Council of the European Union

Brussels, 19 June 2025
(OR. en)

10570/25
ADD 2

Interinstitutional File:
2024/0068 (COD)

SOC 443
EMPL 304
ECOFIN 849
EDUC 275
JEUN 164
CODEC 859
IA 75

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9936/25
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') - *General approach* - *Statement by the EE delegation*

Delegations will find in the annex a statement by the EE delegation in relation to the abovementioned proposal.

ANNEX

Statement of Estonia

Directive on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive')

Estonia supports the overall aim of the Traineeships Directive to improve the quality of and access to traineeships. However, we express a concern regarding the questionable added value of the Traineeships Directive as well as the additional administrative burden.

The Directive may encourage employers to create traineeships at the expense of employment relationships and reduce access to traineeships for young people. Estonian legal system does not recognise trainees working under an employment contract. Trainees working under an employment contract are defined as employees with full employment rights. Therefore, Estonia believes that the Directive hardly improves the situation of trainees. Rather opposite, we may encourage treating trainees less favourably than over workers.

Furthermore, Estonia still has a concern about the legal clarity of Article 8 of the Directive regarding the role of workers' representatives in the judicial procedure. According to the text of Article 8, Member States should ensure compliance with two different situations. Member States shall ensure that workers' representatives:

1) *are able to engage* […] in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive;

and

2) *are able to act* […] on behalf or in support of one or several trainees in case of an infringement of any right or obligation arising from this Directive […].

We have understood that the second situation (*are able to act* […] *on behalf or in support of*) means representation or advising in court proceedings (such use of the term *in support of* has been negotiated within the framework of civil law instruments, e.g. anti-SLAPP directive). However, it is not clear to us what the first situation means, if it does not mean representation or advising in court proceedings and is regulated as a separate obligation.

According to the wording of the provision, the Member State should ensure that workers' representatives, who do not act as representatives or advisors in court proceedings, should be able to participate in judicial proceedings. Estonian civil procedural law does not provide for such a possibility, and such a new sector-specific obligation would interfere with the procedural autonomy of a Member State and cannot be the goal of EU law.

During the negotiations in the Council of the European Union, we have asked for clarifications on what is meant by *are able to engage in* […] *judicial* […] *procedure to enforce the rights and* obligations *arising from this Directive*, if it means something other than representation or advising in court proceedings; we have offered wording proposals for the Article 8, as well as a proposal for the wording of the recital.

We have understood the Commission in such a way that, in order to correspond to the first situation stipulated in Article 8 (*Member States shall ensure that workers' representatives are able to engage* […] *in any relevant judicial* […] *procedure to enforce the rights and obligations arising from this Directive*), Member States do not have to change their civil procedural law.

Given that the text of the Directive allows for a different interpretation, we note that Estonia interprets the first situation regulated in Article 8 in such a way that Estonia does not have to change its procedural law in order to meet the requirements of Article 8. It would be sufficient that, according to Estonian procedural law, the trainee can use workers' representatives as a representative or an advisor in court proceedings (the second situation of Article 8).

Based on the above, Estonia is not able to support the Directive.