



2024/0068(COD)

24.2.2025

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') (COM(2024)0132 – C10-0004/2024 – 2024/0068(COD))

Committee on Employment and Social Affairs

Rapporteur: Alicia Homs Ginel

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act**Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') (COM(2024)0132 – C10-0004/2024 – 2024/0068(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2024)0132),
 - having regard to Article 294(2) and Article 153(2)(b) in conjunction with Article 153(1)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0004/2024),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 60 of its Rules of Procedure,
 - having regard to the opinion of the European Economic and Social Committee of ...¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to the opinion of the Committee on Culture and Education,
 - having regard to the report of the Committee on Employment and Social Affairs (A10-0000/2025),
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Amendment 1

Proposal for a directive Title 1

Text proposed by the Commission

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')
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on improving and enforcing working
conditions of trainees and combating
***abusive practices arising from the use of
traineeships*** ('Traineeships Directive')
(Text with EEA relevance)

Or. en

Amendment 2

Proposal for a directive Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) Pursuant to Article 3 of the Treaty on European Union (TEU), the aims of the Union include to promote the well-being of its peoples, to combat social exclusion and discrimination, and to work for the sustainable development of Europe based, inter alia, on balanced economic growth, and a highly competitive social market economy, aiming at full employment and social progress. Pursuant to Article 9 of the Treaty on the Functioning of the European Union (TFEU), the Union is to take into account, inter alia, requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, and the fight against social exclusion.

Or. en

Amendment 3

Proposal for a directive Recital -1 b (new)

Text proposed by the Commission

Amendment

(-1b) Article 21 of the Charter prohibits any discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Article 31 of the Charter provides for the right of every worker to fair and just working conditions which respect his or her health, safety and dignity.

Or. en

Amendment 4

Proposal for a directive Recital -1 c (new)

Text proposed by the Commission

Amendment

(-1c) Chapter I and II of the European Pillar of Social Rights (the ‘Pillar’), proclaimed at Gothenburg on 17 November 2017, establish a set of principles to serve as a guide towards equal opportunities, access to the labour market, and fair working conditions. Principle 3 of the Pillar underlines that, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding, inter alia, employment and education. Principle 4(b) of the Pillar provides young people with the right to continued education, an apprenticeship, a

traineeship or an offers of a good job within four months of becoming unemployed or leaving education. Principle 5 of the Pillar provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, and that employment relationships that lead to precarious working conditions are to be prevented. Principle 6 of the Pillar provides that workers have the right to fair wages that provide for a decent standard of living.

Or. en

Amendment 5

Proposal for a directive Recital 3

Text proposed by the Commission

(3) The ***reinforced*** Youth Guarantee⁴ aims at ensuring that young people under the age of 30 receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of becoming unemployed or leaving education. ***The 2014 Recommendation is an important reference point to measure the quality of traineeships offers under the reinforced Youth Guarantee.***

⁴ Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the

Amendment

(3) The ***Council Recommendation on A Bridge to Jobs – Reinforcing the*** Youth Guarantee aims at ensuring that young people under the age of 30 receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of becoming unemployed or leaving education. ***However, the Employment Committee (EMCO) Review of the Youth Guarantee^{1a} in 2024 found persistent and substantial differences in the quality and effectiveness of service delivery.***

^{1a} EMCO reviews of the implementation of the Council Recommendation on A Bridge to Jobs – Reinforcing the Youth Guarantee

⁴ Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the

Council Recommendation of 22 April 2013
on establishing a Youth Guarantee 2020/C
372/01 (OJ C 372, 4.11.2020, p. 1).

Council Recommendation of 22 April 2013
on establishing a Youth Guarantee 2020/C
372/01 (OJ C 372, 4.11.2020, p. 1).

Or. en

Amendment 6

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Labour shortages exist in many occupations and at all skills levels. They are expected to increase with the projected decline in the working age population and increasing demand for several occupations relevant for the green and digital transition. The lower labour market participation of young people contributes to these shortages. Quality traineeships can be a useful up- and/or reskilling pathway for persons of any age to acquire practical skills on the job to enter the labour market or take their career in a new direction.

Amendment

deleted

Or. en

Amendment 7

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) At Union level, existing legislative acts, including Directives 89/391/EEC^{1e}, 2002/14/EC^{1b}, 2003/88/EC^{1c}, 2008/104/EC^{1d}, (EU) 2018/957^{1e}, , (EU) 2019/1152^{1f}, (EU) 2019/1158^{1g} and (EU) 2022/2041^{1h} of the European Parliament and of the Council, and Council Directives 97/81/EC¹ⁱ, 1999/70/EC^{1j},

2000/78/EC^{1k} provide a framework for the protection of workers.

^{1a} Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.06.1989, p. 1).

^{1b} Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ L 80, 23.3.2002, p. 29).

^{1c} Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

^{1d} Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).

^{1e} Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).

^{1f} 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 (OJ L 186, 11.7.2019, p. 105).

^{1g} Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance (OJ L 188, 12.7.2019, p. 79).

^{1c} Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum

wages in the European Union (OJ L 275, 25.10.2022, p. 33).

^{li} Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time working concluded by UNICE, CEEP and the ETUC – Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9).

^{lj} Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43).

^{lk} Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

Or. en

Amendment 8

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The Strategy for the Rights of Persons with Disabilities 2021-2030 aims to ensure full participation of persons with disabilities in society, on an equal basis with others in the Union and beyond. Within that strategy, the Commission commits to ensuring that persons with disabilities can take part in training and in learning new skills as a fundamental requisite for employment and independence.

Or. en

Amendment 9

Proposal for a directive Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) In 2022, the Conference on the Future of Europe put forward a proposal on ensuring that young people's internships and jobs adhere to quality standards, including on pay and banning unpaid internships on the labour market and outside formal education.

Or. en

Amendment 10

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

(5) 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.**

(5) Traineeships **aim to help** young people gain practical and professional experience, **to** facilitate their transition **from education to** stable employment **and access to a profession. The purpose of a traineeship is to combine a short period of entry-level work with a significant training experience.** As such, traineeships **can** constitute an important pathway to the labour market.

Or. en

Amendment 11

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) 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 stable employment after their traineeship. However, this can only be achieved if traineeships are regulated.

Or. en

Amendment 12

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) 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 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.

deleted

Or. en

Amendment 13

Proposal for a directive Recital 7

Text proposed by the Commission

(7) ***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.

Amendment

(7) 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, ***risk*** leading to ***abusive practices arising from*** the use of traineeships.

Or. en

Amendment 14

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Complications further arise due to the broad and informal categorisation of traineeships. Traineeships can be understood to include traineeships which are part of curricula for formal education; traineeships which are regulated under national law and the completion of which is a mandatory requirement to access a specific profession; open market traineeships; and traineeships in the context of active labour market policies. Some types of traineeships are regulated or partly regulated in Member States, whereas others are not.

Amendment 15

Proposal for a directive Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Without regulatory frameworks, socio-economic costs arise if traineeships, particularly repeated ones, are allowed to replace stable employment, in particular entry-level positions that are usually offered to trainees.

Or. en

Amendment 16

Proposal for a directive Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) Unpaid or poorly paid traineeships can be particularly exclusionary towards young people without the financial means to complete one. Unpaid or poorly paid traineeships risk directly or indirectly discriminating on the basis of age, sex, race, colour, ethnic and social origin, disability and others. The bifurcation between unpaid and paid traineeships can also lead to discrimination between trainees due to the difference in treatment.

Or. en

Amendment 17

Proposal for a directive Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) The European Parliament has repeatedly condemned the practice of unpaid traineeships as a form of exploitation of young workers and a violation of their rights and has called for a common legal framework to ensure fair remuneration for traineeships in order to avoid exploitative practices^{1m}.

^{1m} European Parliament resolution of 17 February 2022 on empowering European youth: post-pandemic employment and social recovery (OJ C 342, 6.9.2022, p. 265); European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL)).

Or. en

Amendment 18

Proposal for a directive Recital 8

Text proposed by the Commission

Amendment

(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions compared to regular employees, including regarding working hours, leave entitlements, and access to equipment as well as pay.

deleted

Or. en

Amendment 19

Proposal for a directive Recital 9

(9) *At Union level, existing legal instruments provide a framework for the protection of workers, including the directives on transparent and predictable working conditions⁵, adequate minimum wages⁶, working time⁷, health and safety at work⁸, equality and non-discrimination⁹, work-life balance for parents and carers¹⁰, information and consultation of employees¹¹, fixed-term work¹², part-time work¹³, posting of workers¹⁴ and on temporary agency work.¹⁵. This legal framework fully applies to trainees who have an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice of the European Union. The Union legal framework also encompasses recommendations on the quality of traineeships¹⁶ and apprenticeships¹⁷ and on access to social protection for workers and self-employed¹⁸.*

deleted

⁵ 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 (OJ L 186, 11.7.2019, p. 105).

⁶ Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33).

⁷ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

⁸ Council Directive 89/391/EEC of 12 June 1989 on the introduction of

measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.06.1989, p. 1).

⁹ *Among others: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).*

¹⁰ *Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance (OJ L 188, 12.7.2019, p. 79).*

¹¹ *Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ L 80, 23.3.2002, p. 29).*

¹² *Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43).*

¹³ *Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time working concluded by UNICE, CEEP and the ETUC – Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9).*

¹⁴ *Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).*

¹⁵ *Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).*

¹⁶ *Council Recommendation of 10 March 2014 on a Quality Framework for*

Traineeships (OJ C 88, 27.3.2014, p. 1).

¹⁷ *Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1).*

¹⁸ *Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (OJ C 387, 15.11.2019, p. 1).*

Or. en

Amendment 20

Proposal for a directive Recital 10

Text proposed by the Commission

Amendment

(10) The Conference on the Future of Europe¹⁹ put forward a proposal on ensuring that young people's internships and jobs adhere to quality standards, including on pay and banning unpaid internships on the labour market and outside formal education.

deleted

¹⁹ *Report on the final outcome – May 2022.*

Or. en

Amendment 21

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

(11) The European Parliament adopted a resolution pursuant to Article 225 TFEU with recommendations to the Commission on quality traineeships in June 2023²⁰. In

(11) *In June 2023*, the European Parliament adopted a resolution pursuant to Article 225 TFEU with recommendations to the Commission on quality

its resolution, it called on the Commission “to update and strengthen the 2014 QFT and to turn it into a stronger legislative instrument”. ***It further called on the Commission to include additional principles in an updated quality framework for traineeships. Specifically, the European Parliament called for the Commission to “propose a directive on open labour market traineeships, traineeships in the context of active labour market policies and traineeships that are a mandatory part of professional training, in order to ensure minimum quality standards, including rules on the duration of the traineeships, access to social protection in accordance with national law and practice as well as pay that ensures a decent standard of living in order to avoid exploitative practices”.***

²⁰ European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL)).

traineeships²⁰. In its resolution, it called on the Commission “to update and strengthen the 2014 QFT and to turn it into a stronger legislative instrument”.

²⁰ European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL)).

Or. en

Amendment 22

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In its case law, the Court of Justice has established criteria for determining the status of a worker. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive¹ⁿ.

¹ⁿ Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land

*Baden-Württemberg, C-66/85,
ECLI:EU:C:1986:284; 14 October 2010,
Union Syndicale Solidaires Isère v
Premier ministre and Others, C-428/09,
ECLI:EU:C:2010:612; 9 July 2015,
Ender Balkaya v Kiesel Abbruch- und
Recycling Technik GmbH, C-229/14,
ECLI:EU:C:2015:455; 4 December 2014,
FNV Kunsten Informatie en Media v
Staat der Nederlanden, C-413/13,
ECLI:EU:C:2014:2411; and 17
November 2016, Betriebsrat der
Ruhrlandklinik gGmbH v Ruhrlandklinik
gGmbH, C-216/15,
ECLI:EU:C:2016:883.*

Or. en

Amendment 23

Proposal for a directive Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) Direction, personal service, and the pursuit of activities which are real and genuine to the exclusion of activities on such a small scale as to be regarded as purely marginal and ancillary, are essential elements of the definition of an employment relationship in the case-law of the Court of Justice¹⁰.

¹⁰ *Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg; Case C-228/07 Jörn Petersen v Landesgeschäftsstelle des Arbeitsmarktservice Niederösterreich [2008] ECR I-06989 para 45.*

Or. en

Amendment 24

Proposal for a directive Recital 14 c (new)

Text proposed by the Commission

Amendment

(14c) The Court of Justice has repeatedly held that the concept of ‘worker’, within the meaning of Article 45 TFEU extends to a person who serves a traineeship^{1a}. The case-law of the Court of Justice has applied the employment nexus to the four main types of traineeships: those which are open market^{1b}, mandatory for a profession^{1c}, associated with active labour market policies^{1d} and part of an academic or vocational qualification^{1e}.

^{1a} Case C-485/20 XXXX v HR Rail SA [2022] ECLI:EU:C:2022:85, para 31.

^{1b} Case C-485/20 XXXX v HR Rail SA [2022] ECLI:EU:C:2022:85;

^{1c} Case C-66/85 Deborah Lawrie-Blum v Land Baden-Württemberg [1986] ECR I-02121; Case C-109/04 Karl Robert Kranemann v Land Nordrhein-Westfalen [2005] ECR I-02421.

^{1d} Case C-229/14 Ender Balkaya v Kiesel Abbruch-und Recycling Technik GmbH [2015] ECLI:EU:C:2015:455

^{1e} Case C-344/20 LF v SCRL [2022] ECLI:EU:C:2022:77.

Or. en

Amendment 25

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) Considering the ***persisting***

(15) Considering the ***persistent abusive***

challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union and to combat employment relationships disguised as traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.

practices arising from the use of traineeships in the Union, further action is needed to ensure that the relevant Union and national law applicable to trainees is fully implemented and enforced.

Or. en

Amendment 26

Proposal for a directive Recital 16

Text proposed by the Commission

(16) This Directive *should apply to trainees in the Union who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. In its case law, the Court of Justice has established criteria for determining the status of a worker, which is to be based on a case-by-case-analysis.*

Amendment

(16) This Directive *lays down a common definition of traineeships and a common framework for preventing abusive practices arising from the use of traineeships for purposes outside of facilitating the transition from education to stable employment or accessing a profession. The Directive therefore regulates the working conditions of the entry-level work undertaken by trainees during the traineeship.*

Or. en

Amendment 27

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) This Directive defines traineeships as a limited period of entry-level work aiming to provide practical and professional skills through significant training to facilitate the transition to stable employment or accessing a profession, based on a written contract between the trainee and the traineeship provider, which is paid in accordance with Directive (EU) 2022/2041.

Or. en

Amendment 28

Proposal for a directive Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) One of the challenges with traineeship regulation is the lack of clarity over what the concept and purpose of a traineeship is under Union law. This Directive addresses that challenge by providing a common definition of the concept and purpose of a traineeship.

Or. en

Amendment 29

Proposal for a directive Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) This Directive ensures that the

principle of non-discrimination pursuant to Article 21 of the Charter as well as Directive 2006/54/EC of the European Parliament and of the Council^{1a}, Council Directive 2000/43/EC^{1b} and Directive 2000/78/EC, apply to traineeships, in respect of access to traineeships and the working conditions including pay. This addresses concerns concerning the discriminatory implications of traineeships and promotes the inclusivity of traineeships.

^{1a} Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

^{1b} Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

Or. en

Amendment 30

Proposal for a directive Recital 16 d (new)

Text proposed by the Commission

Amendment

(16d) Member States should also promote increased access to traineeships for trainees from vulnerable backgrounds, including those with disabilities, by ensuring that workplaces are adapted to be accessible to trainees with disabilities.

Or. en

Amendment 31

Proposal for a directive Recital 17

Text proposed by the Commission

Amendment

(17) Work-based learning programmes falling under the definition of traineeship vary significantly across Member States. Hence, apprenticeships may fall within the scope of this Directive, insofar as apprentices fall under the notion of ‘worker’ as defined by the law, collective agreements or practices in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union.

deleted

Or. en

Amendment 32

Proposal for a directive Recital 18

Text proposed by the Commission

Amendment

(18) Chapter III of the Directive applies to regular employees who are falsely labelled as trainees, i.e. when employers label a regular employment relationship either as a traineeship which is not an employment relationship, or as a traineeship which does constitute an employment relationship, however with a lower level of pay or other working conditions than those which regular employees would be entitled to under Union or national law, collective agreements or practice.

(18) This Directive requires Member States to introduce effective measures to combat abusive practices arising from the use of traineeships for purposes other than facilitating the transition from education to stable employment, with the effect of granting lower levels of protection, including working conditions and pay, than the trainee concerned would be entitled to under Union or national law, collective agreements or practice.

Or. en

Amendment 33

Proposal for a directive Recital 19

Text proposed by the Commission

Amendment

(19) Traineeships which are employment relationships can be distinguished from ‘regular’ employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to employment or accessing a profession. **deleted**

Or. en

Amendment 34

Proposal for a directive Recital 20

Text proposed by the Commission

Amendment

(20) The principle of non-discrimination is suitable to combat abuses of traineeships, such as granting trainees less favourable working conditions or lower pay compared with regular employees without appropriate justification, and to ensure the sustainability of traineeships as a pathway to stable employment opportunities. It can also help make traineeships more accessible to groups of workers in a vulnerable situation. **deleted**

Or. en

Amendment 35

Proposal for a directive Recital 21

Text proposed by the Commission

Amendment

(21) *It is therefore necessary to lay down the principle of non-discrimination for trainees which should apply in addition to Clause 4 of the Annex to the Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, which provides that in respect of employment conditions, fixed-term workers are not to be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation unless different treatment is justified on objective grounds. Trainees who have an employment relationship are by definition ‘fixed-term workers’ within the meaning of that Directive. Its clause on the principle of non-discrimination, however, does not allow for comparison with other fixed-term workers. Moreover, Clause 2 (2) of the Annex to that Directive allows Member States to exclude certain types of workers from its scope, including initial vocational training relationships and apprenticeship schemes or employment contracts and relationships which have been concluded within the framework of a specific public or publicly supported training, integration and vocational retraining programme. It also fails to recognise the particularly vulnerable position that trainees are in. It is therefore necessary to guarantee that the principle of equal treatment compared to regular employees applies to all trainees who have an employment relationship.*

deleted

Or. en

Amendment 36

Proposal for a directive Recital 22

Text proposed by the Commission

Amendment

(22) *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.* *deleted*

Or. en

Amendment 37

Proposal for a directive Recital 23

Text proposed by the Commission

Amendment

(23) *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.* *deleted*

Or. en

Amendment 38

Proposal for a directive Recital 24

Text proposed by the Commission

Amendment

(24) Member States should have appropriate measures in place to combat regular employment relationships disguised as traineeships 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.

deleted

Or. en

Amendment 39

Proposal for a directive Recital 25

Text proposed by the Commission

Amendment

(25) It is necessary to ensure effective controls and inspections conducted by competent authorities as they are essential to protect the rights of trainees and to combat *regular employment relationships disguised as* traineeships. They should be targeted to avoid the substitution of *regular* employment by *disguised* traineeships and to protect *workers'* rights.

(25) It is necessary to ensure effective controls and inspections conducted by competent authorities as they are essential to protect the rights of trainees and to combat *abusive practices arising from the use of* traineeships. They should be targeted to avoid the substitution of *stable* employment by *repeated* traineeships and to protect *the trainees'* rights.

Or. en

Amendment 40

Proposal for a directive Recital 26

Text proposed by the Commission

Amendment

(26) ***The assessment whether a regular employment relationship is disguised as a traineeship should be based on the factual circumstances and not on the formal designation of the contractual relationship.*** In order to ***determine whether a regular employment relationship is disguised as a traineeship,*** competent authorities should perform an overall assessment of all relevant facts. In order to facilitate the assessment for competent authorities, ***key*** elements that ***would allow to make the distinction between a regular employment relationship and a disguised traineeship*** should be ***set out***. The assessment of those elements should be performed on a case-by-case basis, taking due account of the circumstances of each specific case. ***Therefore, the elements referred to are indicative and non-exhaustive and without the necessity to meet a specific threshold.***

(26) In order to ***identify abusive practices arising from the use of traineeships,*** competent authorities should perform an overall assessment of all relevant facts. In order to facilitate the assessment for competent authorities, ***this Directive sets out various factual and circumstantial*** elements that should be ***relevant in identifying abusive practices arising from the use of traineeships.*** The assessment of those elements should be performed on a case-by-case basis, taking due account of the circumstances of each specific case.

Or. en

Amendment 41

Proposal for a directive Recital 27

Text proposed by the Commission

Amendment

(27) ***Requiring previous work experience for a traineeship in the same or similar field of activity may not indicate a regular employment relationship disguised as a traineeship if the employer provides justification such as an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise.***

deleted

Amendment 42

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) When competent authorities carry out their analysis of the relevant facts to determine the existence of ***a regular employment relationship disguised as a traineeship***, the information needed to perform this analysis might not always be easily accessible to them. In order to enable competent authorities to perform their tasks, employers should be obliged to provide them with the necessary information that lies in their control ***upon request of*** the competent authorities.

Amendment

(28) When competent authorities carry out their analysis of the relevant facts to determine the existence of ***abusive practices arising from the use of traineeships***, the information needed to perform this analysis might not always be easily accessible to them. In order to enable competent authorities to perform their tasks, employers should be obliged to provide them with the necessary information that lies in their control ***to*** the competent authorities

Or. en

Amendment 43

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) 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

Amendment

(29) Member States should have appropriate measures in place to facilitate the ***identification of abusive practices arising from the use of traineeships***. 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.

grounds ***that further the aims of a traineeship***. 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.

Or. en

Amendment 44

Proposal for a directive Recital 30

Text proposed by the Commission

(30) The obligation for 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*** could be fulfilled by ***including*** a link to a website containing this information.

Amendment

(30) The obligation for employers to include information on the expected tasks, working conditions, including pay, social protection, and training elements, ***as well as the possibilities of recruitment after the completion of the traineeship in*** vacancy notices and advertisements could be fulfilled by ***providing*** a link to a website containing this information.

Or. en

Amendment 45

Proposal for a directive Recital 31

Text proposed by the Commission

Amendment

(31) In addition to this Directive, Member States should ensure full implementation and enforcement of the rights enshrined in the Union acquis applicable to trainees who have an employment relationship.

deleted

Or. en

Amendment 46

Proposal for a directive Recital 32

Text proposed by the Commission

Amendment

(32) An extensive system of enforcement provisions for the social acquis in the Union has been developed in recent legal instruments, such as Directive (EU) 2019/1152 and Directive (EU) 2023/970²¹. Such provisions should be included in this Directive to help ensure effective enforcement and defence of rights of trainees stemming from this Directive and from other Union law ***applicable to workers***.

(32) An extensive system of enforcement provisions for the social acquis in the Union has been developed in recent legal instruments, such as Directive (EU) 2019/1152 and Directive (EU) 2023/970. Such provisions should be included in this Directive to help ensure effective enforcement and defence of ***the*** rights of trainees stemming from this Directive and from other Union law.

²¹ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, OJ L 132, 17.5.2023, p. 21.

²¹ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (OJ L 132, 17.5.2023, p. 21).

Or. en

Amendment 47

Proposal for a directive Recital 33

Text proposed by the Commission

(33) 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***.

Amendment

(33) 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.

Or. en

Amendment 48

Proposal for a directive Recital 34

Text proposed by the Commission

(34) To provide a more effective level of protection of trainees, representatives ***of workers*** should be able to engage in proceedings in order to defend any of the rights and obligations arising from this Directive or from other Union law ***applicable to workers*** either on behalf or in support of one or several trainees.

Amendment

(34) To provide a more effective level of protection of trainees, ***workers'*** representatives should be able to engage in proceedings in order to defend any of the rights and obligations arising from this Directive or from other Union law either on behalf or in support of one or several trainees.

Or. en

Amendment 49

Proposal for a directive Recital 35

Text proposed by the Commission

(35) Trainees should be provided with adequate judicial and administrative protection against any adverse treatment **and** consequences in reaction to any complaint lodged with the **employer** or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law **applicable to workers**. In particular, trainees should be protected from dismissal or its equivalent and all preparations for dismissal or its equivalent for exercising the rights provided for in this Directive or in other Union law applicable to workers.

Amendment

(35) Trainees should be provided with adequate judicial and administrative protection against any adverse treatment **or** consequences in reaction to any complaint lodged with the **traineeship provider** or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law. In particular, trainees should be protected from dismissal or its equivalent, **such as the withholding of an offer of future employment at the traineeship provider**, and all preparations for dismissal or its equivalent for exercising the rights provided for in this Directive or in other Union law applicable to workers.

Or. en

Amendment 50

Proposal for a directive Recital 38

Text proposed by the Commission

(38) 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

Amendment

(38) Since the objectives of this Directive, namely to **provide a common definition of traineeships and to** enforce working conditions of trainees and **to** combat **abusive practices arising from the use of** 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

beyond what is necessary in order to achieve those objectives.

that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 51

Proposal for a directive Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) It is more important than ever to strive for an internal market with a level playing field without social dumping and with respect for social and employment rights. The Union supports Member States in their striving for collective bargaining and their freedom to maintain, conclude and enforce collective agreements where they are a better tool for implementing and complementing the Union's legislative initiatives, in light of national practices and frameworks. In that respect, it is crucial to acknowledge the importance of the social partners and their right to negotiate and bargain collectively.

Or. en

Amendment 52

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Directive lays down a common framework of principles and measures to improve and enforce the working conditions of trainees and to ***combat regular employment relationships disguised as*** traineeships

This Directive lays down a common ***definition of traineeships and sets out a*** framework of principles and measures to improve and enforce the working conditions of trainees and to ***prevent abusive practices arising from the use of***

traineeships.

Or. en

Amendment 53

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘traineeship’ means a limited period of ***work practice which includes a significant learning and training component, undertaken to gain*** practical and professional ***experience*** with a view to ***improving employability and*** facilitating transition ***to a regular*** employment ***relationship*** or accessing a profession;

Amendment

(a) ‘Traineeship’ means a

(i) limited period of ***entry-level work aiming to provide*** practical and professional ***skills through significant training***, with a view to facilitating ***the*** transition ***from education to stable*** employment, or accessing a profession, ***on the basis of a written contract between the trainee and traineeship provider, which is paid in accordance with the Directive (EU) 2022/2041;***

Or. en

Amendment 54

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘trainee’ means any person undertaking a traineeship ***who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force***

Amendment

(b) ‘trainee’ means any person undertaking a traineeship.

*in every Member State with consideration
to the case law of the Court of Justice;*

Or. en

Amendment 55

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) ‘traineeship provider’ means an
undertaking which is private, public or
both and which provides traineeships.*

Or. en

Amendment 56

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

*(c) ‘regular employment relationship’
means any employment relationship that
is not a traineeship;* *deleted*

Or. en

Amendment 57

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

*(d) ‘regular employee’ means any
person in a regular employment
relationship.* *deleted*

Or. en

Amendment 58

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

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.

deleted

Or. en

Amendment 59

Proposal for a directive Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that, in respect of access to traineeships and the working conditions including pay, traineeships comply with the principle of non-discrimination, as laid down in Directives 2000/43/EC, 2000/78/EC and 2006/54/EC.

Or. en

Amendment 60

Proposal for a directive Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall promote increased access to traineeships for trainees from vulnerable backgrounds, including trainees with disabilities.

Or. en

Amendment 61

Proposal for a directive Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Member States shall ensure that workplaces are adapted to be accessible to trainees with disabilities.

Or. en

Amendment 62

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 63

Proposal for a directive Chapter III – title

Text proposed by the Commission

III *Regular employment relationships disguised as* traineeships

Amendment

III *Measures to combat abusive practices arising from the use of* traineeships

Or. en

Amendment 64

Proposal for a directive Article 4 – title

Text proposed by the Commission

Measures to combat *regular employment relationships disguised as traineeships*

Amendment

Measures to combat *abusive practices*

Or. en

Amendment 65

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

Member States shall provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against *abusive practices arising from the use of traineeships for purposes other than facilitating the transition from education to stable employment, or accessing a profession*, with the effect of granting lower levels of protection, including working conditions and pay, than the *trainee* concerned would be entitled to under Union or national law, collective

agreements or practice.

Or. en

Amendment 66

Proposal for a directive Article 5 – title

Text proposed by the Commission

Assessment of *regular employment relationships disguised as traineeships*

Amendment

Assessment of *abusive practices*

Or. en

Amendment 67

Proposal for a directive Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. 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*:

Amendment

1. In order to *identify abusive practices arising from the use of traineeships*, competent authorities shall make an overall assessment of all relevant factual elements. *In determining whether there is an abusive practice, the* assessment shall *be based on*:

Or. en

Amendment 68

Proposal for a directive Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the absence of a *significant learning or training component in the*

Amendment

(a) the absence of a *written contract between the trainee and the* traineeship

purported traineeship;

provider;

Or. en

Amendment 69

Proposal for a directive

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) the *excessive duration* of the *purported* traineeship or *multiple and/or consecutive purported traineeships with the same employer by the same person*;

Amendment

(b) the *absence of a training component, indicated by the absence* of the *following elements*:

(i) *a clear training programme for the traineeship which sets out the skills, knowledge and competences to be developed over the course of the traineeship, the learning objectives of the traineeship, and the assignment of tasks and training opportunities which will facilitate those skills and objectives*;

(ii) *a designated supervisor and/or mentor for the period of the traineeship*;

(iii) *the provision of a dedicated training, feedback and support sessions during the traineeship*;

(iv) *guidance and oversight of the trainee whilst completing the tasks set*;

(v) *a clear connection between the skills being taught during the traineeship and the tasks set*.

Or. en

Amendment 70

Proposal for a directive

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *equivalent levels of tasks, responsibilities and intensity of work for purported trainees and regular employees at comparable positions with the same employer;*

(c) *the excessive duration of a traineeship;*

Or. en

Amendment 71

Proposal for a directive

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *the requirement for previous work experience for candidates for traineeships in the same or a similar field of activity without appropriate justification;*

(d) *the absence of remuneration granted in accordance with Directive (EU) 2022/2041;*

Or. en

Amendment 72

Proposal for a directive

Article 5 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *a high ratio of purported traineeships compared with regular employment relationships with the same employer;*

(e) *the requirement for candidates to have previous work experience prior to taking up the traineeship;*

Or. en

Amendment 73

Proposal for a directive

Article 5 – paragraph 1 – point f

Text proposed by the Commission

(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.*

Amendment

(f) *the lack of a public vacancy notice for the traineeship outlining the following information:*

(i) *excepted tasks and level of responsibility required of the trainee;*

(ii) *rights and entitlements of the trainee, including pay, social protection, sick leave, and working time entitlements;*

(iii) *provision of training and skills to be gained.*

Or. en

Amendment 74

Proposal for a directive

Article 5 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) *the absence of a transparent recruitment policy for the provision of stable employment upon completion of the traineeship.*

Or. en

Amendment 75

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition, competent authorities shall also consider circumstantial factors which are external to the traineeship relationship itself when determining

whether there are abusive practices arising from the use of traineeships. The assessment shall take into account, inter alia, the following factors:

(a) the high ratio of traineeships relative to the size of the establishment;

(b) the recruitment of trainees who have previously completed a traineeship in the same or similar field of activity;

(c) the repeated extension of the duration of traineeships without offering the possibility of progression within the establishment;

(d) the replacement of permanent positions with consecutive traineeship vacancy adverts.

Or. en

Amendment 76

Proposal for a directive

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. 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:

Amendment

2. To enable competent authorities to carry out the assessment referred to in **paragraphs 1 and 2, Member States shall require traineeship providers to supply** those authorities with the following information:

Or. en

Amendment 77

Proposal for a directive

Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) the number of **traineeships and**

Amendment

(a) the number of **trainees and other**

regular employment relationships

types of workers;

Or. en

Amendment 78

Proposal for a directive

Article 5 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the working conditions, including pay, tasks and responsibilities of ***purported trainees*** and of ***regular employees at*** comparable positions;

(c) the working conditions, including pay, tasks and responsibilities of ***the traineeships*** and of ***other types of workers in*** comparable positions;

Or. en

Amendment 79

Proposal for a directive

Article 5 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the descriptions of the ***learning and*** training components of traineeships;

(d) the descriptions of the training components of traineeships;

Or. en

Amendment 80

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

To facilitate the assessment referred to in ***paragraph 1***, Member States shall:

To facilitate the assessment referred to in ***paragraphs 1 and 2***, Member States shall:

Or. en

Amendment 81

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) define *a time limit indicating excessive* duration of *a* traineeship *and of repeated, including consecutive, traineeships with the same employer*;

Amendment

(a) define *the maximum* duration of *the* traineeship *to be six months, however, Member States may provide for exceptions to the time-limit where a longer duration is justified on objective grounds*;

Or. en

Amendment 82

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(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.

Amendment

(b) require *traineeship providers* to include information on the expected tasks, working conditions, including pay, social protection, and training elements, *as well as the possibilities of recruitment after the completion of the traineeship* in the vacancy notices and advertisements for traineeships.

Or. en

Amendment 83

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may provide for exceptions to the time-limit in point (a) in cases where a longer duration is justified by objective grounds.

Amendment

deleted

Amendment 84

Proposal for a directive

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

Member States shall take effective measures to ensure that all relevant Union law applicable to **trainees** is fully implemented and enforced in relation to trainees. In particular they shall:

Or. en

Amendment 85

Proposal for a directive

Article 6 – paragraph 1 – point f

Text proposed by the Commission

(f) ensure, in cooperation with the competent authorities, channels for trainees to report malpractice and poor working conditions, and provide information on those channels

Amendment

(f) ensure, in cooperation with the competent authorities, channels for trainees to **anonymously and securely** report malpractice and poor working conditions, and provide information on those channels.

Or. en

Amendment 86

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

Member States shall ensure that trainees, including those whose **employment relationship** has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate

Amendment

Member States shall ensure that trainees, including those whose **traineeship** has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation,

compensation, in the case of infringements of their rights arising from this Directive or from other Union law ***applicable to workers***.

in the case of infringements of their rights arising from this Directive or from other Union law.

Or. en

Amendment 87

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

Member States shall ensure that representatives ***of workers*** may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to ***workers***. They may act on behalf or in support of ***one or several trainees in the case of an infringement of any right or obligation*** arising from ***this Directive or from other Union law applicable to workers***, with that trainee's or those trainees' approval.

Amendment

Member States shall ensure that ***workers'*** representatives may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to ***trainees***. They may act on behalf or in support of ***those facing abusive practices*** arising from ***the use of traineeships***, with that trainee's or those trainees' approval.

Or. en

Amendment 88

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall introduce the necessary measures to protect trainees and their representatives from any adverse treatment by the ***employer*** and from any adverse consequences resulting from a complaint lodged with the ***employer*** or resulting from any proceedings initiated with the aim of enforcing compliance with

Amendment

1. Member States shall introduce the necessary measures to protect trainees and their representatives from any adverse treatment by the ***traineeship provider*** and from any adverse consequences resulting from a complaint lodged with the ***traineeship provider*** or resulting from any proceedings initiated with the aim of

the rights provided for in this Directive or in other Union law ***applicable to workers***.

enforcing compliance with the rights provided for in this Directive or in other Union law.

Or. en

Amendment 89

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

2. In particular, Member States shall take the necessary measures to prohibit the dismissal or its equivalent, and all preparations for dismissal or its equivalent, of trainees on the grounds that they have exercised the rights provided for in this Directive or in other Union law ***applicable to workers***.

Amendment

2. In particular, Member States shall take the necessary measures to prohibit the dismissal or its equivalent, ***such as the withholding of an offer of future employment at the traineeship provider***, and all preparations for dismissal or its equivalent, of trainees on the grounds that they have exercised the rights provided for in this Directive or in other Union law.

Or. en

Amendment 90

Proposal for a directive Article 9 – paragraph 3

Text proposed by the Commission

3. Trainees who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, or in other Union law ***applicable to workers***, may request the ***employer to provide*** duly substantiated grounds for the dismissal or the equivalent measures. The ***employer*** shall provide those grounds in writing.

Amendment

3. Trainees who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, or in other Union law, may request the ***traineeship provider to supply*** duly substantiated grounds for the dismissal or the equivalent measures. The ***traineeship provider*** shall provide those grounds in writing.

Or. en

Amendment 91

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to ensure that, when trainees referred to in paragraph 3 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for the **employer** to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 2.

Amendment

4. Member States shall take the necessary measures to ensure that, when trainees referred to in paragraph 3 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for the **traineeship provider** to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 2.

Or. en

Amendment 92

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

1. No provision in this Directive shall be construed as lowering the protection of workers afforded by other instruments of Union law, national law, collective agreements or practice.

Amendment

1. No provision in this Directive shall be construed as lowering the protection of workers, **including trainees**, afforded by other instruments of Union law, national law, collective agreements or practice.

Or. en

Amendment 93

Proposal for a directive Article 11 – paragraph 3

Text proposed by the Commission

3. This Directive shall not affect

Amendment

3. This Directive shall not affect

Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to **workers** or to encourage or permit the application of collective agreements which are more favourable to **workers**.

Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to **trainees** or to encourage or permit the application of collective agreements which are more favourable to **trainees**.

Or. en

Amendment 94

Proposal for a directive

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may, provided that the national social partners jointly agree, give the social partners, at the appropriate level and subject to the conditions laid down by the Member States, the option of upholding or concluding collective agreements to implement and complement the protections laid down in this Directive.

Or. en

EXPLANATORY STATEMENT

BACKGROUND

The number of traineeships offered in the Union is growing rapidly. It is estimated that the majority of 18 to 35-year-olds -up to 78%- currently complete a traineeship, with this figure expected to rise by at least 16% by 2030.

Despite their prevalence, traineeships remain a broad, loosely defined concept. The umbrella term encompasses everything from graduate traineeships advertised in the open labour market (often called ‘internships’) to mandatory training for professions (e.g., doctors or lawyers), traineeships earning university credits, and those part of active labour market policies. These are just examples, not legal categories, and often overlap.

What unites these traineeships is that they aim to provide a short period of entry-level work to help young people gain practical and professional skills to facilitate the transition from education to stable employment, or accessing a profession. To gain these skills in a workplace, it is both expected and inevitable that the trainee will perform work during their traineeship.

Traineeships can be of significant benefit to both the trainee and the traineeship provider. They can constitute an important pathway for young people’s access to the labour market and to certain professions, as well as complementing their academic skills. For traineeship providers, they can provide an opportunity to attract, train and retain young people while reducing recruitment costs. However, these benefits will only materialise if traineeships are adequately regulated.

Without adequate regulation, traineeships can pose risks. The lack of clarity regarding the concept and rights of a trainee has led to cases where young people perform work without protection against potential harm and exploitation.

The concerns are twofold: firstly, traineeships result in discriminatory practices. Unpaid or poorly paid traineeships can exclude young people from vulnerable backgrounds. The European Ombudsman, in 2017, labelled unpaid traineeships as a ‘vicious circle where privilege follows privilege’. Moreover, a lack of pay and reduced rights for young people can lead to age, race, disability, and gender discrimination. For instance, unpaid trainees are often women, with evidence of high rates of sexual harassment, and trainees with disabilities may receive fewer accommodations than workers with disabilities. Discrimination can also arise based on worker status: if a trainee performs the same work as an employee without pay at the same establishment, it is unequal treatment, as is the case when one trainee is unpaid because they are completing a curricular traineeship.

The second concern is the abusive practices arising from traineeships. Rather than facilitating the transition from education to stable employment, or accessing a profession, traineeships can be used to replace entry-level jobs as a form of cheap, unregulated labour without any guarantee of a training opportunity. This can be particularly true of traineeships completed as part of an academic or vocational curricula: the assumption that such traineeships are of better quality has been empirically questioned, especially with the rise of ‘internship intermediaries’ -unregulated agencies used by universities to source internships-.

The current lack of clarity over the rights of a trainee also generates an unequal playfield across Member States and between establishments, with some providers benefiting from unpaid work at the expense of those who pay their trainees.

APPROACH OF THE DRAFT REPORT

The two concerns laid out above -discriminatory implications and abusive practices arising from traineeships- stem directly from the lack of regulatory clarity. The absence, complexity or diversity of regulatory frameworks across Member States, along with weak enforcement, allows these abusive practices to arise.

This is despite the Court of Justice's case-law (the ‘CJEU’), which has consistently held that the concept of "worker" under Article 45 TFEU extends to a person serving a traineeship. According to the CJEU’s case-law, the criteria for an employment relationship are that a person performs services for and under the direction of another for a certain period, receiving remuneration. This includes anyone pursuing real and genuine activities, excluding those deemed purely marginal and ancillary.

Trainees have, under the CJEU’s case-law, consistently met this definition of a worker. That is because there is a fundamental overlap between the concept of a worker and the concept of a trainee (as defined under the 2014 Quality Framework Recommendation). Trainees are under the direction of the traineeship provider and perform ‘real and genuine’ work. The lack of remuneration itself does not prevent unpaid trainees from being classed as workers (otherwise, it would be a circular requirement: all employers could claim their workers are not workers because they are unpaid). Remuneration has also not been an issue in other CJEU decisions on worker status. ‘Real and genuine’ work refers to anything beyond purely marginal or ancillary activities, and the CJEU has held this includes ‘work done to acquire or improve skills or complete vocational training’ within a traineeship.

What is most significant is that to carry out ‘solid and meaningful’ learning content rather than ‘menial tasks’ (as required under the 2014 Recommendation), trainees are likely to perform ‘real and genuine’ work. To learn, trainees need to engage in real and genuine work, meaning they will be classified as workers.

This is true of all types of trainees. The CJEU has applied the employment nexus to all four types: open market traineeships, those mandatory for a profession, linked to active labour market policies, and part of an academic or vocational qualification. The CJEU has also treated apprenticeships, recognised as vocational qualifications, as having worker status.

One of the main concern around introducing regulation on traineeships is that it will detract from the fact that trainees are most likely considered workers under the CJEU's criteria. The further concern is that, unless a trainee is defined with clear rights and entitlements, then it is not possible to identify 'fake' trainees without knowing what a 'genuine' trainee is. It is also problematic to depart from the apprenticeship model: this approach is a trade-off, dating back to the medieval period, in which young people receive a reduced wage in return for a recognised qualification. Traineeships, however, receive neither.

It is therefore more consistent with the CJEU's case-law to regard trainees as a type, or subset, of worker. Analogy can be made with part-time, fixed-term, or agency workers under existing EU provisions.

In light of this, Article 153(1)(b) TFEU is the relevant treaty basis for the Directive as it addresses the working conditions of trainees. Under Articles 165(4) and 166(4) TFEU, the Union does not have the competency to adopt a Directive on education or vocational training, respectively. Traineeships which are offered as part of an academic or vocational qualification straddle both competencies as they are designed to provide a period of work during a learning programme.

Where competencies overlap, the CJEU has relied upon the 'centre of gravity test' to determine the appropriate treaty basis, based on an examination of the main purpose of the measure. This Directive primarily regulates the working conditions of traineeships, not education or vocational training. Given that there is no qualification attached to a traineeship, nor formal curricula involved within a traineeship, they do not fall under vocational and education training regimes. Moreover, traineeships undertaken during a university degree are marketed as an experience *outside* of academia. The aim is to complement academic studies with actual experience of work. The centre of gravity is therefore on the work undertaken during the traineeship, not the educational provider.

The draft report is therefore designed to address the two major concerns - discrimination and abusive practices arising from the use of traineeships - through a three-point approach.

STRUCTURE OF THE DRAFT REPORT

The Directive has three approaches to addressing the discriminatory and abusive practices arising from the use of traineeships. It aims to adequately regulate the working conditions of the work undertaken by the trainees during the traineeship, as provided for under Article

153(1)(b) TFEU.

Common Definition and Concept

First, the Directive provides a common understanding of the concept and purpose of a traineeship. Within the Union, a traineeship is understood as a limited period of entry-level work aimed at providing practical and professional skills through significant training to facilitate the transition from education to stable employment, or accessing a profession, based on a written contract between the trainee and the traineeship provider, which is paid in accordance with Directive (EU) 2022/2041.

This shared understanding among trainees, traineeship providers, and Member States will prevent abusive practices arising from a lack of clarity.

Principle of Non-Discrimination

Second, the Directive aims to ensure that the Union's existing anti-discrimination protections under Council Directive 2000/78/EC, Directive 2006/54/EC, and Council Directive 2000/43/EC are applicable to trainees, providing legal clarity and reinforcing trainee's rights.

Measures to Prevent Abusive Practices

Third, the Directive introduces Article 4 and 5 to prevent abusive practices arising from the use of traineeships for purposes other than facilitating the transition from education to stable employment, or accessing a profession.

To achieve this, the Directive sets criteria for identifying abusive practices for competent authorities to rely on, such as the absence of a training component, the lack of a written contract, the excessive duration, and the lack of a public vacancy notice. Traineeship providers who have a high ratio of trainees relative to the size of the establishment, or who replace permanent posts with traineeship adverts, may also indicate abusive practices.

Using this framework, the Directive therefore enables competent authorities to identify and protect against abusive practices arising from the use of traineeships in the Union.

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
Trinity College, University of Oxford
European Trade Union Confederation
European Youth Forum
Eurofound
European Economic and Social Committee
Confederación Nacional de Pymes (CONPYMES)
EUROCADRES - The Council of European Professional and Managerial Staff
European Disability Forum
SMEunited
CEC European Managers - Confédération Européenne des Cadres
HOTREC, Hotels, Restaurants & Cafés in Europe
CEOE - Confederación Española de Organizaciones Empresariales;
European Confederation of Independent Trade Unions.

The list above is drawn up under the exclusive responsibility of the rapporteur.

Where natural persons are identified in the list by their name, by their function or by both, the rapporteur declares that she has submitted to the concerned natural persons the European Parliament's Data Protection Notice No 484 (<https://www.europarl.europa.eu/data-protect/index.do>), which sets out the conditions applicable to the processing of their personal data and the rights linked to that processing.