Council of the European Union

Brussels, 14 November 2024
(OR. en)

15673/24

Interinstitutional Files:
2024/0068(COD)
2024/0069(NLE)

SOC 836
EMPL 572
ECOFIN 1321
EDUC 421
JEUN 278
CODEC 2124
IA 198

COVER NOTE

From:	European Committee of the Regions
date of receipt:	12 November 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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') Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships - *Opinion of the European Committee of the Regions*

Delegations will find attached the opinion adopted by the European Committee of the Regions on the above.

Other language versions, if needed, soon available on the following website:
https://dmsearch.cor.europa.eu/search/opinion

European Committee of the Regions

SEDEC-VII/050

162nd plenary session, 7-9 October 2024

OPINION

Reinforced quality framework for traineeships

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR)

- welcomes the revision of the 2014 Council Recommendation for a reinforced quality framework for traineeships and the proposal for a Directive aiming to tackle the problematic and unlawful use of traineeships. Notes, however, that the Directive does not address the broad divergences of traineeships and the subsequent wide spectrum of challenges faced by trainees;
- highlights the importance for traineeships to have significant and relevant learning or training components. Insists on the need to refer clearly to the roles of supervisor and mentor. Calls for the explicit establishment in the Directive of a maximum duration limit of six months for traineeships and asks for a minimum duration of one month in order to ensure meaningful learning experiences;
- reiterates its call 'for effective banning of unpaid internships in all Member States' in order to reduce labour market exploitation and enable all individuals, including those from vulnerable groups, to have access to meaningful and adequately remunerated traineeship opportunities. In this context, appropriate compensation, be it financial or complemented by benefits in kind, should cover trainees' basic living costs to improve the affordability of traineeships and ensure social inclusion;
- welcomes the proposed assessment criteria for bogus traineeships and considers that the occurrence of at least two such indicative criteria should be indicative of irregular employment. Recommends the creation of an EU database for tracking traineeship outcomes;
- calls on the European Commission and Member States to consider the contribution of LRAs to the effective monitoring and implementation of traineeship policies, including in facilitating cross-border mobility of trainees. Calls for enhanced cooperation between all levels of government to ensure that traineeships are quality-focused, inclusive, and aligned with local and regional economic needs.

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Reference documents:

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')
COM(2024) 132 final – 2024/0068 (COD)

Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships
COM(2024) 133 final

Opinion of the European Committee of the Regions –
Reinforced quality framework for traineeships

I. RECOMMENDATIONS FOR AMENDMENTS

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')
COM(2024) 132 final

Amendment 1
Recital 5

Text proposed by the European Commission	*CoR amendment*
Traineeships can help young people gain practical and professional experience, improve their employability, and facilitate their transition into stable employment. As such, traineeships constitute an important pathway to the labour market. For employers, traineeships provide opportunities to attract, train and retain young people. They can reduce the cost of searching for and recruiting skilled staff, when trainees are offered a regular position after their traineeship. However, this can only be achieved if traineeships are of good quality and offer decent working conditions.	Traineeships can help young people gain practical and professional experience, improve their employability, and facilitate their transition into stable employment. As such, traineeships constitute an important pathway to the labour market. For employers, traineeships provide opportunities to attract, train and retain young people. They can reduce the cost of searching for and recruiting skilled staff ***as well as the time for their effective induction***, when trainees are offered a regular position after their traineeship. However, this can only be achieved if traineeships are of good quality and offer decent working conditions.

Reason
Effectively inducting new employees into the new working ecosystem is essential in order to enable them to become swiftly operational. This induction time is not necessary for trainees who are offered a regular position after their traineeship because they are already acquainted with the given work environment.

Amendment 2
Recital 6

Text proposed by the European Commission	*CoR amendment*
Challenges persist regarding the problematic use of traineeships, ***including when*** regular employee positions are disguised as traineeships, depriving those workers of their full rights under Union law, national law and collective agreements and risking to trap them in precarious working	Challenges persist regarding the problematic ***and unlawful*** use of traineeships, ***such as cases where*** regular employee positions are disguised as traineeships, depriving those workers of their full rights under Union law, national law and collective agreements and risking to trap them in

conditions. Employment relationships disguised as traineeships distort competition between companies by putting compliant employers at a disadvantage, lead to the circumvention of employers' fiscal and social security obligations and to a substitution of permanent posts. In other cases, employers of 'genuine' trainees may not comply with all requirements stemming from Union law, national law, collective agreements or practice, depriving them of their full rights.	precarious working conditions. Employment relationships disguised as traineeships distort competition between companies by putting compliant employers at a disadvantage, lead to the circumvention of employers' fiscal and social security obligations and to a substitution of permanent posts. In other cases, employers of 'genuine' trainees may not comply with all requirements stemming from Union law, national law, collective agreements or practice, depriving them of their full rights.

Reason
The addition of 'unlawful' is consistent with the wording used in the explanatory memorandum. What is more, there are disparities across the EU in the nature of challenges.

Amendment 3

Recital 7

Text proposed by the European Commission	***CoR amendment***
Additionally, trainees are less likely to defend their rights due to their vulnerable positions in the labour market. The absence, complexity or diversity of regulatory frameworks for traineeships in various Member States alongside an insufficient enforcement of national legislation and the lack of capacity for controls and inspections, as well as a lack of clarity regarding the authority responsible for control and enforcement, are among the main factors leading to the problematic use of traineeships.	Additionally, trainees are less likely to defend their rights due to their vulnerable positions in the labour market. The absence, complexity or diversity of regulatory frameworks for traineeships in various Member States alongside an insufficient enforcement of national legislation and the lack of capacity for controls and inspections, as well as a lack of clarity regarding the authority responsible for control and enforcement, are among the main factors leading to the problematic ***and unlawful*** use of traineeships.

Reason
The wording is consistent with the wording used in the explanatory memorandum. At the same time, the reasons for the non-compliant use of traineeships also lie in employers' choices.

Amendment 4

Recital 8

Text proposed by the European Commission	***CoR amendment***
Evidence shows that a significant proportion of trainees are subject to less favourable working conditions ***compared to regular employees***, including regarding working hours, leave	Evidence shows that, ***compared to regular employees***, a significant proportion of trainees are subject to less favourable working conditions ***than those applying under applicable Union and***

entitlements, and access to equipment as well as ***pay***.	***national law, collective agreements and practice***, including regarding ***coverage for sickness and healthcare, as well as for accidents at work and occupational diseases,*** working hours, leave entitlements, and access to equipment as well as ***remuneration***.

Reason
The addition is in line with the Council Recommendation on access to social protection for workers and the self-employed (OJ C 387, 15.11.2019) and the Occupational Safety and Health (OSH) Framework Directive (OJ L 183, 29.6.1989).

Amendment 5
Recital 22

Text proposed by the European Commission	***CoR amendment***
Member States should therefore ensure that, in respect of working conditions including ***pay***, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute objective grounds for different treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds.	Member States should therefore ensure that, in respect of working conditions, ***as implemented under applicable Union and national law, collective agreements and practice,*** including ***remuneration***, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute objective grounds for different treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds. ***Traineeships should be remunerated fairly and cover costs incurred by the trainee to participate in the traineeship, including travel and accommodation expenses. Traineeships should be based on a written agreement concluded at the beginning of the traineeship between the trainee and the traineeship provider and/or, where applicable, the relevant authority involved, indicating a precise start and end date, the exact hours of the traineeship (hours per day and days per week) and describing their tasks.***

	Member States should ensure that the knowledge, skills and competences acquired during traineeships are recognised and validated and that traineeships are recognised as work experience.

Reason
Since the scope of the Directive only covers trainees who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in every Member State, with consideration to the case-law of the EU Court of Justice, they should be compensated commensurately, excluding the possibility of non-remunerated traineeships. At the same time, such remuneration should take into consideration the cost of living for trainees, who often move away from home to undertake a traineeship. In some cases, the written agreement may (also) involve an institution acting as an intermediary between the training provider and the trainee. The written agreement and the recognition of traineeships echo the wording of the European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union and they should be part of this Directive too, since it regulates trainees' working conditions.

Amendment 6

Recital 23

Text proposed by the European Commission	***CoR amendment***
The application of the principle of non-discrimination ***requires*** the identification of a comparable regular employee engaged in the same or similar type of work or occupation as the trainee, due regard being given to qualifications and skills.	The application of the principle of non-discrimination ***shall be based, where possible, on*** the identification of a comparable regular employee engaged in the same or similar type of work or occupation as the trainee, due regard being given to qualifications and skills. ***In the absence of such a comparable regular employee, the comparison shall be made by reference to the applicable collective agreement or, where there is no applicable collective agreement, in accordance with national law or practice. Local and regional authorities may be consulted to ensure that these comparisons accurately reflect regional labour market conditions and standards.***

Reason
Due consideration should be given to micro- and small enterprises, where identifying a comparable regular employee may not be possible. This should not, however, be a reason for not applying the non-discrimination principle, unless a different treatment is justified on objective grounds. Local and regional authorities can facilitate the process of comparison.

Amendment 7
Recital 29

Text proposed by the European Commission	*CoR amendment*
Member States should have appropriate measures in place to facilitate the assessment of whether a purported traineeship genuinely constitutes a traineeship. This should include a time limit indicating ***excessive*** duration of a traineeship and of repeated, including consecutive, traineeships with the same employer. A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation. However, Member States may provide that a longer duration can be justified if it is based on objective grounds. Examples of ***such*** exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to acquire the necessary knowledge, competences and experience warrants a longer traineeship experience. Certain traineeships that are part of active labour market policies aimed at the integration of persons in a vulnerable situation could also benefit from a longer duration. Some traineeships that are part of curricula of formal education or vocational education and training may have a longer duration for reasons linked to the curricula.	Member States should have appropriate measures in place to facilitate the assessment of whether a purported traineeship genuinely constitutes a traineeship. This should include a time limit indicating ***unreasonable*** duration of a traineeship and of repeated, including consecutive, traineeships with the same employer. A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation, ***while the minimum duration should not be shorter than one month***. However, Member States may provide that a ***shorter or*** longer duration can be justified if it is based on objective grounds. ***Exceptions to the lower threshold could apply to traineeships linked to specific professional activities that follow short cycles.*** Examples of exceptions ***to the upper threshold*** could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to acquire the necessary knowledge, competences and experience warrants a longer traineeship experience. Certain traineeships that are part of active labour market policies aimed at the integration of persons in a vulnerable situation could also benefit from a longer duration. Some traineeships that are part of curricula of formal education or vocational education and training may have a longer ***or shorter*** duration for reasons linked to the curricula.

Reason
A minimum duration should also be indicated in order to ensure that a traineeship is meaningful enough. Duly justified exceptions would apply for both shorter and longer durations.

Amendment 8
Recital 33

Text proposed by the European Commission	*CoR amendment*
Trainees should have access to effective and	Trainees should have access to effective and

impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the end of the traineeship giving rise to an alleged breach of rights under this Directive and other relevant Union law applicable to workers.	impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed ***at the start of the traineeship*** about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the end of the traineeship giving rise to an alleged breach of rights under this Directive and other relevant Union law applicable to workers.

Reason
In line with Principle No 7 of the European Pillar of Social Rights and Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

Amendment 9

Recital 38

Text proposed by the European Commission	***CoR amendment***
Since the objectives of this Directive, namely to enforce working conditions of trainees and combat regular employment relationships disguised as traineeships, cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	Since the objectives of this Directive, namely to enforce ***fair*** working conditions of trainees and combat regular employment relationships disguised as traineeships, cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Reason
Self-explanatory.

Amendment 10

Recital 39

Text proposed by the European Commission	***CoR amendment***
In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints, in	In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints, in

particular if they hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of such assessments, and to provide support to those enterprises as necessary.	particular if they hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of such assessments, and to provide support to those enterprises as necessary ***and as long as they comply with the quality criteria, law and collective agreements***.

Reason
In line with the European Parliament resolution of 14 June 2023 on quality traineeships in the EU (2020/2005(INL)).

Amendment 11

Article 3

Text proposed by the European Commission	***CoR amendment***
Member States shall ensure that, in respect of working conditions including ***pay***, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component. Where there is no comparable regular employee in the same establishment, the comparison shall be made by reference to the applicable collective agreement, or where there is no applicable collective agreement, in accordance with national law or practice.	***Member States shall ensure that traineeships are based on a written agreement indicating the precise start and end date, concluded at the beginning of the traineeship between the trainee and the traineeship provider, and/or where applicable, the relevant authority involved. Traineeship agreements must include clearly defined learning and training outcomes.*** Member States shall ensure that, in respect of working conditions including ***remuneration***, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component. ***Traineeships should not be non-remunerated.*** Where there is no comparable regular employee in the same establishment, the comparison shall be made by reference to the applicable collective agreement, or where there is no applicable

	collective agreement, in accordance with national law or practice. ***Local and regional authorities may be consulted to ensure that these comparisons are reflective of regional labour market conditions and standards.*** ***Member States shall further ensure that the rights and working conditions of trainees under applicable Union and national law, collective agreements and practice, including access to social protection, health and safety legislation, limits to maximum weekly working time, minimum daily and weekly rest periods and minimum holiday entitlements, are respected through effective monitoring and enforcement, regardless of the traineeship duration.*** ***The Member States shall ensure that companies and comparable organisations do not receive or request any payment or disbursement for the completion of traineeships from either the trainees or their training centres.*** ***Member States shall strive to ensure that trainees who are persons in vulnerable situations or with fewer opportunities have equal access to traineeship opportunities.***

Reason
The Directive should be explicit about the concept of fair working conditions of trainees and the need for equal access to traineeship opportunities. In some cases, the written agreement may (also) involve an institution acting as an intermediary between the training provider and the trainee. Consultation of local and regional authorities may facilitate the application of the principle of non-discrimination, reflecting the diverse economic and social contexts across regions. Since the scope of the Directive only covers trainees who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in every Member State, with consideration to the case-law of the EU Court of Justice, they should be compensated commensurately, excluding the possibility of non-remunerated traineeships. This is to prevent companies from abusing their strong position, resulting from the scarcity of training posts enabling university students and those undertaking vocational training to complete their study programmes, and requesting money from universities or vocational training centres for the completion of internships that are for academic and training purposes rather than work purposes.

Amendment 12

New Article 3a

Text proposed by the European Commission	*CoR amendment*
	Recognition of traineeships ***Member States shall ensure recognition and validation of the knowledge, skills and competences acquired during traineeships and that traineeship providers attest them, on the basis of an assessment, through a certificate.*** ***Member States shall ensure that traineeships are recognised as work experience.***

Reason
Recognition and formal validation are an essential component of traineeships.

Amendment 13

Article 4

Text proposed by the European Commission	*CoR amendment*
Member States shall provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.	Member States shall provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice. ***Local and regional authorities may play a significant role in these inspections, sharing their understanding of local conditions and business practices to enhance enforcement efficiency.***

Reason
While their involvement is not mandatory, local and regional authorities can bring valuable on-the-ground knowledge of local business practices and conditions when it comes to enhancing the effectiveness of detecting and combating the misuse of traineeships as disguised employment.

Amendment 14

Article 5(1)

Text proposed by the European Commission	*CoR amendment*
In order to determine whether a purported	In order to determine whether a purported

traineeship constitutes a regular employment relationship, competent authorities shall make an overall assessment of all relevant factual elements. That assessment shall take into account, among others, the following indicative elements: (a) the absence of a significant learning or training component in the purported traineeship; (b) the ***excessive*** duration of the purported traineeship or multiple and/or consecutive purported traineeships with the same employer by the same person; (***c***) equivalent levels of tasks, responsibilities and intensity of work for purported trainees and regular employees at comparable positions with the same employer; (***d***) the requirement for previous work experience for candidates for traineeships in the same or a similar field of activity without appropriate justification; (***e***) a high ratio of purported traineeships compared with regular employment relationships with the same employer; (***f***) a significant number of purported trainees with the same employer who had completed two or more traineeships or held regular employment relationships in the same or similar field of activity, prior to taking up the purported traineeship.	traineeship constitutes a regular employment relationship, competent authorities, ***building where relevant on cooperation with relevant local and regional authorities***, shall make an overall assessment of all relevant factual elements. ***The occurrence of two or more of*** the following indicative elements ***shall suggest the existence of an irregular employment relationship***: (a) the absence of a significant ***and relevant*** learning or training component, ***including learning in social skills***, in the purported traineeship; (b) ***the absence of a trainee supervisor and (a) mentor;*** (***c***) the ***unreasonable*** duration of the purported traineeship ***(shorter than one month or longer than six months)*** or multiple and/or consecutive purported traineeships with the same employer by the same person; (***d***) equivalent levels of tasks, responsibilities and intensity of work for purported trainees and regular employees at comparable positions with the same employer; (***e***) the requirement for previous work experience for candidates for traineeships in the same or a similar field of activity without appropriate justification; (***f***) a high ratio of purported traineeships compared with regular employment relationships with the same employer; (***g***) a significant number of purported trainees with the same employer who had completed two or more traineeships or held regular employment relationships in the same or similar field of activity, prior to taking up the purported traineeship.

Reason
When at least two of the indicative elements are observed in traineeships, this should constitute an indication of an irregular employment relationship. Furthermore, the learning or training component of a traineeship should be not only significant but also relevant, and include also learning in social skills. By the same token, trainees should be guided in the performance of their assigned tasks and be provided with coaching and support. The roles of supervisor and mentor, which could be entrusted to the same person according to Member States' laws and practices, are indispensable for a fulfilling traineeship. Moreover, a minimum duration should also be indicated in order to ensure that a traineeship is meaningful enough. Finally, local and regional authorities can contribute to the more effective identification of non-compliant traineeships given their knowledge of regional specificities and local labour market challenges.

Amendment 15

Article 5(2)

Text proposed by the European Commission	*CoR amendment*
To enable competent authorities to carry out the assessment referred to in paragraph 1, the employer shall, upon request, provide those authorities with the following information: (a) the number of traineeships and regular employment relationships; (b) the duration of traineeships; (c) the working conditions, including pay, tasks and responsibilities of purported trainees and of regular employees at comparable positions; (d) the descriptions of the learning and training components of traineeships; (e) the vacancy notices for traineeships.	To enable competent authorities to carry out the assessment referred to in paragraph 1, the employer shall, upon request, provide those authorities with the following information: (a) the number of traineeships and regular employment relationships ***at the time of the request and over a relevant reference period***; (b) the duration of traineeships; (c) the working conditions, including pay, tasks and responsibilities of purported trainees and of regular employees at comparable positions; (d) the descriptions of the learning and training components of traineeships; (e) ***the designated trainee supervisors;*** ***(f)*** the vacancy notices for traineeships***;*** ***(g) the ratio of traineeships having led to regular employment relationships over a relevant reference period.***

Reason
The addition of the pieces of information above facilitates the assessment referred to in paragraph 1.

Amendment 16

Article 5(3)

Text proposed by the European Commission	*CoR amendment*
To facilitate the assessment referred to in paragraph 1, Member States shall:	To facilitate the assessment referred to in paragraph 1, Member States shall:

(a) define a ***time*** limit ***indicating excessive duration of a traineeship and*** of repeated, including consecutive, traineeships with the same employer; (b) require employers to include information on the expected tasks, working conditions, including pay, social protection, learning and training elements in the vacancy notices and advertisements for traineeships. Member States may provide for exceptions to the time-limit in point (a) in cases where a longer duration is justified by objective grounds.	(a) define a limit of repeated, including consecutive, traineeships with the same employer; (b) require employers to include information on the expected tasks, working conditions, including pay, social protection, learning and training elements in the vacancy notices and advertisements for traineeships. Member States may provide for exceptions to the time-limit in point (a) in cases where a ***shorter or*** longer duration is justified by objective grounds.

Reason
Alignment of the text with the wording of the recitals, whereby lower and upper limits for the duration of the traineeships are defined in the Directive, while leaving Member States the freedom to apply duly justified exceptions.

Amendment 17

Article 6

Text proposed by the European Commission	***CoR amendment***
Member States shall take effective measures to ensure that all relevant Union law applicable to workers is fully implemented and enforced in relation to trainees. In particular they shall: (a) ensure that information on the rights of trainees is publicly available in a clear, comprehensive and easily accessible way; (b) develop guidance for employers of trainees regarding the legal framework for traineeships, including relevant labour law and social protection aspects; (c) provide for effective controls and inspections conducted by competent authorities to enforce relevant labour law in relation to trainees; (d) ensure that the competent authorities are provided with the human, technical and financial	Member States***, in cooperation with local and regional authorities where relevant,*** shall take effective measures to ensure that all relevant Union law applicable to workers is fully implemented and enforced in relation to trainees. In particular they shall: (a) ensure that information on the rights of trainees is publicly available in a clear, comprehensive and easily accessible way; (b) develop guidance for employers of trainees regarding the legal framework for traineeships, including relevant labour law and social protection aspects; (c) provide for effective controls and inspections conducted by competent authorities to enforce relevant labour law in relation to trainees;

resources necessary to perform effective controls and inspections and have the competence to impose effective, proportionate and dissuasive penalties; (e) develop the capability of the competent authorities, ***in particular*** through training and guidance, to proactively target and pursue non-compliant employers; (f) ensure, in cooperation with the competent authorities, channels for trainees to report malpractice and poor working conditions, and provide information on those channels	(d) ensure that the competent authorities are provided with the human, technical and financial resources necessary to perform effective controls and inspections and have the competence to impose effective, proportionate and dissuasive penalties; (e) develop the capability ***and build the capacity*** of the competent authorities, ***including*** through training and guidance, to proactively target and pursue non-compliant employers; (f) ensure, in cooperation with the competent authorities, channels for trainees to report malpractice and poor working conditions, and provide information on those channels***;*** ***(g) facilitate the cross-border mobility of trainees in the Union, inter alia by clarifying the national legal framework for traineeships and establishing clear rules on hosting trainees from, and sending trainees to, other Member States and by reducing administrative burdens.***

Reason
Local and regional authorities are instrumental in the implementation of traineeship schemes, including in cross-border regions by contributing, inter alia, to the dissemination of information on the rights of trainees, to the guidance for employers of trainees and to the effectiveness of controls and inspections. What is more, capacity building of the competent authorities also involves increasing resources, both human and technical, to empower these authorities to help identify non-compliant employers.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR)

1. welcomes the revision of the 2014 Council Recommendation for a reinforced quality framework for traineeships and the proposal for a Directive aiming to tackle the problematic and unlawful use of traineeships and enhance trainees' rights and working conditions. Notes, however, that the Directive does not address the broad divergences between different types of traineeships and the subsequent wide spectrum of challenges faced by trainees;

2. acknowledges the ongoing challenges in the European labour market, notably the persistently high youth unemployment rates especially in some countries, and recognises the key role of traineeships in addressing these challenges by allowing young people to enhance their employability and enabling employers to reduce the cost and time for recruiting and inducting new employess if trainees are offered a regular position after their traineeship. Notes however with concern recent data on the high number of unpaid, unreasonably long, repeated or low-quality traineeships;

3. fully supports the European Commission's intention to establish clear criteria to prevent bogus traineeships and improve the quality of traineeships overall. Notes, however, that the same level of clarity found in the proposal for a Recommendation should also be reflected in the proposed Directive. Regrets by the same token that, despite the broad definition of traineeship, the scope of the Directive covers only those trainees who are considered to be workers according to the laws, collective agreements or practice in force in every Member State, without addressing problems actually faced by trainees who do not have a worker status and undertake different types of traineeships (such as open market traineeships, traineeships in the context of active labour market policies or traineeships linked to formal education and professional training);

4. highlights the importance for traineeships to have significant and relevant learning or training components, including learning in social skills, and would have welcomed the quantification of these components. Insists in this context on the need to refer clearly to the roles of supervisor and mentor when defining the characteristics of traineeships. Calls for the explicit establishment in the Directive of a maximum duration limit of six months for traineeships and asks for a minimum duration of one month to also be defined in order to ensure meaningful learning experiences. By the same token, the CoR is aware of the striking divergences among different types of traineeships and their specific purposes. It therefore acknowledges the need to consider duly justified deviations from the said limits as in the case of traineeships that are an integral part of professional training or formal education, including transnational traineeships under Erasmus+;

5. welcomes the reaffirmation of the non-discrimination principle to guarantee trainees' rights and working conditions, but underlines the need for a written agreement at the beginning of the traineeship and for the recognition of traineeships as work experience through appropriate certification. Stresses that trainees should receive equal treatment to regular employees including access to social protection, health and safety legislation, limits on working time and minimum holiday entitlements;

6. reiterates its call 'for effective banning of unpaid internships in all Member States'[1], to apply to all traineeships in order to reduce labour market exploitation and enable all individuals, including those from vulnerable groups, to have access to meaningful and adequately remunerated traineeship opportunities that contribute to their professional growth and socio-economic mobility[2]. In this context, appropriate compensation, be it financial or complemented by benefits in kind, should cover trainees' basic living costs such as food, accommodation and transport to improve the affordability of traineeships and ensure social inclusion. At the same time, the CoR stresses the importance of exploring ways to support traineeship providers so as to increase the availability of remunerated traineeships. To this effect, it underlines the need for dialogue with labour market stakeholders, including employers and educational institutions, to ensure that the necessary reforms in the conditions of traineeship provision strike a balance between fair compensation and access to opportunities;

7. welcomes the proposed assessment criteria for bogus traineeships and considers that the occurrence of at least two such indicative criteria should be indicative of irregular employment. Asks, however, for the items of requested information to include the number of trainees and regular employees over a reference period and the effective rate of regular employment positions opened and/or filled by former trainees compared to the number of traineeships. Calls on the European Commission to incentivise public reporting by employers on traineeships so that data is freely accessible to ensure transparency and accountability. Recommends the creation of an EU database for tracking traineeship outcomes to monitor the effectiveness of traineeship programmes and inform policy adjustments;

8. welcomes the enhanced focus on ensuring transparency and accessibility of information about trainees' rights and access to effective dispute resolution mechanisms and redress for any breaches of rights for trainees. Underlines, however, that trainees should be informed of their rights at the start of the traineeship;

9. calls on local and regional authorities as providers of traineeships, including in cooperation with local and regional educational and research institutions, to lead by example for the implementation of the Directive;

10. urges Member States to ensure that sufficient ressources are allocated and proper capacity building is in place for competent authorities to effectively monitor and enforce traineeship regulations;

11. highlights the need to reduce administrative, financial and legal burdens for traineeships offered by micro-enterprises and SMEs, but underlines that such enterprises should not be exempted from the obligation to comply with traineeship quality criteria, law and collective agreements. Notes the role of LRAs in facilitating the application of the non-discrimination principle by such

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1 COR-2022-02752.

2 According to estimations based on the European Labour Force Survey (EU-LFS) data, there are 3.1 million trainees in the EU (2019 data) out of which 1.6 million are paid trainees and 1.5 million are unpaid (COM(2024) 132 and COM(2024) 133).

enterprises in the absence of comparable regular employees or collective agreements since LRAs can accurately reflect regional labour market conditions and standards when consulted;

12. calls on the European Commission and Member States to consider the contribution of LRAs to the effective monitoring and implementation of traineeship policies, including in facilitating cross-border mobility of trainees. Calls for enhanced cooperation between all levels of government to ensure that traineeships are quality-focused, inclusive, and aligned with local and regional economic needs;

13. acknowledges the need for EU action to enforce working conditions of trainees and combat regular employment relationships disguised as traineeships, in order to avoid the risk of divergences between Member States. Recognises in this respect the proposed Directive's goal of ensuring a level playing field for trainees across the EU through a minimum harmonisation of national systems while leaving Member States sufficient flexibility to define the method and form of intervention for the gradual implementation of the relevant minimum requirements. Thus, agrees that the proposal complies with the subsidiarity and proportionality principles.

Brussels, 9 October 2024.

The President
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General
of the European Committee of the Regions

Petr Blížkovský

III. PROCEDURE

Title	Reinforced quality framework for traineeships
Reference(s)	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') COM(2024) 132 final – 2024/0068 (COD) Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM(2024) 133 final
Legal basis	Article 307 of the Treaty on the Functioning of the European Union
Procedural basis	Opinions on the basis of consultations (under Rule 41 a)
Date of Council/EP referral/Date of Commission letter	4/7/2024/…/21/3/2024
Date of Bureau/President's decision	
Commission responsible	SEDEC
Rapporteur	Dimitrios Birmpas (EL/PES)
Discussed in commission	27 June 2024
Date adopted by commission	27 June 2024
Result of the vote in commission (majority, unanimity)	majority
Date adopted in plenary	9 October 2024
Previous Committee opinions	European Strategy for Universities Achieving the European Education Area by 2025 European Skills Agenda for sustainable competitiveness, social fairness and resilience Brain Drain in the EU: addressing the challenge at all levels Strengthening STE(A)M education in the EU Erasmus programme for education, training, youth and sport Building a stronger Europe: the role of youth, education and culture policies A Strong Social Europe for Just Transitions The implementation of the European Pillar of Social Rights from a local and regional perspective Mentoring: a powerful and meaningful tool for the Europe of tomorrow Skills and Talent Mobility

Subsidiarity reference	N/A