

Article 34(2) point (b) - costs of employing staff solely for time spent on the assistance of the workers with disabilities; Article 35(2-3) - costs of employing staff solely for time spent on the assistance of the disadvantaged workers

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Article	Article 34(2) point (b) - costs of employing staff solely for time spent on the assistance of the workers with disabilities; Article 35(2-3) - costs of employing staff solely for time spent on the assistance of the disadvantaged workers
Key words	Definition of assistance of the disadvantaged workers
Member State	LV
Question	<p>In accordance with the provisions stipulated in Article 34(2) point (b) of Regulation No 651/2014 the eligible costs of employing workers with disabilities projects shall be costs employing staff solely for time spent on the assistance of the workers with disabilities.</p> <p>Respectively in accordance with the provisions stipulated in Article 35 (2) of Regulation No 651/2014 the eligible costs of employing disadvantaged workers with projects shall be costs employing staff solely for time spent on the assistance of the disadvantaged workers. In addition Article 35(2) of Regulation No 651/2014 specifies that the assistance provided shall consist of measures that support the disadvantaged worker's autonomy and adaptation to the work environment, in accompanying the worker in social and administrative procedures, facilitation of communication with the entrepreneur and managing conflicts.</p> <p><i>Situation:</i></p> <p>The responsible authorities are planning the program where financial support will be granted to employers for salary for the qualified work manager who helps the unemployed involved in the activities to acquire the basic skills and abilities necessary for work. The qualified work manager is a person who has completed education or who has at least two years of work experience in a profession in which the unemployed will be employed.</p> <p>In addition the authorities are planning in the same program financial support to employers to cover salary for the sign language interpreters, ergotherapist, support person and other specialist services provider to unemployed persons with disabilities.</p> <p>Question:</p> <p><i>Do we understand correctly that both persons - the qualified work managers and other support persons are equally eligible under Regulation No 651/2014?</i></p>

Creation Date	2018.11.23
COMP Reply	<p>Please note that the eWiki tool is intended to be used for guidance on abstract questions on the interpretation of State aid rules and that the concrete application of these rules in specific cases is the responsibility of the Member States authorities. Therefore, the reply below is only to be regarded as general guidance on the interpretation of the Articles in question.</p> <p>Your question concerns eligibility under Articles 34 and/or 35 GBER of costs for employing (i) qualified work managers helping the concerned worker and (ii) other support persons.</p> <p>(i) Costs of employing the qualified work managers solely for time spent on the assistance of the unemployed workers could be in principle eligible under Articles 34 and/or 35, provided that other conditions of this Article and Chapter I GBER are respected, including the definitions of “worker with disabilities” and “disadvantaged worker” in Article 2 GBER.</p> <p>(ii) Costs of employing the other support persons (sign language interpreters, ergo-therapist, support person and other specialist services providers) to unemployed persons with disabilities according to Article 34 of the GBER could in principle be supported according to Article 34 of the GBER, if the conditions of this Article and Chapter I GBER are respected. In particular, while Article 34(2)(b) covers a range of needs, the workers in question must actually need this type of support and the type of support in question must not be covered e.g. by the social security system of the Member State (for example health costs for therapists), as the State is then effectively paying for the therapy, rehabilitation etc.</p> <p>However, please note that under both these Articles eligible costs must be strictly limited to the costs arising in relation to an employee with disabilities or a disadvantaged worker (see in particular the reference to “additional costs” in Article 34 and the wording of Article 35 (3)).</p> <p><i>Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the GBER. It is therefore not binding and cannot create legal certainty or legitimate expectations.</i></p>
COMP Reply date	2019.03.25
COMP Responsible	<input checked="" type="checkbox"/> HII ESTATE-AID-WIKI

¹ Article numbers & names

- Article 32 - Aid for the recruitment of disadvantaged workers in the form of wage subsidies
- Article 33 - Aid for the employment of workers with disabilities in the form of wage subsidies
- Article 34 - Aid for compensating the additional costs of employing workers with disabilities

- Article 35 - Aid for compensating the costs of assistance provided to disadvantaged workers

² AT, BE, BG, HR, CY, CZ, DE, DK, EE, EFTA, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK.