs” leaves no doubt that they relate to costs incurred in connection with the implementation of tasks aimed at the rehabilitation of persons with disabilities, whereby some part of these costs (i.e. salary for the assistants) relates to supporting persons and not persons with disabilities.

The wording proposed by the legislator in the draft under consultation may lead to unnecessary interpretative doubts.

Point 3 b) **POPON** recognizes a need for clarification that state support might also include transportation costs for the transportation provided by the employer to and from rehabilitation, treatment and diagnosis entities.



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Our proposal in this point is an outcome from the praxis. If an employer operates a unit dedicated to transporting people with disabilities than usually such service is provided by the employer not exclusively for employment - related purposes but also for rehabilitation, treatment and diagnosis of employees with disabilities.

Unnatural split of employers activities in this regard might lead to misinterpretation/ false categorization of eligible costs. POPON proposes as well that purchase and operation of vehicles used for mobility of employees with disabilities as described above shall count as eligible costs.

Point 3 c) Due to the new proposed category of eligible costs in terms of clarity POPON proposes that drafted subpoint f) should be marked as subpoint i)

Point 3 d) POPON proposes 3 new categories of eligible costs. It should be emphasized that the activities reflected in the proposed new categories of eligible costs are currently practiced by employers of people with disabilities in Poland and show high efficiency. This has been proved in long- term praxis.

f) the costs of primary and specialized medical care, counselling and rehabilitation services provided to employees with disabilities;

This applies **only** to employees with disabilities. Provision of medical care, counselling and rehabilitation services is a significant factor that motivates people with disabilities to seek employment especially in situation when such services are less and less available in general.

g) the costs of the remuneration of employees organizing, supporting, supervising or verifying the implementation of rehabilitation programs provided by respective employer for employees with disabilities

These costs apply only to employees (also non-disabled) only to the extend that concerns their involvement in implementation of programs for employees with disabilities.

Currently in Poland employers create programs dedicated to rehabilitation of employees with disabilities and carry costs for doctors and carers (members of the rehabilitation committee).

h) the costs of additional remuneration for employers for their knowledge and interpretation in the sign language and additional remuneration for the sign language interpretation for deaf and audio description for blind and visually impaired persons

The costs apply to employees (also non-disabled). Classification as eligible costs enables active participation in labor market of deaf and blind persons. Unlike to costs drafted as Article 48 paragraph



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3 b) in these two exceptional cases it is not required (but not excluded) that such employee is dedicated exclusively to assist an employee with disability. We underline here that as eligible cost counts only the additional salary for this particular activity (and not for other standard job description of this employee).

Jan Zając

Prezes Zarządu

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