



Council of the European Union  
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WK 344/2025 INIT

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## **CONSULTATION**

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From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 8148/1/24 REV 1 + ADD 1-5
Subject:	Questionnaire on the Traineeships Directive

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Delegations will find attached a questionnaire prepared by the Presidency.

An invitation to reply will be circulated via the consultation tool on Delegates Portal.

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***Guidelines to be followed***

*Please kindly provide your answers in the table below.*

*To make it possible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted.***

*Text may only be added in the existing cell **next to each question.***

***Name of document:** please insert the **two initials** of your delegation's country **followed by a space** (in the Word document name), followed by "**answers**"—for example, for Austria, **AT answers.docx**, for Bulgaria, **BG answers.docx**, etc.*

***Presidency questionnaire on the Traineeships Directive***

**I. INTRODUCTION**

Following the outcome of the EPSCO Council on 2 December 2024, which concluded without the adoption of a general approach for the Directive on Traineeships, the Polish Presidency is committed to advancing discussions on this Directive which is of significant importance. Building upon the work of the Hungarian Presidency, the Presidency's objective is to reach a legally clear and balanced text that brings tangible benefits to trainees across the EU and enhances their position in the labour market. This also includes providing the Council with a strong mandate for negotiations with the European Parliament.

Recognizing the challenges stemming from divergent Member States' positions, the Presidency plans to return to discussions at the technical level to ensure a thorough preparation of a compromise proposal. Furthermore, it aims to provide Member States with sufficient time for reflection, allowing for constructive and informed dialogue within the Council. The Presidency's goal is to focus discussions and work towards adopting a general approach at the EPSCO Council meeting in June 2025. Accordingly, the Presidency encourages Member States to participate actively in the forthcoming discussions.

## **II. CURRENT STATE OF PLAY**

Discussions at the December 2024 EPSCO Council meeting highlighted key aspects requiring further analysis and alignment of positions. Based on the last compromise prepared by the Hungarian Presidency, the Polish Presidency intends to create an environment for open dialogue and exchange of views, aiming at developing clear and practical solutions.

## **III. NEXT STEPS**

- **Focus on the Directive**

Bearing in mind Member States' expectations to address the Directive and the accompanying recommendation as a cohesive package, the Presidency will focus its efforts **on reaching a general approach for the Directive first** to ensure a structured and effective negotiation process, acknowledging the importance of resolving key issues arising from the latest discussion on the general approach. The Presidency acknowledges Hungarian Presidency's significant efforts to refine the accompanying recommendation, initiating valuable discussions and incorporating feedback from many Member States. These contributions will serve as a solid basis for further work on the recommendation once the common ground is reached with regard to the Directive so that the two instruments remain complementary.

- **Guiding Questions for Member States**

In order to gain a clearer understanding of Member States' positions and to guide the direction of future discussions, the Presidency has prepared a set of guiding questions. This questionnaire aims to collect delegations' perspectives on the Directive's key priorities, provide insights into the specificities of national traineeship systems, and identify challenges faced at the national level. Furthermore, it seeks to pinpoint potential areas of flexibility, supporting efforts to achieve a well-balanced compromise in the next stages of work.

Member States are invited to reflect on these questions and submit their responses by 24 January 2025. These responses will form the basis for further discussions in the Working Party and will guide the subsequent preparation of a revised compromise text by the Polish Presidency.

- **Working Group Meeting**

A first meeting of the Social Questions Working Party (SQWP) is planned for 31 January 2025. This meeting will provide an opportunity for Member States to exchange views based on the responses to the guiding questions and to engage in a discussion that will shape the direction of our future work. As a result of this discussion, the Presidency will present a compromise text by the end of February 2025.

#### **IV. GUIDING QUESTIONS**

Previous works on the draft Directive in the SQWP and COREPER demonstrated that provisions of Chapters III and I raise most of concerns among Member States. Focusing on these matters will thus help identifying aspects that require work in the first place in order to develop compromises, and lay the groundwork for further work on more detailed aspects.

Accordingly, the first set of guiding questions (i) aims at clarifying the intended objectives to be achieved by the Directive (material scope) through a clarification of the orientation of Chapter III. Once such an intended framework is established, further questions relating to the personal scope of this Directive determined by Chapter I (ii) will be addressed.

While the aim of the questionnaire is to focus on the specific concerns already identified as common to a number of Member States, an open general question concluding the questionnaire (iii) aims at allowing Member States to outline other aspects that are most important to them.

##### **i) CHAPTER III (Employment relationships disguised as traineeships)**

###### **Background:**

While Chapters II and IV primarily focus on ensuring adequate protection measures and working conditions of genuine trainees with a worker status, Chapter III provides a framework for combating misused traineeships.

As mentioned above, Member States broadly support the objectives of the Directive and recognize the need to improve the situation of trainees across the European Union. This shared commitment underscores the importance of common action to guarantee fair working conditions and protection for trainees on the one hand, while effectively addressing cases of exploitation on the other.

However, differing perspectives have emerged on how Chapter III should address these complementary priorities. Finding the right orientation to target these complementary priorities will

yet be critical to ensuring the Directive delivers meaningful benefits, while respecting the diversity of national systems.

The below questions will focus on Article 4 considering that finding orientation of the text is of crucial priority. Once this clarified, further discussion can concentrate on alignment of Article 5 to the identified needs.

**Question 1:**

**The Directive pursues two objectives: improving and enforcing the working conditions of trainees and combatting cases of abuse of traineeships, in particular in cases whereby traineeships are misused while constituting in fact the employment relationships.**

**In order to achieve the second objective, which types of abuse of traineeships should Article 4 of the Directive address and through which measures could these be detected and combatted?**

**Question 2:**

**Would any clarification in Article 4 be needed to facilitate its effective implementation?**

**ii) CHAPTER I (General provisions)**

**– Personal scope (Article 1a)**

**Background**

While a narrower personal scope of the Directive may offer practical benefits in terms of implementation and reduce administrative challenges for Member States, it also carries the risk of leaving certain individuals unprotected. Specifically, those who incorrectly fall under the category of trainees but are, in reality, engaged in employment relationships, may remain outside the Directive's safeguards. This would undermine the second objective of the Directive and potentially allow exploitative practices to persist in some cases.

The below question aims to find an approach that ensures the targeted and effective measures for improving trainees' working conditions while also providing protection to trainees engaged in traineeships constituting in fact employment relationships, and at the same time to guarantee flexibility in addressing the needs of national systems.

**Question 3:**

**What adaptations would be needed in Article 1a in order to achieve the two objectives of the Directive, while respecting the diversity and specificities of the national systems?**

- **Definitions (Article 2)**

**Background**

During discussions, a number of Member States stressed the need to clarify the definitions of “traineeship” and “trainee” to avoid potential ambiguities in their interpretation and implementation. Concerns were raised that the wording proposed in the compromise text (annex to ST 16136) may lead to differences in how the provisions are implemented at the national level and may limit the Directive’s effectiveness.

**Question 4:**

**Would the current definitions in Article 2 require adaptation to align with the objectives of the Directive and facilitate its effective implementation?**

**iii) GENERAL QUESTION**

**Background**

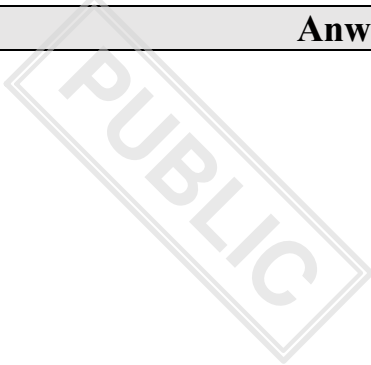
Besides the above specific aspects, throughout the discussions on the Directive, various concerns and challenges have been raised regarding its implementation, as well as the need to improve the clarity of the text. The below general question aims to provide a broader perspective on the issues and identify areas that may require specific refinements. The goal is to create space for constructive discussion on the future direction of the work.

**Question 5:**

**If any, are there other elements of the Directive that require further work to ensure its clarity and facilitate its implementation at the national level?**

**V. CONCLUSION**

**The Presidency kindly asks delegations to submit their written responses in the table below via the Delegates Portal.**

<b>Questions</b>	<b>Answers</b>
<p><b>Question 1:</b> The Directive pursues two objectives: improving and enforcing the working conditions of trainees and combatting cases of abuse of traineeships, in particular in cases whereby traineeships are misused while constituting in fact the employment relationships.</p> <p>In order to achieve the second objective, which types of abuse of traineeships should Article 4 of the Directive address and through which measures could these be detected and combatted?</p>	
<p><b>Question 2:</b> Would any clarification in Article 4 be needed to facilitate its effective implementation?</p>	
<p><b>Question 3:</b> What adaptations would be needed in Article 1a in order to achieve the two objectives of the Directive, while respecting the diversity and specificities of the national systems?</p>	
<p><b>Question 4:</b> Would the current definitions in Article 2 require adaptation to align with the objectives of the Directive and facilitate its effective implementation?</p>	
<p><b>Question 5:</b> If any, are there other elements of the Directive that require further work to ensure its clarity and facilitate its implementation at the national level?</p>	
<p style="text-align: center;"><b>End</b></p>	<p style="text-align: center;"><b>End</b></p>