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CONSULTATION DOCUMENT

**First-phase consultation of social partners under Article 154 TFEU on a possible action
further improving the quality of traineeships**

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1. Introduction

This consultation concerns a planned Commission initiative to update the Quality Framework for Traineeships, so as to address such issues as fair remuneration and access to social protection, as referred to in the 2023 Commission Work Programme¹. It contributes to implementing the European Pillar of Social Rights² and its action plan³, and to furthering the goals of the European Year of Youth⁴ and the European Year of Skills⁵.

This consultation is part of the follow-up to the European Parliament's resolution under Article 225 of the Treaty on the Functioning of the European Union (TFEU) on quality traineeships in the Union of 14 June 2023, in line with President von der Leyen's commitment that the Commission would respond with a legislative act to Article 225 TFEU resolutions, in full respect of the proportionality, subsidiarity and better law-making principles.

In her political guidelines, President von der Leyen also stressed the need to strengthen Europe's social market economy and to foster "*growth which creates quality jobs, especially for young people*"⁶. The Commission's Youth Employment Support package⁷ of July 2020 resulted in a reinforced Youth Guarantee⁸, a modernised European framework for vocational education and training⁹ and a renewed impetus for apprenticeships.

These initiatives aim to improve the quality and effectiveness of the EU's toolbox to promote youth employment and are supported by EU funding. They implement the fourth principle of the European Pillar of Social Rights, which establishes 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.*"

They also contribute to the objective put forward in the European Pillar of Social Rights action plan to decrease the rate of young people aged 15-29 not in employment, education or training (NEETs) from 12.6% (2019¹⁰) to 9% by improving their employment prospects. This is particularly important given the negative impact of the COVID-19 pandemic and the increase of the cost of living for young people, including those with fewer opportunities and from vulnerable groups.

Traineeships are an important avenue for young people to gain practical and professional experience and access the labour market. They can be an opportunity for employers to

¹https://commission.europa.eu/strategy-documents/commission-work-programme/commission-work-programme-2023_en

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017C1213%2801%29>

³ <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/en/>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0634>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023D0936>

⁶ Political Guidelines for the Next European Commission 2019-2024. 'A Union that Strives for More. My Agenda for Europe.' Available [online](#).

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0276>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020H1104%2801%29>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020H1202%2801%29>

¹⁰ Eurostat, Labour Force Survey, online database table [EDAT_LFSE_20](#)

contribute to equipping the workforce with appropriate skills to help address labour shortages. Between 15 and 24 March 2023, 26 334 people between 18 and 35 years from all EU Member States were surveyed online as part of a dedicated Eurobarometer survey on the integration of young people into the labour market with a particular focus on traineeships. The results, published on 28 April 2023, indicate that 68% of young people surveyed found a job following a traineeship, with 39% signing a contract with the same employer¹¹. Traineeships can help employers to attract, train and, if followed by an employment offer, retain young talent. However, the benefits of traineeships depend greatly on their quality and their contribution to labour market integration.

Following the Commission's proposal of 4 December 2013¹², the Council adopted the Council Recommendation on a Quality Framework for Traineeships on 10 March 2014 (QFT)¹³.

The QFT aims to support transitions from education, unemployment or inactivity into the labour market through quality traineeships that improve trainees' skills and provide them with relevant work experience. It sets out guidelines for traineeships outside education curricula that can ensure high-quality learning content and adequate working conditions. The QFT is also an important reference point for determining what constitutes a good quality traineeship offer under the reinforced Youth Guarantee¹⁴. As outlined in the QFT, social partners play a key role in the design, implementation and monitoring of training policies and programmes.

The European Parliament's resolution of 14 June 2023¹⁵ *"calls on the Commission to update and strengthen the 2014 Council Recommendation on a Quality Framework for Traineeships and turn it into a stronger legislative instrument"*. The resolution notably calls on the Commission to *"submit a proposal for a framework directive on quality traineeships setting out minimum requirements for quality standards and adequate remuneration for open labour market traineeships, traineeships in the context of active labour market policies (ALMP) and traineeships that are a mandatory part of professional training"*. and to *"submit a proposal for a decision of the European Parliament and the Council [...] for traineeships undertaken with the aim of obtaining educational qualifications"*.

The report on the final outcome of the Conference on the Future of Europe includes the call to ensure that young people's internships and jobs adhere to quality standards, including on remuneration, and that unpaid internships on the labour market and outside formal education are banned through a legal instrument¹⁶. A similar stance is also reflected in opinions adopted by the Economic and Social Committee¹⁷ and the Committee of the Regions¹⁸. Finally, the Council in its Conclusions on Young People and the Future of Work underlined the need to *"promote equal access to quality jobs for all young people in the future, and to take measures against all forms of stereotyping that*

¹¹ Flash Eurobarometer 523, full report available via

<https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=87602>

¹² <https://ec.europa.eu/social/BlobServlet?docId=11213&langId=en>

¹³ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0327\(01\)&rid=3](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0327(01)&rid=3)

¹⁴ [Council Recommendation of 30 October 2020 on a Bridge to Jobs – Reinforcing the Youth Guarantee.](#) OJ C 372 of 4.11.2020.

¹⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0239_EN.pdf

¹⁶ [Conference on the Future of Europe. Report on the final outcome. May 2022.](#)

¹⁷ <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/how-guarantee-decent-work-young-people-and-ensure-inclusion-neets-through-proper-elaboration-national-recovery-plans-own>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020IR3454&from=EN>

influence today's children's job aspirations and limit access to certain jobs, while also perpetuating discrimination and inequality in education and training, as well as in the labour market”¹⁹.

The above-mentioned requests for legal action by the EU need to be assessed in the context of the legal boundaries to the EU's competences set by the Treaties (see Section 6.2 of this document). For example, the EU cannot legislate under Article 153(1)(b) TFEU on the working conditions of unpaid trainees.

The purpose of this document is to consult the social partners in accordance with Article 154(2) of the Treaty on the Functioning of the European Union (TFEU), and to obtain their views on the possible direction of EU action to further improve the quality of traineeships.

2. The QFT: main features

In December 2013, the Commission proposed the Council Recommendation on a QFT laying out quality standards for traineeships and discouraging the offer of traineeships with poor learning content or working conditions. The QFT, by supporting young people in finding their way to the labour market through quality traineeships, complemented the objectives of the Council Recommendation on establishing the Youth Guarantee, adopted a year earlier to support youth employment more broadly.²⁰

The QFT recommends that Member States improve the quality of traineeships, particularly in terms of learning and training content and working conditions, with the aim of facilitating the transition from education, unemployment or inactivity to work. The QFT comprises a list of 21 principles in 10 main areas:

- 1) a written traineeship agreement
- 2) learning and training objectives
- 3) working conditions
- 4) rights and obligations
- 5) a reasonable duration
- 6) proper recognition of traineeships
- 7) transparency requirements
- 8) cross-border traineeships
- 9) use of European Structural and Investment Funds
- 10) applying the QFT with the active involvement of social partners and stakeholders

The QFT also outlines how the Commission supports Member States' action through EU funds, the exchange of good practices, and monitoring.

The QFT covers open-market traineeships and traineeships as part of Member States' active labour market policies (ALMPs). The QFT explicitly excludes from its scope work experience placements that are part of curricula of formal education or vocational education and training as well as traineeships that are regulated under national law and whose completion is a mandatory requirement to access a specific profession (e.g. medicine, architecture, etc.).

¹⁹ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XG0605\(02\)&rid=1](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XG0605(02)&rid=1)

²⁰ The YG Recommendation aimed at ensuring that all young people up to the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within 4 months of becoming unemployed or leaving formal education. In 2020, the YG was reinforced, and it was extended to all young people under the age of 30.

Open-market traineeships are non-mandatory, bilateral agreements agreed 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. Traineeships as part of ALMPs are organised by public employment services (PES) in cooperation with employers, based on a tripartite agreement, with the aim of helping unemployed or inactive people into employment.²¹

3. Trends: youth employment, prevalence and quality of traineeships

3.1. Labour market participation of young people

In the years leading up to the adoption of the QFT in 2014, youth unemployment figures in the EU reached an all-time high due to the impact of the global financial and economic crisis.

Since the adoption of the QFT in 2014, **youth unemployment rates** (15-24 years) in the EU have followed a downward trend, falling from 23.5% in 2014 to 15.6% in 2019²². Triggered by the COVID-19 pandemic, the youth unemployment rate (15-24 years) increased to 16.8% in 2020 before declining to 14.5% in 2022 and 13.9% in May 2023²³. At the same time, the youth unemployment rate is significantly higher in some Member States and at EU level it has declined at a slightly slower rate than the general unemployment rate (15-74 years), which decreased from 11% in 2014 to 6.2% in 2022. In addition, significant regional disparities exist within Member States and across regions in the EU.²⁴ Currently, the youth unemployment rate (15-24 years) in the EU is more than double the general unemployment rate (15-74 years), pointing to the **structural challenges** faced by young people.

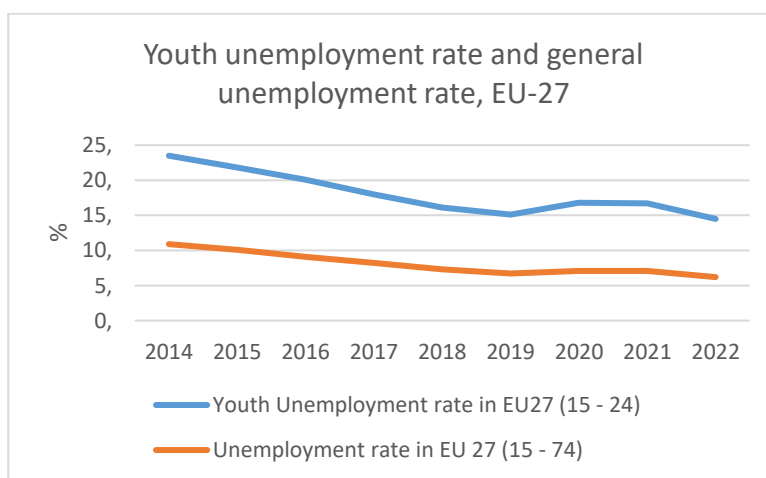


Figure 1 Unemployment rates for 15-24 and 15 - 74 in EU-27²⁵

²¹ European Commission, SWD/2016/0324 final and SWD(2023) 9 final.

²² Eurostat, Labour Force Survey, online database table [LFSA_URGAN_custom_6785950](#)

²³ For the [reinforced Youth Guarantee](#), the age bracket 15-29 years is used. Whilst the trend for the youth unemployment rate for the age bracket 15-29 years was the same, the youth unemployment rate for this age bracket was a few percentage points lower.

²⁴ For example, the EU outermost regions persistently experience some of the highest youth unemployment rates in the EU such as 37.8% in Guadeloupe, 41.9% in La Réunion, 38.7% in Martinique or 43.9% in the Canary Islands (year 2022, 15-24 years).

²⁵ Eurostat, Labour Force Survey, online database table [LFSA_URGAN_custom_6785950](#)

The rate of young people not in employment, education or training (**NEET**) (15-29 years) followed the same trend, falling from 16.0% in 2014 to 12.8% in 2019, before slightly increasing to 13.1% in 2021 and then declining to 11.7% in 2022, representing 8.36 million people in the EU²⁶. The share of NEETs is higher in rural areas (12.6%) than in urban areas (10.9%), but the difference between rural and urban has at EU level decreased since 2014.

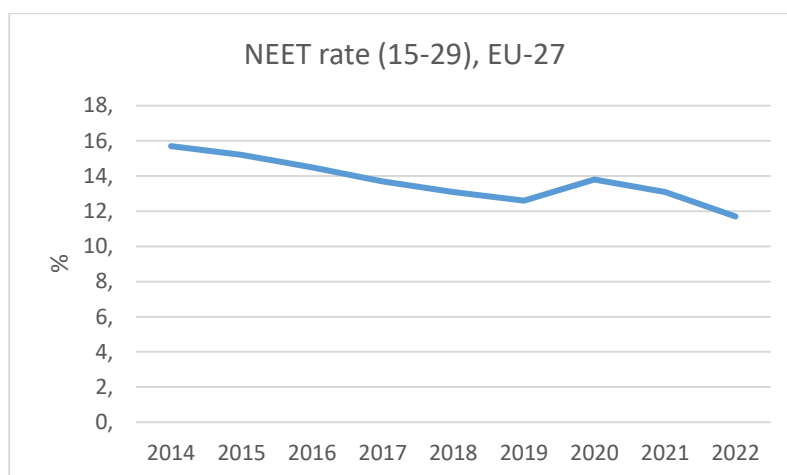


Figure 2 Young people neither in employment nor in education and training (NEET) in EU27²⁷

Long-term youth unemployment (15-24 years) followed a downward trend between 2014 and 2020, dropping from 8.6% in 2014 to 3.6% in 2020, but rose again slightly to 3.7% in 2021, before dropping to 2.9% in 2022²⁸.

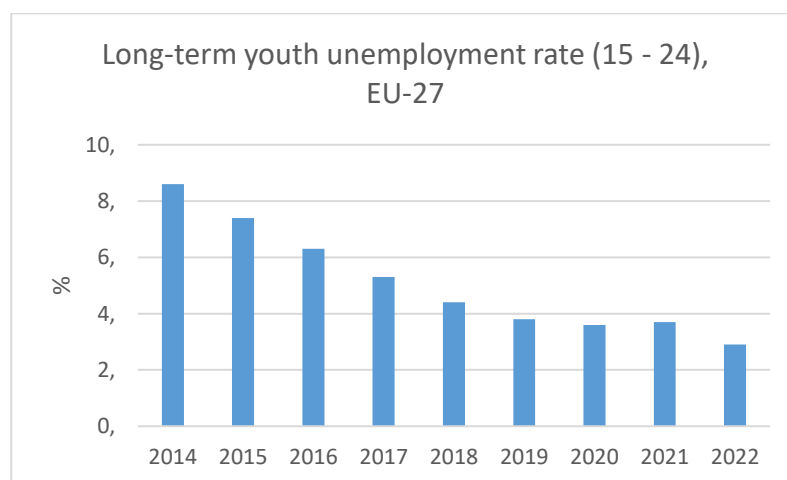


Figure 3 Long-term youth unemployment in EU27²⁹

At the same time, labour market shortages have already been noted in the recovery from the COVID-19 pandemic, with further shortages expected to emerge in the context of the green and digital transitions, offering more opportunities for young people³⁰. Furthermore, demographic data show a declining trend of the share of young people

²⁶ Eurostat, Labour Force Survey, online database table [LFSI_NEET_A](#)

²⁷ Eurostat, Labour Force Survey, online database table [LFSI_NEET_A](#)

²⁸ Eurostat, Labour Force Survey, online database table [YTH_EMPL_120](#)

²⁹ Eurostat, Labour Force Survey, online database table [YTH_EMPL_120](#)

³⁰ European Commission (2022), Employment and Social Developments in Europe. Young Europeans: employment and social challenges ahead.

(15-24) of the total EU population³¹ from 11.4% in 2014 down to 10.5% in 2022, which may exacerbate labour market shortages. As the Commission noted in its 2023 European semester spring package, the job vacancy rate for the overall economy is above its 2010-2019 average, despite a slight decline in the second half of 2022, and labour shortages are holding back production for a growing number of companies³².

3.2. 2023 evaluation of the QFT: prevalence and quality of traineeships

On 10 January 2023, the Commission **published an evaluation of the QFT**³³. Taking into account the non-binding nature of the Council Recommendation, the evaluation assessed the extent to which the QFT is effective, efficient and coherent, provides EU added value and remains relevant to address current needs.

While confirming the relevance of the QFT and its principles, and showing that the quality of traineeships has generally increased since 2014, the evaluation identified scope for improving the QFT's implementation in national legislation and its application on the ground (see Section 4.1 for a detailed analysis). Furthermore, it was found that the QFT's coherence with other policies at national and regional level could be further increased. The evaluation also highlighted areas where the quality criteria of the QFT could be strengthened, for instance in relation to fair remuneration, access to social protection, transparency and reasonable duration, or complemented in the light of recent labour market developments, such as the increased practice of telework.

The evaluation also indicated a need to reflect on the different types of traineeships covered by the QFT. In particular, some stakeholders suggested adding traineeships that are part of formal education and training curricula to the scope of the QFT, though this view was not supported by all stakeholders. In order to address these issues, the Commission considers that a comprehensive approach to updating and revising the QFT is necessary.

As regards the **prevalence of traineeships**, the 2023 evaluation of the QFT identified a **lack of systematic data collection** at EU level³⁴. This prevents a robust quantification of the prevalence of traineeships in the EU. According to the study supporting the evaluation of the QFT, the estimated share of young people in the EU who could benefit from a traineeship across the EU has increased from 16.6% in 2014 to 17.2% in 2020³⁵.

In addition, the results of the trainee survey carried out as part of the same study suggest that women are more likely than men to undertake an open market traineeship (63% of female respondents and 49% of male respondents had undertaken a traineeship after leaving education).

The results of the previously mentioned 2023 **Eurobarometer on the integration of young people into the labour market with particular focus on traineeships** revealed

³¹ Eurostat, population and demography statistics, online database table demo_r_pjangrp3

³² COM(2023) 600 final.

³³ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

³⁴ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships (SWD(2023) 9 final).

³⁵ Study supporting the evaluation of the Quality Framework for Traineeships (VC/2021/0654), Final Report, January 2023: <https://ec.europa.eu/social/BlobServlet?docId=26544&langId=en> (NB: This estimate was based on the number of students enrolled in tertiary education multiplied by the activity rate. Trainees with lower than tertiary education level are not included in this estimate).

some important findings on traineeship quality in the EU³⁶. The survey notably showed that more than half (55%) of young Europeans doing traineeships received financial compensation, an increase compared to 40% in a Eurobarometer survey carried out in 2013³⁷³⁸. In 2023 around 11% of respondents stated that their last traineeship lasted more than 6 months, four percentage points lower than in 2013 (15%). 61% of respondents stated that they had full (33%) or partial (28%) access to social protection during their traineeship. A clear majority of young Europeans (76%) participating in the survey overall agreed that they learnt things that are useful professionally during their traineeship – this, however, represents a decrease from 89% in 2013. Four in five young people (78%) surveyed did at least one traineeship (i.e. 26% of respondents have completed one traineeship, 29% have had two traineeships and 23% three or more). Of those having done multiple traineeships, 37% stated to have done repeated traineeships with the same employer. Seven in ten people (68%) took up a job following a traineeship.

4. Challenges

4.1. Implementation and enforcement in Member States

The 2023 evaluation of the QFT showed that when the QFT was adopted in 2014, the **regulatory approaches to traineeships varied widely across Member States and amongst the different types of traineeships**³⁹.

In 2014, nine Member States⁴⁰ had specific regulations on traineeships. Less than half of the then 28 Member States had provisions on traineeships' duration, remuneration or social protection coverage. Traineeships in the context of active labour market policies (ALMP) were more often regulated than open-market traineeships⁴¹.

The 2023 evaluation of the QFT found that since the adoption of the QFT, 14 Member States have newly introduced or adapted existing legislation to **implement** the QFT in their legal frameworks⁴². Such regulatory changes were made for ALMP traineeships in 12 Member States⁴³ and for open market traineeships in 5 Member States.⁴⁴ Some Member States did not implement regulatory changes, due to the perceived adequacy of existing legislation or collective agreements or the absence of certain types of traineeships⁴⁵.

³⁶ Flash Eurobarometer 523, full report available via

<https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=87602>

³⁷ Flash Eurobarometer 378. The experience of traineeships in the EU. November 2013.

³⁸ Comparisons of the 2023 data with the 2013 survey enable some trends to be identified, but the results must be interpreted with caution, due to differences in the survey method and questionnaire used.

Additionally, the EU averages calculated for 2013 include the UK and exclude Croatia.

³⁹ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

⁴⁰ EE, ES, FI, FR, HU, IT, PT, SI and SK.

⁴¹ European Commission (2013), Impact Assessment accompanying the proposal for a Council Recommendation on a Quality Framework for traineeships. SWD(2013)495.

⁴² BE, BG, DK, EL, EE, ES, HR, IE, IT, LT, LU, PT, RO, SK.

⁴³ BE, BG, DK, EE, EL, HR, IE, IT, LT, PT, RO and SK.

⁴⁴ BG, ES, LT, LU and RO.

⁴⁵ For example, since the adoption of the QFT, Estonia, Finland, and Malta did not implement legislative changes on OMTs, which are rare in these countries (European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#))).

In 2021⁴⁶ the regulatory framework for ALMP traineeships was in full **conformity** with the QFT in 18 Member States⁴⁷, compared to 15 in 2016. In 7 Member States⁴⁸ the regulatory framework was also fully conform as regards open market traineeships, compared to 4 in 2016.

There are still significant differences in the **regulatory approaches to traineeships** across the EU, including regulation by means of general labour law, specific legal instruments or no regulation at all. Regulatory fragmentation results in different levels of protection of trainees. According to the 2023 evaluation of the QFT⁴⁹ the lack of transparent and clear information on the applicable rules in the Member States are barriers for young people to take up a traineeship in another Member State. As such, differences in national approaches coupled with a lack of practical information hamper the objective of the QFT to **facilitate and stimulate the cross-border mobility** of trainees.

The 2023 evaluation of the QFT also found that the **practical application of the QFT principles on the ground** is lagging behind the regulatory adaptation in the majority of Member States, indicating significant monitoring and enforcement challenges.

According to the national authorities and traineeship providers interviewed, the main reasons for a weak application of the QFT are:

1. limited human and financial resources to cope with the additional costs (mainly linked to the need to provide supervisors, define learning objectives and cooperate with the public employment services in the case of ALMP traineeships);
2. non-existent or ineffective monitoring and evaluation mechanisms;
3. lack of awareness on the part of both trainees and employers about the quality principles of the QFT (or of the relevant national legislation they should comply with);
4. the absence or the complexity of existing legal frameworks.

The 2023 evaluation of the QFT also pointed out that **monitoring and enforcement** mechanisms for legislation on traineeships vary substantially across Member States. Such mechanisms exist in 18 Member States for ALMP traineeships⁵⁰, but only in 8 Member States for open market traineeships⁵¹. The evaluation of the QFT suggests that even where such mechanisms exist for open market traineeships, they have a limited impact on the actual application of the QFT principles. This is mainly due to a less systematic monitoring by labour inspectorates, in particular where traineeships are regulated as a specific employment relationship rather than being covered by general labour law.

4.2. Types of traineeships and scope of the QFT

⁴⁶ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

⁴⁷ AT, BE, BG, ES, FI, FR, HR, IE, IT, LT, LU, MT, PL, PT, RO, SE, SI, SK.

⁴⁸ BE, BG, ES, LT, LU, RO, SI.

⁴⁹ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

⁵⁰ AT, BE, EE, EL, HU, LT, BG, FR, IE, LT, LU, MT, PL, PT, RO, SK, ES, SE.

⁵¹ BE, EL, DE, LT, LU, RO, SI, SK.

The QFT defines a traineeship, as “a limited period of work practice, whether paid or not, which includes a learning and training component, undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to regular employment”⁵².

As explained in Section 2 of this document, the 2014 QFT only covers open-market traineeships and traineeships as part of Member States’ active labour market policies (ALMPs).

The QFT does not concern placements that are part of the curricula of formal education or vocational education and training, nor does it cover traineeships of which the completion is mandatory in order to access a specific profession (e.g. teaching, medicine, architecture, etc.). Some stakeholders have suggested that the exclusion of these types of traineeships from the scope of the QFT could have a negative impact on the relevance and the coherence of the QFT.⁵³

Traineeships are to be distinguished from apprenticeships, which are covered by the provisions of the Council Recommendation on a European Framework for Quality and Effective Apprenticeships (EFQEA)⁵⁴.

Under the above-mentioned framework, and without prejudice to national terminology, apprenticeships⁵⁵ are understood as formal vocational education and training schemes that:

- a) combine learning in education or training institutions with substantial work-based learning in companies and other workplaces,
- b) lead to nationally recognised qualifications,
- c) 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
- d) with the apprentice being paid or otherwise compensated for the workbased component.

Traineeships that are part of formal education or training programmes represent the majority of traineeships in many countries and tend to focus on learning outcomes and certification. They are usually embedded in education and training legislation. This category of trainees is usually not considered as having worker status under national legislation. However, several stakeholders have argued that the exclusion of traineeships which are part of formal education or training programmes from the scope of the QFT

⁵² [https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32014.0327\(01\)](https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32014.0327(01))

⁵³ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#))

⁵⁴ OJ C 153, 2.5.2018, p. 1–6. The EFQEA recommends criteria for learning and working conditions (i.e. on the written agreement, learning outcomes, pedagogical support, workplace component, pay and/or compensation, social protection, work, health and safety conditions) and criteria for framework conditions (i.e. on regulatory framework, involvement of social partners, support for companies, flexible pathways and mobility, career guidance and awareness raising, transparency, and quality assurance and tracking of apprentices). It also contains recommendations regarding the implementation at national level, support services, awareness raising, funding, and follow-up.

⁵⁵ Traineeships that are part of formal education and training curricula are mostly (but not exclusively) linked to higher education. They typically also have a shorter duration than apprenticeships, which can take a number of years to complete. In addition, traineeships that are part of formal education and training curricula may be paid/compensated or not.

limits the coherence of the QFT with other programmes and policy areas at national and regional level⁵⁶.

A study by the European Parliament Research Service has found that while traineeships involving other organisations, such as education providers or professional organisations, can be assumed to be of higher quality than others, this is not by definition the case⁵⁷. The latter finding may also be relevant for **traineeships the content of which is regulated under national law and whose completion is a mandatory requirement to access a specific profession**, which are often organised with the close involvement of the relevant professional associations. However, more analysis is needed.

4.3. Definition and legal status of trainees

While the QFT contains an **EU-level definition of a traineeship**, it does not contain a definition of a trainee.

For the purpose of **EU law**, trainees fall under the concept of ‘worker’ if they perform genuine and effective activity, for and under the direction of an employer, and are remunerated for the work they provide⁵⁸. If the trainee is a worker, the trainee is protected by the rights of workers laid down in EU law.

At **national level**, there is a diversity of national systems with regard to the classification of different types of trainees and the corresponding access to social rights of these different categories, laid down in national law and collective agreements or practice, including remuneration and access to social protection.

The evaluation of the QFT⁵⁹ has shown that ALMP traineeships tend to be covered by specific ALMP legislation, whereas the regulation of open-market traineeships is more varied, with some Member States covering them by general labour law⁶⁰, and others⁶¹ by specific provisions, while in some Member States they are not regulated as such at all⁶². More analysis is needed of the interplay between the types of regulation and the legal status of trainees in Member States.

4.4. Problematic traineeships

Given the diverse regulatory landscape, **different categories of problematic traineeships** can currently be distinguished in the EU. They are not necessarily mutually exclusive.

A first category of problematic traineeships are traineeships of **poor quality**. These traineeships do not fulfil the quality requirements set by the QFT (e.g. because they are longer than 6 months for no good reason) or are inadequate for other reasons, but without actually infringing EU or national law.

Second, traineeships may be **non-compliant** with EU or national law. This is for instance the case when trainees are ‘workers’, but the employer does not meet the legal standards

⁵⁶ Study supporting the evaluation of the Quality Framework for Traineeships (VC/2021/0654), Final Report, January 2023: <https://ec.europa.eu/social/BlobServlet?docId=26544&langId=en>

⁵⁷ [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/699459/EPRS_STU\(2022\)699459_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/699459/EPRS_STU(2022)699459_EN.pdf)

⁵⁸ See for instance, CJEU, case C 229/14 (‘Balkaya’), paragraph 50, with further references.

⁵⁹ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

⁶⁰ AT, CZ, DK, EL, HR, HU, IE, LV, NL, SE.

⁶¹ BE, BG, DE, ES, FR (prohibition), LU, LT, RO, PL, PT, SI.

⁶² CY, EE, IT, FI, MT, SK.

required by EU or national labour law or collective agreements, e.g. in terms of remuneration, working time, annual leave, family-related leave or health and safety. There are legal remedies against breaches of labour law, but trainees are unlikely to go to court, mainly due to their weak position or the short duration of traineeships.

Finally, a third category are **bogus** traineeships. Bogus traineeships are regular (entry-level) employee positions disguised as traineeships. The employer may (wrongly) treat the person as a trainee who is not a ‘worker’ (and does not benefit from the full set of workers’ rights enshrined in labour law). In Member States where trainees can be considered ‘workers’, but with a lower pay and/or protection than regular workers, the employer may also (wrongly) employ the person under that status.

While it is difficult to define or delineate bogus traineeships⁶³, there are a number of indications which may point to the bogus nature of a purported traineeship, including the lack of a learning and training component, an excessively long duration or the abuse of successive traineeships.

Limiting the **duration of traineeships** is an important element in ensuring the positive impact of traineeships on young people’s employability and in avoiding the misuse of traineeships to replace regular employment. The QFT states that in principle a **reasonable duration does not exceed 6 months**. The evaluation of the QFT pointed out that this principle is one of the least implemented in Member States’ legal frameworks⁶⁴. It should however also be noted that sufficient duration of a traineeship can be a crucial factor for employers to see the traineeship as a useful investment in their future workforce and for trainees to acquire relevant competencies.

While the QFT includes a provision on transparency concerning the renewal or extension of traineeship agreements, it does not address the potential abuse of **successive traineeships** with the same traineeship provider to circumvent general labour law requirements or to replace regular employment.

4.5. Remuneration

The evaluation of the QFT has shown that certain stakeholders consider that **several essential quality features of traineeships, in particular fair remuneration and access to social protection, are not included** in the QFT.

One of the prominent issues in the public debate about the quality of traineeships is the **remuneration of trainees**. The QFT recommends that trainees should be informed whether an allowance/compensation is applicable, and if so, of the amount. It does not include a provision that trainees should be paid.

⁶³ The European Committee of Social Rights (ECSR), which is the body monitoring compliance with the Council of Europe’s European Social Charter, in its decision of 8 September 2021 in complaint No. 150/2017 (European Youth Forum (YFJ) v. Belgium), has defined ‘bogus internships’ as ‘disguised employment which entails the performance of real work under the authority of and to the benefit of an employer’ and has indicated that the following factors should be taken into account when assessing the applicability of Article 4§1 of the European Social Charter: ‘the nature of the work performed by the intern and whether or not the education aspect is predominant in the work context. The formal criteria, such as the existence of an employment contract or payment of a remuneration, are of course lacking in case of a ‘bogus traineeship’ which concerns performance of real work without a regular employment contract and without remuneration.’ (paragraph 126).

⁶⁴ European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships ([SWD\(2023\) 9 final](#)).

The situation of trainees in the EU varies according to their classification in national (labour) law and the different remuneration policies for different types of traineeships in the Member States. Remuneration usually consists of pay, but may also include benefits in kind (e.g. food vouchers) or reimbursement of travel or accommodation costs. Remuneration is an incentive for trainees to stay and complete their traineeship and it contributes to equal opportunities on the labour market. Moreover, if the level of remuneration is too low and not adjusted to the cost of living, traineeships can have a negative impact on young people's physical and mental health and be detrimental to equal opportunities.

According to the results of the 2023 Eurobarometer, 55% of young Europeans doing traineeships received financial compensation, compared to 40% in the 2013 survey. In 70% of these cases, the employer paid the salary or another financial compensation⁶⁵.

4.6. Access to social protection

Concerns about gaps in **access to social protection** for trainees have been expressed by multiple stakeholders. As in the case of remuneration, the extent of access to social protection varies depending on the classification in national (labour) law and the national regulations governing the different types of traineeships (if any)⁶⁶. In 2022, there were gaps in formal coverage for trainees who can be considered workers by at least one social protection branch in at least seven Member States. In addition, gaps or obstacles to trainees' access to social protection schemes may also be caused by shorter work histories and their stronger presence in certain types of jobs where formal coverage by social protection is not always fully guaranteed or is not effective or sufficient.⁶⁷

61% of respondents to the 2023 Eurobarometer stated that they had full (33%) or partial (28%) access to social protection during their traineeship⁶⁸.

4.7. Access to traineeships

There is a general concern among stakeholders that **young people in vulnerable situations** have less access to traineeships. For example, young people from rural areas, from remote regions like the EU outermost regions or from lower socio-economic backgrounds, or young people with disabilities, with a migrant background, young LGBTIQ people, less represented ethnic minorities such as young Roma people and young people with lower educational attainment can be identified as groups deserving special attention, including by addressing all forms of discrimination and supporting increased outreach by traineeship providers. Improved outreach could also help attracting underrepresented groups to specific sectors, such as women in the digital sector. Moreover, social economy entities can play an important role in supporting outreach to young people in vulnerable situations.

The main barriers experienced by these groups include lack of (sufficient) payment/compensation, lack of standards regarding transparency of recruitment policies, lack of employment prospects at the end of the traineeship period, and lack of a personal

⁶⁵ <https://europa.eu/eurobarometer/surveys/detail/2964>

⁶⁶ 2022 Update of the monitoring framework on access to social protection, <https://ec.europa.eu/social/BlobServlet?docId=25240&langId=en>

⁶⁷ Ghailani et al 'Access to social protection for young people'. European Social Policy Network (ESPN), Luxembourg: Publications Office of the European Union: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8454&furtherPubs=yes>

⁶⁸ <https://europa.eu/eurobarometer/surveys/detail/2964>

network. The lack of focus in the QFT on the inclusion of people in vulnerable situations may reduce its impact on social inclusion. The QFT also makes no explicit reference to incentives for traineeship providers to **employ trainees after the traineeship** or to **support them in finding a job** (e.g. through post-placement support).

Taking into account that the 2023 Eurobarometer did not provide any indication of the respondents' backgrounds, less than half (48%) overall agree that young people from a disadvantaged or migrant background have access to the same traineeship opportunities as others. 46% of the respondents overall agree that young people with disabilities do not have access to the same traineeship opportunities.

4.8. Learning content

The value of traineeships in facilitating the transition to employment depends strongly on the **learning content**. The learning component is also one of the key elements that distinguishes traineeships from regular employment and should thus be safeguarded to ensure a meaningful traineeship experience.

About 80% of respondents to the trainee survey carried out as part of the study⁶⁹ supporting the evaluation of the QFT (strongly) agree that the tasks they carried out during their traineeship helped them to gain practical experience and relevant skills and to achieve their learning and training objectives. Similarly, 76% participating in the 2023 Eurobarometer survey overall agreed that they learnt things during their traineeship that are useful professionally⁷⁰. However, this is a decrease compared to the 2013 Eurobarometer results, where 89% of respondents agreed that they learned things that are useful professionally during their traineeship.

Evidence from stakeholder consultations carried out as part of the 2023 evaluation of the QFT also underlines the importance of defining the learning and educational objectives of the traineeship, including appropriate mentoring. This suggests the need for a greater focus on mentoring (as the current QFT does not include mentoring as part of its quality principles), while taking into account the impact of the potential additional costs for small and micro enterprises. In the 2023 Eurobarometer, 75% of respondents could turn to a mentor for support.

The importance of the quality of the learning component is also reflected in the professional outcomes after the traineeship. In this regard, the 2023 evaluation of the QFT highlighted that employers have stressed the importance of skills mapping, a greater focus on skills recognition; and more support and guidance for employers to carry out skills assessments and provide adequate supervision. According to the 2023 Eurobarometer, 68% of respondents found a job following a traineeship.

4.9. Digital transformation

The QFT does not address some of the key developments related to the ongoing **digital transformation**, with the increased prevalence of teleworking and the importance of digital skills. The digital transition is creating new opportunities for quality traineeships, including at a distance and across borders. Moreover, **remote or hybrid traineeships** may have a positive impact on reducing the above-mentioned access barriers to

⁶⁹ Study supporting the evaluation of the Quality Framework for Traineeships (VC/2021/0654), Final Report, January 2023: <https://ec.europa.eu/social/BlobServlet?docId=26544&langId=en>

⁷⁰ <https://europa.eu/eurobarometer/surveys/detail/2964>

traineeships for vulnerable groups living in disadvantaged areas, for example remote or rural areas. They can also reduce the associated costs for employers, especially small and micro enterprises. However, remote or hybrid traineeships can entail new access barriers related to a lack of digital skills (including literacy) and also bring new risks of precarious working conditions, lack of access to social rights, inexistent or insufficient integration and mentoring support, and poor learning content.

Around half of the respondents to the 2023 Eurobarometer agreed that they had received sufficient guidance and mentoring to carry out their tasks remotely (54%) and that they had been provided with all the necessary equipment to do so (50%).

5. Existing EU law and instruments

Existing EU law is relevant for improving the quality of traineeships, if trainees are considered as ‘workers’ under national law and/or the case-law of the Court of Justice of the European Union.

For example, the Fixed-Term Work Directive⁷¹ aims at improving the quality of fixed-term work by ensuring the application of the principle of non-discrimination. It establishes a legal framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships. It also ensures access by fixed-term workers to appropriate training opportunities and to information about vacancies within the undertaking with a view to secure a permanent position.

The Directive on transparent and predictable working conditions⁷² expands workers’ rights and addresses protection for workers in precarious jobs. It notably guarantees workers the right to receive more complete information on the essential aspects of their work, to be received early and in writing. Recital 8 of the Directive explains that trainees and apprentices could fall within the scope of the Directive, provided that they fulfil the criteria for determining the status of a worker established by the Court of Justice of the European Union.

The Directive on adequate minimum wages in the EU⁷³ creates a framework to improve the adequacy of minimum wages in Member States with statutory minimum wages. It also aims to promote collective bargaining in all Member States, while enhancing effective access of workers to rights to minimum wage protection, where provided for in national law and/or collective agreements. Its Article 6 provides that *‘[w]here Member States allow for different rates of statutory minimum wage for specific groups of workers or for deductions that reduce the remuneration paid to a level below that of the relevant statutory minimum wage, they shall ensure that variations and deductions of statutory minimum wages for specific group of workers respect the principles of non-discrimination and proportionality, the latter including the pursuit of a legitimate aim.’* This provision could allow for a specific minimum remuneration for trainees that meet the definition of ‘worker’.

It should also be noted that unpaid traineeships may be covered by existing EU measures on ‘working conditions’ adopted on the basis of Article 153(1)(b) TFEU, which address first and foremost ‘workers’ and cover trainees only in an ancillary way, namely because trainees work at the same workplace. This notably concerns the Council Directive on the

⁷¹ OJ L 175, 10.7.1999, p. 43–48.

⁷² OJ L 186, 11.7.2019, p. 105–121.

⁷³ OJ L 333, 27.12.2022, p. 164–198.

introduction of measures to encourage improvements in the safety and health of workers at work.⁷⁴

Other relevant EU legislation includes the Work-Life Balance Directive⁷⁵, the Part-Time Work Directive⁷⁶, the Directive establishing a general framework for informing and consulting employees⁷⁷, and the EU's equal treatment and anti-discrimination *acquis*.

In the same vein, the 2019 Council Recommendation on access to social protection for workers and self-employed⁷⁸ can be of relevance to trainees. The aim of the Recommendation is that all workers and self-employed persons are provided with formal and effective access to adequate social protection⁷⁹. Furthermore, the Council Recommendation on Reinforcing the Youth Guarantee⁸⁰ is closely aligned with the objectives of the QFT and specifically recommends that “*traineeship offers adhere to the minimum standards laid out in the Quality Framework for Traineeships*”. The implementation of the reinforced Youth Guarantee is backed up by significant EU financial support from the European Social Fund⁸¹, and the Recovery and Resilience Facility⁸² for eligible investments and reforms. These funds support young people in gaining work experience and developing the right skills for a changing world of work, in particular skills relevant to the green and digital transitions.

The 2021 Commission Recommendation on effective active support to employment (EASE) states that Member States “*should introduce or strengthen support schemes for [...] paid traineeships [...]*” which “*should include a strong training component and be subject to monitoring and evaluation, offering a path to stable labour market integration*”, and emphasises that support “*should be linked to the relevant frameworks fostering job quality, such as [...] the Quality Framework for Traineeships*”⁸³.

6. Potential areas and instruments for EU action

6.1. Possible areas of action

Given the resolution of the European Parliament and the results of its evaluation of the QFT, the Commission considers that **an EU initiative could help further improve the quality of traineeships and facilitate transitions from education, unemployment or inactivity into the labour market.**

⁷⁴ OJ L 183, 29.6.1989, p. 1–8.

⁷⁵ OJ L 188, 12.7.2019, p. 79–93.

⁷⁶ OJ L 14, 20.1.1998, p. 9–14.

⁷⁷ OJ L 80, 23.3.2002, p. 29–34.

⁷⁸ OJ C 387, 15.11.2019, p. 1–8.

⁷⁹ It applies to the following branches: a) unemployment benefits; (b) sickness and healthcare benefits; (c) maternity and equivalent paternity benefits; (d) invalidity benefits; (e) old-age benefits and survivors' benefits; (f) benefits in respect of accidents at work and occupational diseases.

⁸⁰ OJ C 372, 4.11.2020, p. 1–9.

⁸¹ With a budget of around EUR 99 billion for 2021-2027, the European Social Fund Plus (ESF+) continues to be the EU's key instrument to support the implementation of the reinforced Youth Guarantee. Member States which experience an above average rate of young people not in employment, education or training (NEET) need to devote at least 12.5% of their ESF+ funding to targeted youth employment measures. The other Member States need to dedicate an appropriate amount to implement the reinforced Youth Guarantee in line with the gravity of their youth employment challenges.

⁸² One of the six pillars of the RRF is aimed at policies for the next generation. The measures included in Member States' recovery and resilience plans should be consistent with the reinforced Youth Guarantee.

⁸³ OJ L 80, 8.3.2021, p. 1–8.

EU action could address several of the following areas:

- **The scope of the QFT**

A wider *personal* scope of the QFT could help achieve a common set of quality standards covering all types of traineeships. In this regard, an extension of the scope of the QFT to traineeships that are part of formal **education and training curricula** and represent a significant share of the total number of traineeships in the EU could be considered. However, as trainees on traineeships that are part of formal education and training curricula are usually classified as students, such an extension of the scope would mainly have to rely on Articles 165(4) and 166(4) TFEU, which exclude any legislative action aimed at harmonising the laws and regulations of the Member States. Moreover, certain principles of the current QFT may not be compatible with the specific characteristics of traineeships that are part of formal education and training curricula, for example as regards the recommended maximum duration.

Overall, given the differences between traineeships and apprenticeships pointed out in Section 4.2.1, overlaps between different instruments at EU level, including in particular with the Council Recommendation on a European Framework for Quality and Effective Apprenticeships (EFQEA), should be avoided, as such overlaps could create confusion and legal uncertainty. In this context, particular attention would be required to ensure that the QFT excludes from its scope the various types of apprenticeships that exist in the EU, especially work-based learning periods in apprenticeships. Furthermore, traineeships which are part of formal education and training curricula involve a third party, i.e. an educational and training institution, which monitors the quality of traineeships and subsequently recognises the learning outcomes based on the issued certification.

As regards the inclusion of **traineeships of which the completion is mandatory to access certain professions**, it should be noted that these trainees are often workers, already covered by EU and national labour law.

The **EP resolution** calls “*to propose a directive for open labour market traineeships, traineeships in the context of active labour market policies (ALMP) and traineeships that are a mandatory part of professional training*” and to “*submit a proposal for a Decision of the European Parliament and the Council [...] for traineeships undertaken with the aim of obtaining educational qualifications*”.

As indicated above, Articles 165(4) and 166(4) TFEU exclude any harmonisation of the laws and regulations of the Member States, whereas, Article 288 TFEU provides that Decisions (the instrument mentioned in the EP resolution) shall be binding. Non-binding recommendations to the Member States could be made by means of a Council Recommendation. Moreover, the procedure under Article 154(2) TFEU is not applicable to EU action under Articles 165(4) and 166(4) TFEU. It is therefore on a voluntary basis that the Commission invites the social partners to share their views on the extension of the scope of the QFT to traineeships that are part of formal curricula of education and training.

- **Addressing the misuse of traineeships**

Without affecting the prerogatives of Member States and social partners, a clearer common understanding at EU level of what constitutes a traineeship could facilitate **implementation of the QFT through national law, tackle the misuse of traineeships to replace regular employment** and ensure greater coherence in Member States’ regulatory approaches. Within the limited competence conferred on

the EU by the Treaties and taking into account the case-law of the Court of Justice of the European Union, the EU could support Member States in ensuring the **correct classification of trainees**.

The EU could also support Member States in the **enforcement of existing rights of workers in EU and national law**, in order to ensure that trainees, including those in a situation of disguised employment (bogus traineeships), can access all the labour and social protection rights they are entitled to under EU law, national law, collective agreements, or practice.

Stronger cross-cutting coordination with education and social policies at national and regional level and **better involvement of key stakeholders**, including social and economic partners, trainees and labour inspectorates would benefit the enforcement of existing rights. In this regard, the collection of **robust and comparable data** on the prevalence, quality and nature of traineeships in Member States, as well as their impact on youth employment could also be improved.

Moreover, the setting of a **maximum duration** of traineeships (outside formal education and training curricula) and of **specific conditions for their renewal or extension** could be important measures to combat the use of bogus traineeships.

The EP resolution “*highlights that traineeships are primarily a learning experience that should not replace entry-level jobs*”.

The EP resolution stresses the importance of “*establish[ing] in cooperation with the national labour inspectorates and relevant authorities, channels to report malpractice and poor conditions during the traineeship*”. The proposal for a directive set out in Annex I of the EP resolution also aims at obliging Member States to “*ensure that labour inspectors prohibit the substitution of entry-level or permanent posts by means of a traineeship*”. It includes a minimum duration for traineeships of 1 month, with a maximum duration to be determined by Member States, and a provision on the renewal or prolongation of traineeships with the same traineeship provider.

- **Fair remuneration and access to social protection for trainees**

Fair remuneration and access to social protection for trainees can help fight against abuses and ensure the sustainability of traineeships as a pathway to stable employment opportunities and the build-up and take-up of social protection entitlements. The above-mentioned EU directives on fixed-term and part-time work provide that such workers must not be treated less favourably in their employment conditions (including pay) than comparable permanent or full-time workers, unless the difference is justified on objective grounds. This should help protect trainees with worker status from unfairly low levels of remuneration. Including quality aspects related to the existence and adequacy of remuneration or compensation and to the access to social protection in the QFT would need to fully respect the contractual freedom of social partners and the relevant Treaty provisions regarding pay and social security and social protection. In particular, Article 153(5) TFEU excludes an EU measure which would directly require that traineeships have to be paid.

The EP resolution “*calls on the Commission to propose a directive [...] to ensure minimum quality standards, including [...] access to social protection in accordance with national law and practices as well as remuneration ensuring a decent standard of living as outlined in Annex I in order to avoid exploitative practices*”.

- **Other quality aspects**

The evaluation of the QFT and the European Parliament resolution identified a number of possible elements other than remuneration and access to social protection that could further improve the quality of traineeships. Based on these, the **quality principles of the QFT could be adapted, strengthened and complemented** in relation to:

- facilitating cross-border traineeships;
- overcoming discrimination and promoting access for underrepresented groups, including through accessible workplaces for persons with disabilities;
- the transparency of recruitment policies and vacancy notices;
- the learning content and objectives of traineeships and the provision of adequate mentoring;
- the employment prospects of trainees after their traineeship and the recognition and validation of skills acquired during the traineeship;
- remote/hybrid traineeships.

As mentioned in relation to the scope of the QFT, the procedure under Article 154(2) TFEU is not applicable to EU action beyond the social policy field. It is therefore on a voluntary basis that the Commission invites the social partners to share their views on quality elements, which, pending further analysis, may not fall under Article 153 TFEU. These include the facilitation of cross-border traineeships, the transparency of recruitment policies and vacancy notices, the learning content and objective of traineeships and the provision of adequate mentoring, and the recognition and validation of skills.

- **Supporting measures**

By means of **awareness raising and the provision of support and assistance**, employers and traineeship providers, in particular small and micro enterprises, could be better informed about the quality principles of the QFT and supported in accessing financial support, including from the ESF+ and the RRF. Other supporting measures could include the provision of practical guidance, a greater involvement of social partners and stakeholders in the design, implementation and monitoring of traineeship programmes and the linking of financial incentives to the provision of quality traineeships.

The EP resolution notably encourages the offering of *“incentives to employers that provide trainees a high-quality job placement after the successful completion of a traineeship”*.

6.2. Possible instruments

A range of EU instruments could be considered in preparing such an EU initiative.

Non-legislative instruments could include an update of the current QFT Council Recommendation and be supported by, for example, increased monitoring in the context of the European Semester or, where relevant, increased mutual learning between Member States.

It should also be noted that a potential extension of the scope of the QFT to traineeships that are part of formal education and training curricula would have to rely on Articles 165 and 166 TFEU, for which the procedure of Article 154(2) TFEU is not applicable. Moreover, in line with those provisions, the EU can only play a supporting role in

education issues, excluding any harmonisation of the laws and regulations of the Member States. EU action could therefore take the form of a Council Recommendation.

Legislative instruments could include a Directive based on Article 153 TFEU, as far as social policy measures on issues such as working conditions and social protection are concerned, but are subject to strict legal limitations. Under Article 153(1)(b) TFEU, the EU can only take measures on working conditions with regard to trainees if they are either ‘workers’ within the meaning of EU law or covered by measures under that provision addressing “workers” that are extended to trainees in an ancillary way. As the existence of a remuneration is an essential feature of the definition of a ‘worker’, unpaid trainees cannot be considered ‘workers’ within the meaning of EU law. Moreover, Article 153(5) TFEU excludes an EU measure which would directly require that an activity such as a traineeship has to be performed for pay.

As regards social protection, the EU’s legislative competence is limited by Article 153(4) TFEU, which states that the measures under Article 153 TFEU “*shall not affect the right of Member States to define the fundamental principles of their social security systems and must not significantly affect the financial equilibrium thereof*”. Moreover, according to Article 153(2) TFEU, the Council would have to act unanimously under Article 153(1)(c) TFEU, in accordance with a special legislative procedure.

A package combining several of these instruments could also be considered, taking into account the wide variety of existing national provisions and the need to respect the principles of subsidiarity and proportionality as well as the legal boundaries of the Treaty. An EU initiative would also take into account the impact on job creation and competitiveness, including in particular for small and micro enterprises.

7. Aim of the consultation

Under Article 154(2) TFEU, before submitting proposals in the social policy field, the Commission must consult management and labour on the need for and possible direction of EU action.

The Commission will examine the views expressed by the social partners. If, having considered those views, the Commission concludes that there is a need for legislative action at EU level under Article 153 TFEU, it will launch a second-stage consultation of the social partners on the envisaged content of any proposal for action, in accordance with Article 154(3) TFEU. It will also provide an analytical document on the consequences of the current situation and the likely impacts of potential EU action.

The questions on which the Commission would be grateful for the views of the social partners at this first stage are the following:

- I. Do you consider that the European Commission has correctly and sufficiently identified the issues and the possible areas for EU action?
- II. Do you consider that EU action is needed to address the identified issues effectively and achieve the objectives set out?
- III. Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?