



Brussels, 31 May 2024
(OR. en)

10455/24

**Interinstitutional File:
2024/0068(COD)**

**SOC 405
EMPL 232
ECOFIN 613
EDUC 190
JEUN 122
CODEC 1371
IA 128**

NOTE

From: Presidency
To: Permanent Representatives Committee/Council

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')
- *Progress report*

I. INTRODUCTION

On 20 March 2024, the Commission adopted a proposal for a Directive on improving and enforcing working conditions of trainees and combatting regular employment relationships disguised as traineeships ('Traineeship Directive'). The proposed Directive aims at improving and enforcing the working conditions of trainees and at combatting cases where traineeships are used to disguise regular employment relationships. The proposal was published as a package together with a proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships and replacing the Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships.

A large majority of delegations welcomed the objective of the proposal and expressed support to initiatives aiming at improving the working conditions of the trainees. Delegations stressed the need for considerable time to assess the impact and consequences of this Directive on

national systems hence, many delegations continue to have a general – and some parliamentary – scrutiny reservation on the proposal.

Under the Belgian Presidency, the Working Party on Social Questions met on three occasions: 9 April, 22 April and 27 May 2024. The Working Party finalised the article-by-article examination of the proposal. The progress achieved is summarised in section II below.

In accordance with the proposed legal basis of Article 153(2)(b), in conjunction with Article 153(1)(b) of the Treaty on the Functioning of the European Union (TFEU), the Council is required to act with the European Parliament in accordance with the ordinary legislative procedure.

The European Parliament has not adopted its position at first reading yet.

II. THE COUNCIL’S WORK UNDER THE BELGIAN PRESIDENCY

The Working Party on Social Questions initiated the examination of the proposed Directive under the Belgian Presidency on 9 April 2024, three weeks after its publication. On that occasion, the Commission presented the proposal for a Directive and delegations had the opportunity to submit preliminary general comments and questions.

The Commission proposal was accompanied by an Impact Assessment which also covers the proposed Council Recommendation. A questionnaire on the Impact Assessment was shared with delegations by the Belgian Presidency on 4 April 2024. Twenty-one Member States responded to the questionnaire. The impact assessment was analysed and discussed in depth at a Working Party on Social Questions on 22 April 2024. The summary of the evaluation and responses of the Member States to Impact Assessment can be found in doc. 10456/24.

The meetings of the Working Party on Social Questions on 22 April and 27 May 2024 were dedicated to the examination and discussion on the proposed Directive, in order to ensure a better understanding of the text of the proposal. On these occasions, delegations raised their comments and questions, which were addressed by the Commission, in particular as regards the scope of the proposed Directive and the definitions of ‘traineeship’ and ‘trainee’.

III. MAIN ISSUES DISCUSSED AT WORKING PARTY LEVEL

Scope

Numerous delegations are sceptical regarding the scope of the proposal, and needed clarifications as regards which types of trainees and which types of traineeships fall within the scope of the proposed Directive. The Commission provided explanations in order to clarify that *Chapter II: Equal Treatment of the proposal* and *Chapter IV: Enforcement and supporting measures* would apply to trainees in an employment relationship, while *Chapter III: Regular employment relationships disguised as traineeships* would require Member States to detect situations of *de facto* regular employment relationships amongst all trainees, including those without an employment relationship.

Even after the explanations provided by the Commission, delegations remained critical against parts of the proposal which include within their scope trainees without an employment relationship and traineeships that are mandatory to access certain professions or that are part of curricula of formal education and training.

Definitions

The lack of consistency between the definitions of ‘trainee’ and ‘traineeship’ was underlined by most delegations, given that the notion of ‘trainee’ requires the existence of an employment contract or an employment relationship, while the definition of ‘traineeship’ does not. The Commission stressed that the difference in the definition reflects the scope and the two objectives of the proposed Directive.

In addition, some delegations requested further clarity to enable the differentiation between a ‘traineeship’ and an ‘apprenticeship’.

Assessment of regular employment relationships disguised as traineeships and Enforcement measures

Several delegations raised concerns regarding subsidiarity and were critical about the level of detail included in the provisions of Chapters III and IV. They argue that national authorities should have more flexibility regarding the enforcement provisions. What is more, assessing, controlling and inspecting all types of traineeships would entail a significant increase of burden for labour inspectorates which is a concern to a large number of delegations.

Role of social partners

The importance of respecting the diversity of national systems, in particular the role and competences of social partners in some Member States, was stressed by some delegations. This is a horizontal concern which needs to be taken into account throughout the text.

Procedures on behalf or in support of trainees

A few delegations were sceptical as regards the proposed provision to enable representatives of workers to represent and assist trainees in judicial or administrative proceedings.

IV. CONCLUSIONS

The Belgian presidency managed to undergo an in-depth examination of the proposed Directive. The dedicated meetings of the Working Party on Social Questions served as an opportunity for delegations to submit their comments and questions on the proposal, including in writing. On these occasions, the Commission provided further explanations and clarifications regarding the issues raised by the delegations. The discussions contributed greatly to enhancing the shared understanding of the proposal.

Further work and technical discussions are necessary to finalise the first reading of the proposal.
