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Proposal for a

COUNCIL RECOMMENDATION

on a reinforced Quality Framework for Traineeships

{SEC(2024) 97 final} - {SWD(2024) 66 final} - {SWD(2024) 67 final} -
{SWD(2024) 68 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

In her Political Guidelines ([1]), President von der Leyen stressed the need to strengthen Europe's social market economy and to foster "growth which creates quality jobs, especially for young people".

Youth unemployment remains a persistent challenge in the EU, with the youth unemployment rate being more than twice as high as the overall unemployment rate ([2]). A particular challenge lies in activating more young people who are not in employment, education or training (NEETs) and who face specific obstacles that hinder their participation in the labour market. Therefore, the European Pillar of Social Rights Action Plan ([3]) sets out the target of decreasing the rate of young people aged 15-29 who are NEETs from 12.6% (2019) to 9% by 2030 by improving their employment prospects.

Traineeships can provide an opportunity for young people to gain practical and professional experience, improve their skills and thereby facilitate their access to the labour market. They offer an opportunity for employers to attract, train and retain their staff. However, the value of a traineeship depends on its quality. A quality traineeship requires fair and transparent working conditions and adequate learning content. Moreover, inclusive traineeships can help provide opportunities for everyone to access the labour market, including young people in vulnerable situations.

According to estimations based on the European Labour Force Survey (EU-LFS) data, there are 3.1 million trainees in the EU (2019 data) out of which 1.6 million are paid trainees and 1.5 million are unpaid. An increasing number of trainees in the EU participate in cross-border traineeships (21% of trainees in 2023 compared to 9% in 2013) ([4]), demonstrating the potential of traineeships to contribute to fair labour mobility in the EU. Estimates also indicate that in 2019 around 370 000 paid trainees ([5]) did a traineeship of a long duration (more than 6 months), including consecutive/repeated ones with the same employer. Out of these, around 100 000 trainees did a traineeship of a long duration with poor learning content ([6]).

The 2014 Council Recommendation on a Quality Framework for Traineeships (QFT) is an important reference point for determining what constitutes a quality traineeship. It sets out guidelines for traineeships outside education curricula and mandatory professional training.

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1 Political Guidelines for the Next European Commission 2019-2024. 'A Union that Strives for More. My Agenda for Europe.' Available online.

2 Youth unemployment (15-25 years) was 14.9% in January 2024, compared to a general unemployment rate (20-64 years) of 6.0% (Eurostat).

3 COM(2021) 102 final.

4 Flash Eurobarometer 523 (2964 / FL523).

5 This does not include traineeships which are mandatory to access a profession.

6 These numbers should be interpreted with caution as they are based on the combination of the results of Flash Eurobarometer 523 (share of trainees who did traineeships with a total duration longer than 6 months who also stated that they did not learn professionally useful things) and EU-LFS data on the number of paid trainees.

In its 2023 evaluation of this Council Recommendation ([7]), the Commission found indications that the QFT had a positive impact on the quality of traineeships in the EU. It also confirmed that traineeships continue to be an important pathway for young people to enter the labour market. In addition, quality traineeships can be useful upskilling and/or reskilling opportunities for people of any age to acquire practical skills on the job to set their career in a new direction.

However, the evaluation also highlighted areas that could be further strengthened and improved. For instance, it recommended better integrating quality principles in national legislation, in particular for open-market traineeships (OMTs), stronger monitoring and enforcement to ensure the application of the quality principles on the ground and increasing awareness amongst various key stakeholders. The need for stronger support to employers, for example, through financial support and practical guidance, was also highlighted. Furthermore, the evaluation stressed that efforts to provide more concrete and practical information to young people on cross-border traineeships should be stepped up. It also identified additional quality criteria, such as fair pay and social protection, rules on remote/hybrid traineeships, better addressing the needs of groups in vulnerable situations, and strengthened support to trainees during and after the traineeship. Moreover, the evaluation noted the possibility of extending the scope of QFT from OMTs and traineeships that are part of active labour market policies (ALMP) to also cover other traineeships, such as those that are part of formal education and training curricula.

Various stakeholders called on the Commission to improve the quality of traineeships:

- The report on the final outcome of the Conference on the Future of Europe ([8]) includes the call to ensure that young people's traineeships and jobs comply with quality standards, including on pay, and that unpaid internships on the labour market and outside formal education are banned through a legal instrument.
- In its Opinion "The Equal Treatment of Young People in the Labour Market" of 15 June 2023 ([9]), the European Economic and Social Committee (EESC) noted that traineeships should offer good quality learning content and adequate working conditions, and should not be a substitute for regular jobs or a precondition for a job placement.
- In its Opinion "Youth Employment Support: a Bridge to Jobs for the Next Generation Reinforcing the Youth Guarantee" of 5 February 2021 ([10]), the Committee of the Regions considered that traineeships and apprenticeships should primarily provide a learning experience for young people, which can help them to decide on their future career and to develop their skills in order to access permanent employment.

In particular, the European Parliament adopted on 14 June 2023 a resolution based on Article 225 TFEU ([11]) calling on the Commission to update and strengthen the 2014 Council Recommendation and to turn it into a stronger legislative instrument. It also called on the Commission to ensure minimum quality standards for traineeships, including pay.

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7 Available online.
8 Conference on the Future of Europe. Report on the final outcome. May 2022.
9 Available online.
10 Available online.
11 Available online.

In this context, the Commission announced an update of the Quality Framework for Traineeships in its 2023 Commission Work Programme ([12]), to address issues including fair pay and access to social protection, as part of its engagement to implement the European Pillar of Social Rights Action Plan and to reach the EU's 2030 targets in the areas of employment, skills, and poverty reduction.

The proposed recommendation aims to improve the quality of traineeships, in particular as regards learning and training content and working conditions, with the aim of easing the transition from education, unemployment or inactivity to work. It applies to all trainees, regardless of their employment status. It applies to trainees who are workers only insofar and to the extent that equivalent or more favourable provisions are not laid down in EU law.

As for types of traineeships, the proposed recommendation extends the scope of the 2014 Recommendation (covering open-market traineeships and traineeships that are part of active labour market policies) to cover also traineeships that are part of curricula of formal education and training and those of which their completion is mandatory to access a specific profession (e.g., medicine, architecture, etc.).

This proposal is based on the findings of the evaluation of the 2014 Council Recommendation, the European Parliament's resolution, the views gathered through the consultation of social partners at EU level in line with Article 154 of the Treaty on the Functioning of the European Union (TFEU), the views raised by other stakeholders, evidence collected through the study supporting the initiative on quality traineeships ([13]) and the Eurobarometer survey mentioned above.

Alongside the proposed updated recommendation, the Commission also proposes a directive (COM(2024) 132) focused on supporting Member States in improving and enforcing the working conditions of trainees who are workers and in combating regular employment relationships disguised as traineeships. The proposed directive applies to trainees in the EU who have an employment contract or employment relationship as set out in the law, collective agreements or practices in force in the Member States, and that are in line with consideration to the case-law of the Court of Justice of the European Union.

- **Consistency with existing policy provisions in the policy area**

As part of the European Year of Skills, the EU has set out to promote a mindset where upskilling and reskilling are the norm. Closing skills gaps and addressing skills mismatches across the EU will boost competitiveness, in particular of micro, small and medium-sized enterprises by better matching employers' needs with peoples' skills and aspirations. Equal access to skills development and work-based learning will help reduce inequalities, notably by empowering people to fully participate in the economy and society. The European Year of Skills follows the European Year of Youth, which emphasised the need to provide further impetus to the creation of quality employment opportunities for young people in line with the eleven youth goals of the 2019-2027 EU Youth Strategy ([14]). In its Communication on the European Year of Youth 2022, the Commission committed to updating its quality framework

12 COM(2022) 548 final.

13 'Study exploring the context, challenges and possible solution in relation to the quality of traineeships in the EU' by a consortium of Ernst & Young (EY), Centre of European Policy Studies (CEPS) and Open Evidence (forthcoming).

14 OJ C 456, 18.12.2018, p. 16.

for traineeships in 2024 to address issues including fair pay and access to social protection ([15]).

The Commission's Youth Employment Support package ([16]) of July 2020 proposed Recommendations on a Bridge to jobs - reinforcing the Youth Guarantee ([17]) and a modernised European framework for vocational education and training, both of which the Council adopted ([18]). The former specifically recommends that traineeship offers comply with the minimum standards laid out in the QFT. The latter sets out key principles for ensuring that vocational education and training adapts swiftly to labour market needs and provides quality learning opportunities for young people and adults. It places a strong emphasis on better opportunities for work-based learning and improved quality assurance.

In a similar way to traineeships, apprenticeships are an important pathway to facilitate transitions to the labour market. The Youth Employment Support package gave a renewed impetus to apprenticeships, including through the European Alliance for Apprenticeships ([19]).

These initiatives aimed to improve the quality and effectiveness of the EU's measures to promote youth employment and are supported by EU funding. They implement amongst others the first and the fourth principle of the European Pillar of Social Rights. These principles lay down the right to 'quality and inclusive education, training and life-long learning' and the right of young people to 'continued education, apprenticeship, traineeship or a job offer of good standing within four months of becoming unemployed or leaving education'.

The proposed recommendation is consistent with relevant existing instruments notably:

- Directive (EU) 2019/1152 on transparent and predictable working conditions by aiming to improve the transparency of information provided (in writing) to trainees.
- The Occupational Health and Safety (OSH) Framework Directive ([20]) that lays down the main principles for encouraging improvements in the health and safety at work. It guarantees minimum safety and health requirements throughout the EU. The Framework Directive confirms that, as regards a secure workplace, the same rules apply to workers and trainees and is accompanied by further directives focusing on specific aspects of safety and health at work.
- The Council Recommendation on access to social protection for workers and the self-employed ([21]) recommends Member States to ensure that both workers (including trainees who are workers) and the self-employed have access to effective and adequate social protection. This Recommendation covers unemployment, sickness and health care, maternity and paternity, invalidity, old-age and survivors' benefits and benefits in respect of accidents at work and occupational diseases. While making reference to this Recommendation, the proposed recommendation will

15 COM (2024) 1 final.
16 COM (2020) 276 final.
17 OJ C 372, 4.11.2020, p. 1–9.
18 OJ C 417, 2.12.2020, p. 1–16.
19 https://ec.europa.eu/social/main.jsp?catId=1147.
20 OJ L 183, 29.6.1989, p. 1–8.
21 OJ C 387, 15.11.2019, p. 1–8.

encourage ensuring access to adequate social protection for all trainees, in line with national legislation.

- The Council Directive establishing a general framework for equal treatment in employment and occupation ([22]) lays down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment.

The objectives of the proposed recommendation on equal opportunities and the inclusion of groups in vulnerable situations, including persons with disabilities, are in line with the EU Charter of Fundamental Rights, with principles 3 and 17 of the European Pillar of Social Rights, and the 2021-2030 Strategy for the Rights of Persons with disabilities.

The proposed recommendation can also help contribute to address the employment objective of the EU Roma strategic framework 2020-2030 ([23]) to ensure that by 2030, the gap in Roma NEET rate is cut by at least half. It is consistent with the Council Recommendation on Roma equality, inclusion and participation ([24]), in particular under its chapter 8 on access to quality and sustainable employment for Roma.

The proposed measures facilitating cross-border mobility are in line with the objectives of the Erasmus+ programme, which offers transnational and international learning mobility opportunities, including for trainees.

Moreover, the proposed recommendation is consistent with the Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships ([25]), which sets out 14 key criteria to define quality and effective apprenticeships, ensuring both the development of job-related skills and the personal development of apprentices. According to this Recommendation, apprenticeships are formal VET schemes that combine learning in education or training institutions with substantial work-based learning in companies and other workplaces. They lead to nationally recognised qualifications, are based on an agreement defining the rights and obligations of the apprentice, the employer and, where appropriate, the vocational education and training institution, and with the apprentice being paid or otherwise compensated for the work-based component. Apprenticeships refer to full programmes leading to a qualification, where apprentices ideally spend at least half of the apprenticeship at the workplace. By contrast, traineeships that are part of formal education and training curricula refer to a limited work-based learning experience embedded in an education and training programme. Hence, apprenticeships tend to be longer than traineeships. As traineeships and apprenticeships vary significantly across Member States, Member States are encouraged to assess which of the two quality frameworks applies to VET work-based learning experiences, depending on their national and regional specific features. To ensure that all learners in work-based learning receive the highest level of protection, Member States are encouraged to apply the framework conditions which are more protective among the two frameworks, in line with national circumstances.

Furthermore, the proposed recommendation addresses the views of the European Court of Auditors. The Court noted in its review, ‘EU actions addressing traineeships for young

22 OJ L 303, 2.12.2000, p. 16–22.
23 COM(2020) 620 final. Available online.
24 OJ C 93, 19.3.2021, p. 1–14.
25 OJ C 153, 2.5.2018, p. 1–6.

people' ([26]), that EU guidance on quality traineeships is not applied consistently by Member States and that there may be unequal opportunities for traineeships and the access to them.

- **Consistency with other Union policies**

The proposal is consistent with recent EU policies that aim at empowering people through education, training and skills. The European Skills Agenda ([27]) seeks to strengthen the EU's sustainable competitiveness, ensure social fairness and support young people's resilience.

The proposal is also consistent with the proposal for a Council Recommendation 'Europe on the Move' – learning mobility opportunities for everyone of 15 November 2023 ([28]). This aims at making learning opportunities across the EU more accessible for all young people, including young people with fewer opportunities, such as persons with disabilities. It also promotes the attractiveness of the EU as a learning destination for talents from outside the EU.

Financial investments in upskilling and reskilling are at the heart of the European Social Fund Plus (ESF+), the Recovery and Resilience Facility (RRF), the Just Transition Fund and Erasmus+ and the Digital Europe Programme. Skills development is also supported by the European Regional Development Fund (ERDF) investments in education and training infrastructure and equipment. The proposed recommendation reflects the objectives of the ESF+ that support Member States and regions in their endeavours to ensure equal access to training and skills development opportunities and increase the employability of the European workforce, in particular young people. It supports the objectives of the RRF, in particular its pillars on policies for the next generation. The proposed recommendation is also in line with the aim of the Just Transition Fund to support a fair transition towards a climate-neutral economy, focusing on the most affected regions.

Furthermore, its objectives are consistent with those of the ALMA (Aim, Learn, Master, Achieve) initiative, which is funded by the ESF+ and aims to help disadvantaged young people not in employment, education or training (NEETs) integrate into society by easing their way back into education, training or employment. The Technical Support Instrument offers Member States, upon request, tailor-made expertise to reform and improve learning mobility, particularly through Flagship initiatives focusing on attracting talent, youth education and skills. Finding skilled staff is a challenge for an increasing number of small and medium enterprises (SMEs), which is also highlighted in the SME Strategy for a sustainable and digital Europe ([29]). The Strategy stresses that the EU can further help address these challenges, facilitating access to training and helping match SMEs' demand for talents with labour market supply. The proposal will complement this approach. The proposal also is consistent with the Net-Zero Industry Act, in particular the proposed setting up of European skills academies, by contributing to a skilled workforce through quality traineeships that can help address skills shortages and mismatches. This should alleviate the net-zero technology industries' need for skills.

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26 Available online.

27 COM(2020) 274 final.

28 COM(2023) 719 final. 2023/0405(NLE).

29 Communication from the Commission "An SME Strategy for a sustainable and digital Europe", COM/2020/103 final.

This initiative is also one of the actions set out in the Commission's action plan on skills and labour shortages in the EU ([30]).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal is based on Articles 153(1)(b), 165(4), 166(4) and 292 TFEU.

Under Article 153(1)(b) TFEU, the EU must support and complement Member States' activities in the field of working conditions.

Under Article 165 TFEU, the EU must contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity. Under paragraph 4 of Article 165 TFEU, harmonisation of the laws and regulations of the Member States is excluded, while the Council, on a proposal from the Commission, can adopt recommendations.

Under Article 166 TFEU, the EU must implement a vocational training policy that supports and supplements the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training. Under paragraph 4 of Article 166 TFEU, harmonisation of the laws and regulations of the Member States is excluded, while the Council, on a proposal from the Commission, can adopt recommendations.

Under Article 292 TFEU, the Council can adopt recommendations on the basis of a Commission proposal in areas under EU competence.

• Subsidiarity (for non-exclusive competence)

In its work towards the development of quality education and training and the implementation of a vocational training policy, the EU is responsible for encouraging cooperation between Member States, supporting and supplementing their action where necessary. In this context, setting out a common understanding of what constitutes quality traineeships across the EU is a task that can only be addressed at EU level.

A reinforced Quality Framework for Traineeships will support and supplement national action in this area in line with Articles 165, 166 and 153 TFEU. This initiative applies the subsidiarity principle by fully taking into account that education and training systems are a national competence, while the EU may support and complement national policies on working conditions. The initiative fully respects the diversity of national traineeship systems and proposes a set of common criteria to underpin those different schemes, ensuring benefits for both the trainee (regardless of their employment status) and traineeship providers.

The initiative will improve the transparency and mutual understanding of traineeship systems, in particular, the quality of traineeships, across the EU. This may also have a positive impact on cross-border mobility of trainees as a coordinated approach at EU level would ensure synergies and cooperation, maximising positive spillovers.

[30] COM(2024)131.

Moreover, providing guidelines at EU level contributes to creating a shared understanding of how the quality of traineeships can be improved. This may also help Member States in their use of the European Structural and Investment Funds, in particular the European Social Fund+ and the Recovery and Resilience Facility, addressing youth unemployment and inactivity.

- **Proportionality**

The actions proposed in the proposed recommendation are proportionate to the objectives being pursued. The proposal will support the reform processes launched by individual countries on traineeships and will complement Member States' efforts in this area as part of the European Semester framework of economic Governance. The proposal respects Member States' practices and the diversity of their systems. It allows for a differentiated approach reflecting Member States' different economic, financial and social situations and the diverse labour market conditions. Using existing monitoring mechanisms under the European Semester will ensure that no additional administrative burden is created.

- **Choice of the instrument**

The proposed instrument is a Council Recommendation. This respects the principles of subsidiarity and proportionality. It builds on the existing body of EU law and is in line with the type of instruments available for EU action in the areas of education and training and employment. As a legal instrument, it signals the commitment of Member States to the measures laid down in this recommendation and provides a strong political basis for cooperation at EU level in this area. It also fully respects Member States' competence in the field of education and training and social policies.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

An evaluation ([31]) of the 2014 Council Recommendation on a Quality Framework for Traineeships was carried out in 2022-2023. It found that traineeships continue to be an important pathway for young people to enter the labour market. Quality traineeships, which are those that reflect the principles of the QFT, contribute to increasing employability and help employers attract, train and retain staff.

In terms of effectiveness, the QFT principles that were most likely to have a positive impact on labour market integration of young people were the setting out of learning and educational objectives and the written agreement. However, actual progress in the take-up of its quality principles in national legislation was moderate. Since 2014, 14 Member States introduced changes (either to OMTs or ALMP traineeships or both), integrating the quality principles of the QFT in their legislative or policy frameworks. Such changes were more prevalent in national legislation governing ALMP traineeships (identified in 12 Member States) than OMTs (identified in five Member States). Furthermore, while the prevalence of specific legal provisions as well as their conformity with the principles of the QFT were found to be high for ALMP traineeships, they were more limited for OMTs. Overall, a slight improvement in terms of conformity was observed for OMTs with four Member States fully/mostly aligned in 2016 compared to seven Member States in 2021. A larger improvement was observed for ALMP traineeships, with 18 Member States fully/mostly in conformity in 2021 versus 15 in

[31] Available online.

2016. Room for improvement was identified in the actual application of the QFT on the ground and its monitoring and enforcement. As for the QFT facilitating cross-border mobility of trainees in the EU, there were indications that the number of cross-border traineeships had increased, but young people still faced difficulties participating in them due to a lack of financial means and the unavailability of practical information. The use of the European Employment Services (EURES) as a source of information was found to be limited.

The QFT provided added value as a reference point at EU level for Member States' regulatory action on the quality of traineeships. This was particularly the case for Member States with less developed traineeship systems, where the QFT helped foster policy and legislative changes at national level.

As for efficiency, though the evaluation lacked quantitative evidence on costs and benefits, stakeholders generally perceived the cost related to implementing the QFT as proportionate to the benefits. Benefits for employers included a better understanding of traineeship quality, reputational advantages, increased attractiveness to young talent, and a more sustainable way to invest in potential future workers. However, the implementation of the QFT could have been less cost effective for small and micro enterprises than for larger firms as costs for those businesses (due to limited human and financial resources) may have been higher relative to the benefits. Benefits of the QFT for trainees included improved working conditions and better training and learning content, which increased their chances of getting regular jobs.

The QFT was found to be coherent with other EU level initiatives, strategies, programmes and funding instruments. At national and regional level, a higher level of coherence was found with measures on ALMP traineeships than with those on OMTs. Despite the many similarities in quality principles, the European framework for quality and effective apprenticeships (EFQEA)([32]) was perceived as leading to a greater involvement of stakeholders (e.g. through dedicated networks). The EFQEA was also viewed as having higher and more specific quality objectives and more benefits because stronger language was used in the EFQEA recommendation and apprenticeships are often more regulated on a tripartite basis in Member States.

Some respondents (particularly employers) considered that the QFT should remain 'as is' as they deem it sufficiently relevant in addressing trainees' needs. However, various stakeholders considered that the relevance of the QFT could be further strengthened, in particular, when it comes to pay and social protection for trainees and outreach to as well as access for groups in vulnerable situations. In addition, some stakeholders considered there was a need for the QFT to address the challenges of remote working and guidance and mentorship in that context. Furthermore, some stakeholders suggested adding traineeships that are part of formal education and training to the scope of the QFT. Some stakeholders also considered that to ease the transition of a young trainee to a stable job, the QFT could place more emphasis on post-placement support. As for the non-binding nature of the QFT, views diverged on whether this is appropriate for fully reaching the QFT objectives. On the one hand, some (notably youth organisations and trade unions) argued for a binding instrument to increase the effectiveness of the QFT. On the other hand, others (especially employers and national authorities) argued that, given the differences in national circumstances and legal limitations at EU level, the QFT's non-binding nature gave an adequate and flexible reference framework for national regulations.

[32] Available online.

- **Stakeholder consultations**

Specific consultation activities took place in 2022 as part of the Commission's 2023 evaluation of the QFT ([33]), in particular through a public consultation survey. The evaluation also included targeted consultations of national and regional authorities responsible for education, training and employment policies, social partners, education and training providers, academic experts working on labour market issues, organisations representing young people, young (former, current and potential future) trainees and other stakeholders at EU, national and regional level. To reach all these stakeholders, different consultation activities and methods were used, such as interviews, targeted consultation meetings, a targeted trainees survey and case studies.

A two-stage consultation of the EU social partners under Article 154 TFEU was carried out for this proposal. During the first stage, which took place between 11 July and 15 September 2023, social partners were consulted on the need and possible direction of EU action ([34]). During the second stage, between 28 September and 9 November 2023, the Commission consulted social partners on the objectives and potential legal avenues for EU action ([35]). Trade unions welcomed the Commission's intention to update the QFT. They considered that, although the principles of the QFT remained relevant, trainees needed binding protection (in the form of a directive) to ensure fair compensation, working conditions and social protection. This directive should ensure access to all rights enjoyed by regular workers under existing EU legislation. Trade unions stressed that the main objective of EU action must be to set binding minimum standards for traineeships in the EU and to create a level playing field that discourages abuse. Employers considered that the principles of the 2014 QFT remain relevant. In their opinion, a stronger focus should be placed on its implementation and monitoring, but in their view a revised Council Recommendation would strike the right balance between promoting minimum standards and preserving flexibility. The objectives to address the problematic use of, improve the quality of and foster access to traineeships were supported by employers. Employers also highlighted the lack of data, in particular on open-market traineeships, and the link between pay and the quality of traineeships. There was no agreement among social partners to enter into negotiations to conclude an agreement at Union level in accordance with Article 155 TFEU.

Furthermore, as part of the study exploring the context, challenges and possible solutions in relation to the quality of traineeships in the EU, an online survey was conducted with national stakeholders. This aimed to gather information on the current practices of businesses regarding traineeships and identify good practices implemented in Member States and their impact on the quality of traineeships. The survey ran from 15 June to 8 September 2023 and was targeted at national public authorities, national business/employer associations, individual businesses, national trade unions, national youth organisations, civil society organisations and educational institutions. Targeted interviews with EU-level stakeholders were also carried out.

A dedicated 'SME Panel' survey was conducted by the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL), the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), the European Innovation Council and the SMEs Executive Agency (EISMEA) and with the support of the Enterprise Europe Network between 12 October and 9 November 2023.

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33 Available online.
34 Available online.
35 Available online.

The Flash Eurobarometer survey (523) ([36]) looked into young people's perceptions of their integration into the labour market, with a particular focus on traineeships. Between 15 and 24 March 2023, 26 334 people aged between 18 and 35 from all Member States were surveyed online.

- **Collection and use of expertise**

The proposed recommendation draws on several studies carried out to underpin the analysis of the initiative:

- a study commissioned from external experts, of which the preliminary results were used: "Study exploring the context, challenges and possible solution in relation to the quality of traineeships in the EU" by a consortium of Ernst & Young (EY), the Centre of European Policy Studies (CEPS) and Open Evidence (forthcoming)
- an external study supporting the evaluation of the Quality Framework for Traineeships, Final Report, January 2023 ([37])
- the Flash Eurobarometer survey on the perception of young people regarding their integration into the labour market, with a particular focus on traineeships ([38])

The European Parliament's 2023 legislative own-initiative resolution on quality traineeships in the EU was also taken into account, in conjunction with the relevant European added value Assessment of Parliament's research service ([39]).

- **Impact assessment**

In line with its Better Regulation policy, the Commission carried out an impact assessment ([40]). This gave a structured analysis of the policy problems, corresponding policy objectives and policy options and assessed their impact. It considered the subsidiarity, effectiveness, efficiency, coherence and proportionality of the identified options and how to monitor and evaluate the initiative in the future. This work was supported by a structured consultation in the Commission via an inter-service steering group ([41]) and the forthcoming "Study exploring the context, challenges and possible solution in relation to the quality of traineeships in the EU" referred to above.

The impact assessment identified three problems: (1) the problematic use of traineeships by traineeship providers, (2) the poor quality of traineeships and (3) unequal access to traineeships. The impact assessment examined three policy options, which combined both legislative and non-legislative measures addressing the objectives of the initiative in terms of enforcing applicable rights of trainees, preventing the problematic use of traineeships, ensuring fair working conditions, improving the learning content, and improving the access to and the inclusiveness of traineeships. The assessment of the impact of the options also took

36 Available online.
37 Available online.
38 Available online.
39 Available online.
40 Commission Staff Working Document, Impact Assessment Report (2024), Accompanying the proposal for a Directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating employment relationships disguised as traineeships and the proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships, *forthcoming*.
41 Including the Legal Service, SG, DG CNECT, DG EAC, JRC, DG COMM, DG GROW, DG JUST, DG REGIO and DG AGRI.

into consideration the potential unintended consequences of the different policy options, including on the offer of traineeships.

The preferred policy option identified in the impact assessment is a package made up of a directive applying to trainees who are workers under EU law and an updated Council recommendation covering all trainees. This package is expected to bring social benefits to trainees by reducing problematic and poor-quality traineeships through equal treatment, fairer pay and adequate social protection, and by improving access to traineeships, in particular for persons in vulnerable situations, including persons with disabilities, those residing in rural, remote and outermost regions, those with a disadvantaged socio-economic and/or migrant background, those from the Roma community, and those with lower educational attainment. The preferred option is expected to result in economic benefits for traineeship providers, such as fairer market competition, productivity and competitiveness gains due to a more skilled and diverse workforce and lower search, matching and recruitment costs. As for costs associated with the preferred option, these relate to a possible increase in labour costs, adjustment costs and potential costs resulting from administrative or judicial procedures. National budgets and administrations are expected to benefit from increased tax and social security receipts and reduced social protection and activation spending.

The impact assessment was first discussed with the Commission's Regulatory Scrutiny Board on 13 December 2023. On 1 February 2024, a revised impact assessment Report was submitted to the Board. On 22 February 2024, the Board issued a positive opinion with reservations ([42]). The remaining comments were subsequently addressed, by specifying further the limitations of the used data, strengthening the discussions on level playing field and competition issues and providing additional targeted clarifications on the description and assessment of the policy options.

- **Fundamental rights**

The Charter of Fundamental Rights of the European Union protects a broad range of employment rights. The objectives of this proposal are in line with the Charter. The proposed recommendation is expected to contribute to ensuring the right to equality before the law (Article 20 of the Charter), the right to fair working conditions (Article 31), the protection of young people at work (Article 32), access to adequate social protection (Article 34) and healthcare (Article 35).

4. BUDGETARY IMPLICATIONS

The proposed recommendation does not require additional EU budget or staff resources.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The recommendation proposes that Member States take appropriate measures to apply the reinforced QFT as soon as possible and submit an implementation plan setting out the corresponding measures to be taken at national level by [date of adoption + [18 months].

[42] Regulatory Scrutiny Board, 2nd Opinion 'Positive with reservations' on the impact assessment Quality Framework for traineeships of 28 February 2024 (to be published).

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The proposed recommendation offers a set of criteria for quality traineeships, while allowing flexibility in implementation by Member States. This enables them to take into account the specific nature and different needs of their national traineeship schemes.

Objective and scope

Point 1 sets out the objective of the reinforced framework to improve the quality of traineeships, in particular learning and training content and working conditions.

Point 2 explains the scope of the reinforced framework, which applies to all trainees, regardless of their employment status. It clarifies that, for those trainees who are workers, the framework only applies if there are no equivalent or more favourable provisions laid down in EU law.

Written agreement

Points 3 and 4 recommend that traineeships are based on a written agreement and update the contents of the written agreement by recommending additional information on the learning component, tasks, mentorship arrangements and social protection.

Learning and working conditions

Points 5 to 15 set out the learning and working conditions, including the learning and training objectives, fair pay, applicable rights and working conditions under applicable EU and national law, the assignment of a supervisor and a mentor, conditions for remote/hybrid traineeships, a reasonable duration (including for repeated/consecutive traineeships), renewal and termination of traineeships and channels for trainees to report malpractice and poor conditions. They also set out that traineeship providers cannot require candidates to have previous work experience.

Social protection

Point 16 recommends access to adequate social protection in line with national practices and taking into consideration Council Recommendation on access to social protection for workers and the self-employed.

Recognition of traineeships

Point 17 updates the proper recognition of traineeships by adding that such recognition, where appropriate and if possible, should be produced in a digital format.

Transparency requirements

Points 18 to 20 set out transparency requirements and adds that vacancy notices and advertisements should also provide information on the level of pay, working conditions, social protection coverage and the expected tasks.

Inclusive traineeships

Points 21 to 24 recommend measures on inclusive traineeships (including by ensuring equal treatment and non-discrimination and by improving access and outreach to those in vulnerable situations), neutral language in vacancy notices / advertisements, raising awareness and changes, where relevant, to ensure accessibility, including for those in vulnerable situations, in particular (candidate) trainees with disabilities.

Cross-border traineeships

Points 25 to 29 update the measures aimed at facilitating cross-border traineeships, calling for practical guidance and information on cross-border traineeships through EURES and by encouraging the application of the principles of the reinforced framework, where applicable, in traineeship mobility agreements with hosting organisations outside the EU.

Additional traineeship support

Point 30 recommends additional traineeship support, in particular by providing career guidance and network opportunities.

Framework conditions

Points 31 to 33 set out the elements regarding the framework conditions, including on the involvement of social partners, employment services, education and training institutions and other stakeholders. It is also recommended to ensure that workers' representatives may defend the rights of trainees.

Applying the reinforced quality framework

Points 34 to 35 provide recommendations on applying the reinforced QFT, including for Member States to submit an implementation plan, and by envisaging financial and non-financial support to traineeship providers, in particular SMEs.

Support to increase trainees' employability

Points 36 to 37 set out support measures to increase trainees' employability and recommend giving incentives to traineeship providers to propose a job after a traineeship and use EU funds for traineeships that are in line with the principles of the reinforced Framework.

Follow-up

Point 38 recommends Member States and the Commission work jointly on the collection of data.

2024/0069 (NLE)

Proposal for a

COUNCIL RECOMMENDATION

on a reinforced Quality Framework for Traineeships

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Articles 153(1)(b), 165(4) and 166(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) In March 2014, the Council adopted the Recommendation on a Quality Framework for Traineeships ([43]) (‘2014 Recommendation) to provide Union-wide quality standards for traineeships. It recommended 21 principles for traineeships to improve the quality of traineeships, in particular to ensure high quality learning and training content and adequate working conditions to support education-to-work transition and increase the employability of trainees. The 2014 Recommendation covers all traineeships except for those that are part of curricula of formal education and training and those regulated under national law and the completion of which is a mandatory requirement to access a specific profession.

(2) The Council Recommendation on a European Framework for Quality and Effective Apprenticeships ([44]) contains 14 criteria for quality and effective apprenticeships aiming to ensure that apprenticeship schemes are responsive to labour market needs and provide benefits to both learners and employers. These include criteria for learning and working conditions and criteria for framework conditions.

(3) The reinforced Youth Guarantee ([45]) 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 has served as an important reference point to measure the quality of traineeships offers under the reinforced Youth Guarantee.

(4) Facilitating the transition to quality employment is necessary for achieving the Union headline target of a 78% employment rate of the population aged 20-64 by 2030 ([46]).

(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.

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43 OJ C 88, 27.3.2014, p. 1. Available online.

44 OJ C 417, 2.12.2020, p. 1–16.

45 OJ C 372, 4.11.2020, p. 1–9.

46 One of the three EU-level social targets included in the European Pillar of Social Rights Action Plan To be achieved by 2030.

They can reduce the cost of searching for and recruiting skilled staff, when trainees are offered a regular position after their traineeship.

(6) 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. Increasing the labour market participation and up-and/or reskilling of young people could contribute to alleviating 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 to take their career in a new direction.

(7) 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 ([47]).

(8) The European Parliament adopted a resolution pursuant to Article 225 TFEU with recommendations to the Commission on quality traineeships in June 2023 ([48]). In its resolution, it called on the Commission "to update and strengthen the 2014 Recommendation 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".

(9) The Commission carried out a two-stage consultation of social partners at Union level under Article 154 TFEU on the need, objectives and legal avenues for a potential action further improving the quality of traineeships. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level in this area by adapting the current framework on traineeships while taking into account the outcomes of the consultation of social partners.

(10) The Commission has extensively consulted with stakeholders, including trainees and youth organisations, traineeship providers, national public authorities, educational institutions, and experts from academia.

(11) Furthermore, in 2023, the Commission evaluated the 2014 Recommendation ([49]) and found that quality traineeships, which reflect the principles of that Recommendation, contribute to increasing young people's employability. While the quality principles of the 2014 Recommendation were considered still relevant and of added value, the evaluation also concluded that the application of those principles and their monitoring and enforcement needed to be improved. It also found room for strengthening the framework, including on aspects related to pay and access to social protection. Furthermore, to ease the transition to a regular employment relationship, more emphasis on post-placement support could be provided by traineeship providers. It

47 Conference on the Future of Europe, Report on the final outcome – May 2022. Availabe online.

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

49 Available online.

also found that employers could be better assisted through practical guidance and financial support as well as by linking such support to the application of the quality principles.

(12) The evaluation also identified the need to ensure inclusiveness and improve access to traineeships for people in vulnerable situations. In particular, minorities, persons with disabilities, those residing in rural, remote and outermost regions, those with a disadvantaged socio-economic and/or migrant background, the Roma community, and those with lower educational attainment, face obstacles in accessing traineeship opportunities. Among other obstacles, a barrier for persons with disabilities to access traineeships is the lack of traineeship programmes adapted to their needs, for example catering for specific accessibility requirements.

(13) The 2023 Eurobarometer survey (FL523) ([50]) found that 55% of respondents having done a traineeship were paid or financially compensated, which is an increase from 40% in the 2013 Eurobarometer survey (FL378) ([51]). Furthermore, in 2023 33% of respondents answered that they had full (and 28% of respondents partial) access to social protection ([52]).

(14) This Recommendation addresses the need to reinforce the quality framework for traineeships as identified by the evaluation and by various stakeholders mentioned above. It aims to improve the quality of traineeships, in particular as regards learning and training content and working conditions, with the aim of easing the transition from education, unemployment or inactivity to work.

(15) For the purposes of this Recommendation, traineeships should be understood as a limited period of work practice, which includes a significant learning and training component, undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to a regular employment relationship or accessing a profession. Without prejudice to other types of traineeships that may exist, the following four types of traineeships have been identified: open market traineeships, traineeships that are part of active labour market policies, traineeships that are part of curricula of formal education and training, and traineeships that are a mandatory requirement to access a certain profession.

(16) Open market traineeships are based on non-mandatory, bilateral agreements between a trainee and a traineeship provider (public/private/non-profit) without the involvement of a third party and without a formal connection to education or training.

(17) Traineeships as part of active labour market policies (ALMP) are offered to the inactive or unemployed or those at risk of becoming unemployed, with usually a public institution (often an employment service) acting as an intermediary between the traineeship provider and the trainee.

(18) Traineeships can also be work-based learning placements that are part of curricula of formal education and training (school, vocational or higher education and training).

(19) National law can also regulate certain traineeships and make their completion mandatory to access a specific profession (e.g., medicine, architecture, etc.).

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50 Available online.

51 Available online.

52 The 2013 Eurobarometer survey asked about health insurance coverage (73% of respondents stated they were covered), but not about social protection coverage.

(20) This Recommendation applies to all traineeships referred to in recitals (16) to (19).

(21) As traineeships and work-based learning programmes in vocational education and training as set out in Council Recommendation on a European Framework for Quality and Effective Apprenticeships ([53]) vary significantly across Member States, Member States are encouraged to assess which of the two quality frameworks applies to vocational education and training (VET) work-based learning experiences, depending on their national and regional specific features. When doing so, to ensure that all learners in work-based learning receive the highest level of protection, Member States are encouraged to apply the framework conditions which are more protective among the two frameworks, in line with national circumstances.

(22) The lack of fair pay and access to adequate social protection present barriers to equal access to traineeship opportunities. In the absence of an alternative source of income, groups in vulnerable situations tend to refrain from engaging in traineeships, in particular when pay is absent or low, or when additional costs are incurred, for example doing a traineeship in a different region or country.

(23) Gaps in access to social protection can put the welfare and (mental) health of trainees at risk, contribute to their economic uncertainty, precariousness and risk of poverty. This risk is especially high for trainees from socio-economically disadvantaged groups and/or in other vulnerable situations. Trainees may face barriers in accessing social rights and benefits notably due to their short contributory history. Furthermore, most social protection schemes (with the exception of healthcare benefits) require an employment status, which excludes trainees who are not considered workers.

(24) A prolonged duration or accumulation of multiple traineeships can delay the access to regular employment relationships for the individual trainees concerned. They can also be indicative of traineeships being used to replace regular employment relationships.

(25) A prolonged duration of a traineeship could be warranted if justified by the nature and purpose of the specific type of traineeship. Examples of exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, where the trajectory 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 and training may have a longer duration for reasons linked to the curricula.

(26) Repeated traineeships, and practices aimed at replacing jobs with employment relationships disguised as traineeships, could be induced by traineeship providers requesting previous experience in the same or similar field of activity in vacancy notices. The overall duration of traineeships is sometimes also prolonged through repeated, including consecutive, traineeships with the same employer. Such practices may be another indication of an employment relationship disguised as traineeship. However, there may be objective grounds based on which traineeship providers may require previous work experience from (candidate) trainees. Such instances could entail an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise. A trajectory to access a specific

[53] OJ C 417, 2.12.2020, p. 1–16.

profession may also warrant having previous work experience before embarking in a more specialised traineeship.

(27) The evaluation highlighted the need to strengthen the support to trainees during the traineeship through appropriate mentorship. Therefore, the role of the supervisor should be complemented with a mentor, whose role would encompass advising, coaching and supporting the trainee with a view on personal development as well as integration into the work environment, wherever possible considering the organisational needs and size of the traineeship provider.

(28) Since the COVID-19 pandemic, the prevalence of remote and hybrid working arrangements has increased. To ensure the quality and accessibility of remote and hybrid traineeships, adaptations to the increased practice of telework are needed in terms of appropriate working environment (including equipment) and work organisation. The latter comprises guidance, mentorship, and tasks suited for a remote and hybrid way of working.

(29) To increase the transparency of information on a traineeship opportunity, traineeship providers should be encouraged to include information on the terms and conditions of the traineeship, in particular on the level of pay, working conditions, the coverage of social protection, including health and accident insurance, the expected tasks and learning and training component in the vacancy notices and advertisements for traineeships possibly by including a link to a website containing this information therein.

(30) Traineeship providers should be encouraged to provide information on recruitment policies, in particular on the share of trainees recruited. This is calculated by dividing the number of trainees that were hired (following the completion of the traineeship) to fill a regular employment position by the total number of trainees at the same establishment in the same year.

(31) Employment services and other providers of career guidance should be encouraged to apply the same transparency requirements as traineeship providers when providing information on traineeship opportunities. It is however acknowledged that employment services and other providers of career guidance may not be aware of all the information elements listed under the transparency requirements and may be dependent on the traineeship providers' willingness to share such information.

(32) To ensure equal access for groups in vulnerable situations, strengthened outreach to such groups is needed, such as through targeted communication and awareness-raising strategies. To ensure the effectiveness of such outreach strategies, it is key to involve relevant stakeholders such as employment services and education and training institutions and to tailor the communication and information tools used to reach the widest range of people possible, including those with certain disabilities (e.g. adapted and easy to read websites).

(33) To ensure the application of the Recommendation, support to employers needs to be strengthened through practical guidance and financial support, the latter of which could depend on the condition that the traineeships offered adhere to the quality principles of this Recommendation.

(34) Cross-border traineeships can be particularly valuable as trainees may learn another language, are exposed to a new environment or culture and can thus acquire relevant

transversal skills. There are indications that cross-border mobility of trainees has increased ([54]), yet young people still face difficulties in accessing cross-border traineeships due to a lack of financial means and the unavailability of relevant (and sufficient) information. More concrete and practical information on cross-border traineeships, such as on EURES, is needed to improve accessibility.

(35) Channels to report malpractice and poor working conditions can support trainees in enforcing their labour rights. In addition, allowing trainees to have their rights defended by workers' representations would strengthen their position.

(36) Member States' programmes promoting and offering quality traineeships can be financially supported by the European Funds. The European Social Fund Plus (ESF+) established by Regulation (EU) 2021/1057 ([55]), the Recovery and Resilience Facility (RRF) established by Regulation (EU) 2021/241 ([56]) for eligible reforms and investments foreseen in Member States' recovery and resilience plans for delivery during the Facility's lifetime until the end of 2026, the Just Transition Fund established by Regulation (EU) 2021/1056 ([57]) and the Technical Support Instrument (TSI) established by Regulation (EU) 2021/240 ([58]), could support Member States' implementation of the Recommendation.

(37) To ensure consistent approaches among Member States, the Commission has proposed a directive (COM(2024) 132) which 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.

(38) As far as information to be provided to trainees in the written traineeship agreement is concerned, trainees who are workers are entitled to the minimum requirements on information duties as set out in Directive (EU) 2019/1152 of the European Parliament and of the Council ([59]). Insofar not covered by this directive, the elements in this recommendation should be taken into account in addition to those minimum requirements for trainees who are workers.

(39) The implementation of this Recommendation should not constitute valid grounds for reducing the general level of protection afforded to trainees covered by this Recommendation.

(40) This Recommendation should avoid imposing administrative, financial or legal constraints in a way which would hold back the creation or development of small and medium-sized enterprises (SMEs). Member States are therefore invited to assess the impact of their policies or reforms on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention be paid to micro-enterprises and the administrative burden, and to publish the results of such assessments.

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54 As shown by the prevalence of cross-border traineeships: an increase from 9% in 2014 to 19% in 2022 according to the evaluation of the 2014 Council Recommendation, supported by the results of the 2023 Eurobarometer survey (FL523) with 21% of respondents having done at least one traineeship in another EU country.

55 OJ L 231, 30.6.2021, p. 21–59.

56 OJ L 57, 18.2.2021, p. 17–75.

57 OJ L 231, 30.6.2021, p. 1–20.

58 OJ L 57, 18.2.2021, p. 1–16.

59 OJ L 186, 11.7.2019, p. 105–121.

(41) This Recommendation supersedes Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships which therefore should no longer be applied anymore by Member States.

ACKNOWLEDGES THE COMMISSION'S INTENTION TO

(42) foster close cooperation with Member States, social partners and other stakeholders with a view to swiftly applying this Recommendation.

(43) work with Member States, social partners, employment services, youth and trainee organisations, education and training institutions and other stakeholders to promote this Recommendation, including through awareness-raising on the quality principles and benefits of traineeships for young people and traineeship providers.

(44) encourage and support the implementation of this Recommendation, including through facilitating the exchange of best practices among Member States and among stakeholders through existing networks, including skills partnerships under the Pact for Skills.

(45) support the implementation of this Recommendation through relevant Union funding, in accordance with the relevant legal frameworks, to increase the number of quality traineeships.

(46) work jointly with Member States on the collection of a limited set of data on traineeships, with a particular view to monitoring the progress in applying this Recommendation while being mindful of unnecessary reporting burden.

(47) continue monitoring in cooperation with the Member States and with the support of the Employment Committee, the progress in applying the reinforced Quality Framework for Traineeships, building on the existing monitoring instruments used in the framework of the European Semester.

(48) report to the Council on the progress in applying this Recommendation based on information provided by Member States within [three years] from the date of its adoption.

HAS ADOPTED THIS RECOMMENDATION

Objective and scope

1. This Recommendation aims to improve the quality of traineeships, in particular as regards learning and training content and working conditions, with the aim of easing the transition from education, unemployment or inactivity to work.

2. This Recommendation should cover all trainees, regardless of their employment status, including trainees who are workers only insofar and to the extent that equivalent or more favourable provisions are not laid down in Union law.

Quality principles

HEREBY RECOMMENDS THAT MEMBER STATES:

Written agreement

3. ensure that traineeships are based on a written agreement concluded at the beginning of the traineeship between the trainee and the traineeship provider.

4. ensure that traineeship agreements set out the information elements listed in Article 4 of Directive (EU) 2019/1152, the learning and training component, including its objectives, the working conditions, the tasks to be carried out, the arrangements for mentorship, supervision and evaluation, details on social protection coverage, including with regards to coverage for sickness and healthcare as well as for accidents at work and occupational diseases, the rights and obligations of the parties under applicable Union and national law, collective agreements and practice, and, where relevant, the traineeship provider's policies on confidentiality and the ownership of intellectual property rights.

Learning and working conditions

5. ensure that trainees are consulted when setting the specific learning and training objectives of the traineeship in order to help trainees acquire practical experience and relevant skills. The tasks assigned to the trainee should enable these objectives to be attained.

6. ensure that trainees are fairly paid, taking into account elements such as the trainee's tasks and responsibilities, the intensity of the trainee's work, and the weight of the learning and training component.

7. ensure that the rights and working conditions of trainees under applicable Union and national law, including health and safety legislation, limits to maximum weekly working time, minimum daily and weekly rest periods and, where applicable, minimum holiday entitlements, are respected through effective monitoring and enforcement.

8. ensure that traineeship providers designate a supervisor for guiding the trainee through the assigned tasks, overseeing the activities carried out by the trainee and monitoring and assessing their progress.

9. ensure that traineeship providers designate a mentor acting as an advisor to the trainee, and providing coaching and support, wherever possible considering the organisational needs and size of the traineeship provider.

10. ensure that traineeship providers provide an appropriate, safe and healthy working environment, including equipment and work organisation in the case of remote and hybrid traineeships.

11. ensure a reasonable duration of traineeships that does not exceed six months, except in cases where a longer duration is justified by objective grounds and taking into account national practices. In the event of repeated, including consecutive, traineeships with the

same employer, ensure that the overall duration of those traineeships does not exceed six months, except in cases where a longer duration is justified by objective grounds.

12. clarify the circumstances and conditions under which a traineeship may be extended or renewed after the end of the initial traineeship.

13. ensure that employers do not require candidates for traineeships to have previous work experience in the field of activity, except in cases where such requirement is justified by objective grounds.

14. ensure the practice of specifying in the traineeship agreement that either the trainee or the traineeship provider may terminate it by written communication, providing advance notice of an appropriate duration in view of the length of the traineeship and relevant national practice.

15. ensure, in cooperation with competent authorities, channels for trainees to report malpractice and poor working conditions and provide information on those channels.

Social protection

16. ensure that trainees have access to adequate social protection, including necessary coverage in line with national legislation, and taking into account, where applicable, the Council Recommendation 8 November 2019 ([60]).

Proper recognition of traineeships

17. promote the recognition and validation of the knowledge, skills and competences acquired during traineeships and encourage traineeship providers to attest them, on the basis of an assessment, through a certificate, where appropriate, and if possible in a digital format.

Transparency requirements

18. ensure that traineeship providers include in their vacancy notices and advertisements information on the terms and conditions of the traineeship, in particular on the level of pay, working conditions, the coverage of social protection, including health and accident insurance, the expected tasks and learning and training component.

19. encourage traineeship providers to give information on recruitment policies, including the share of trainees recruited in recent years.

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[60] 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).

20. encourage employment services and other providers of career guidance, when providing information on traineeships, to apply the transparency requirements as listed in point 18.

Inclusive traineeships

21. improve outreach to potential trainees belonging to groups in vulnerable situations, including by raising awareness of the benefits of quality traineeships in terms of increased employability.

22. ensure equal treatment and non-discrimination in traineeships, including in selection criteria and recruitment policies, and improve access to traineeship opportunities for all potential applicants, in particular those from groups in vulnerable situations.

23. ensure that traineeship providers use gender neutral and inclusive language in their vacancy notices and advertisements.

24. ensure that traineeship programmes, including workplaces, trainings, digital tools, office and work equipment, are adapted to the individual needs of trainees where relevant, in particular for trainees with disabilities, also through the provision of appropriate reasonable accommodation in line with Article 5 of Council Directive 2000/78/EC.

Cross-border traineeships

25. facilitate the cross-border mobility of trainees in the Union *inter alia*, by clarifying the national legal framework applicable to traineeships and establishing clear rules on hosting trainees from and the sending of trainees to other Member States and by reducing administrative formalities.

26. make use of the EURES network to support cross-border mobility of trainees and exchange information on paid traineeships through the EURES portal, in accordance with the corresponding provisions of Regulation (EU) 2016/589 of the European Parliament and of the Council ([61]).

27. further develop practical guidance material and information for (potential) trainees on cross-border traineeships through EURES, including in formats that are accessible to persons with different types of disabilities.

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61 Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1.). Available online.

28. support traineeship providers and education and training institutions in facilitating cross-border traineeships, making the best use of European initiatives, in particular the Erasmus+ programme established by Regulation (EU) 2021/817 of the European Parliament and the Council ([62]).

29. encourage applying the principles of this Recommendation, where applicable, in traineeship mobility agreements between sending organisations in the European Union and hosting organisations outside the Union.

Additional traineeship support

30. encourage traineeship providers as well as intermediary organisations, such as employment services and education and training institutions, to provide career guidance support during the traineeship, such as career counselling and networking opportunities, to facilitate the transition to a regular employment relationship after the traineeship.

Framework conditions

31. ensure the active involvement of social partners in applying this Recommendation.

32. promote the active involvement of employment services, education and training institutions, training providers and other relevant stakeholders in applying this Recommendation.

33. ensure that representatives of workers may engage in any relevant judicial or administrative procedure to enforce any of the rights and obligations arising from applicable national law. 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 applicable national law, with that trainee's or those trainees' approval.

Implementation at national level

Applying the reinforced Quality Framework for Traineeships

34. take appropriate measures to apply this Recommendation as soon as possible and submit an implementation plan setting out the corresponding measures to be taken at national level by [date of adoption + 18 months].

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62 Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1). Available online.

35. envisage financial and/or non-financial support such as practical guidance to traineeship providers particularly for reaching out to vulnerable groups and for micro-, small and medium-sized companies, in applying this Recommendation.

Support to increase trainees' employability

36. offer incentives to traineeship providers for offering trainees a regular employment relationship after the successful completion of a traineeship.

37. make use of the relevant Union funds and instruments for increasing the number of quality traineeships which follow the guidance outlined in this Recommendation.

Follow-up

38. jointly with the Commission, work on the collection of data on traineeships, with a particular view to informing policy making on quality traineeships.

Done at Brussels,

For the Council
The President