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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') - <i>Preparations for trilogues</i>

I. INTRODUCTION

Delegations will find in the Annex the **four-column table** on the proposal for a Directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive').

At this stage, the table contains **only three columns**: the Commission proposal, the position of the Council, and the position of the European Parliament. The formatted text reflects the changes as compared to the Commission proposal. Changes in the Council mandate are marked in **bold** and in ~~strike through~~, whereas changes in the EP mandate are in *italics* (two colours).

The Council reached a general approach at its EPSCO meeting of 19 June 2025.

The European Parliament adopted its mandate for the trilogues on the first October plenary session.

The first trilogue is planned for 18 November 2025 and will include a detailed presentation of the position of each institution.

II. CONCLUSION

The Social Questions Working Party meeting on 28 October 2025 will provide an opportunity to examine the amendments made by the European Parliament to the Commission proposal.

To support the preparation of the upcoming trilogues, delegations are invited to share their views and possible questions on the European Parliament amendments in the Social Questions Working Party meeting. In particular, delegations are invited to indicate whether certain amendments are acceptable or problematic for them. In the latter case, please explain the reasons and whether you could see a possible compromise between the positions of the Council and the European Parliament.

No written comments are expected for submission.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships (‘Traineeships Directive’) (Text with EEA relevance)

2024/0068(COD)

[Version for Trilogue on 18 November 2025]

22-10-2025 at 17h31

	GLEAN	Commission Proposal	VS.EC	Council Mandate	VS.EC	EP Mandate
Formula						
1	2024/0068 (COD)		2024/0068 (COD)		2024/0068 (COD)	
Document Stage						
2	Proposal for a		Proposal for a		Proposal for a	
Document Type						
3	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL			DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
Document Purpose						
4	on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships (‘Traineeships Directive’)	on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as false traineeships (‘Traineeships Directive’)			on improving and enforcing working conditions of trainees and <u>detecting and</u> combating regular practices that circumvent the purpose of traineeships and the use of disguised standard employment relationships disguised as traineeships (‘Traineeships Directive’)	
EEA Relevance						
5	(Text with EEA relevance)		(Text with EEA relevance)		(Text with EEA relevance)	
Formula						
6	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
Citation 1						
7		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b) thereof,
Citation 2						
8		Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,
Citation 3						
9		After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,
Citation 4						
10		Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .
Citation 5						
11		Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .		Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .		Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .
Citation 6						
12		Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,
Formula						
13		Whereas:		Whereas:		Whereas:
Recital 1						
14		(1) In March 2014, the Council adopted the Recommendation for a Quality Framework on Traineeships ('2014 Recommendation') to		(1) In On 10 March 2014, the Council adopted the a Recommendation for a Quality Framework on Traineeships ¹ (the '2014		(1) In March 2014, the Council adopted the Recommendation for a Quality Framework on Traineeships ('2014 Recommendation') to

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		provide Union-wide quality standards for traineeships. It recommends 21 principles for traineeships, in particular to ensure high quality learning and training content and adequate working conditions to support education-to-work transitions 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 completion of which is a mandatory requirement to access a specific profession.		Recommendation') to provide Union-wide quality standards for traineeships. # The 2014 Recommendation includes 21 principles for traineeships to improve the their quality of traineeships high-quality learning and training content and adequate working conditions to support education-to-work transitions and to 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. 1. OJ C 88, 27.3.2014, p. 1.		provide Union-wide quality standards for traineeships. It recommends 21 principles for traineeships and inclusiveness to improve the quality, accessibility of traineeships, in particular to ensure high quality learning and training content and adequate working conditions to support education-to-work transitions 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 completion of which is a mandatory requirement to access a specific profession.
Recital 1a						<u>(1a) Article 21 of the Charter of Fundamental Rights of the European Union (the 'Charter') prohibits any discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; Article 31 of the Charter guarantees the right of every worker to fair and just working conditions for all workers; and Article 32 provides for the protection of young people at work, particularly against economic exploitation.</u>
Recital 1b						<u>(1b) Chapters I and II of the European Pillar of Social Rights (the 'Pillar'), proclaimed</u>
14b						

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					<u>at Gothenburg on 17 November 2017, establish a set of principles to guide the Union and its Member States towards equal opportunities on and access to the labour market, fair working conditions and social protection and inclusion. Principle 1 of the Pillar recognises the right to quality and inclusive education, training and life-long learning to maintain and acquire skills for full participation in society and successful management of transitions in the labour market. Principle 3 of the Pillar underlines that, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities in employment, education and social protection, with particular attention to under-represented groups. Principle 4 of the Pillar affirms that young people have the right to continued education, apprenticeship, traineeship or a job offer of good standing within four months of becoming unemployed or leaving education. Principle 5 of the Pillar provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, and that employment relationships that lead to precarious working conditions are to be prevented. Principle 6 of the Pillar guarantees the right to fair wages that provide for a decent standard of living, and principle 17 of the Pillar underlines the right of persons with disabilities to inclusion and active participation in society and the labour market.</u>
					Recital 2

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
15		(2) The Council Recommendation on a European Framework for Quality and Effective Apprenticeships¹ 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. ¹ Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1).		deleted		deleted
Recital 3						
16		(3) The reinforced Youth Guarantee¹ aims at ensuring that young people under the age of 30 receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of becoming unemployed or leaving education. The 2014 Recommendation is an important reference point to measure the quality of traineeships offers under the reinforced Youth Guarantee. ¹ Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee 2020/C 372/01 (OJ C 372, 4.11.2020, p. 1).	(3) The reinforced Youth Guarantee set out in the Council Recommendation of 30 October 2020 on A Bridge to Jobs¹-aims at ensuring that young people under the age of 30 receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of becoming unemployed or leaving education. The 2014 Recommendation is an important reference point to measurefor measuring the quality of traineeships offers under the reinforced Youth Guarantee. ¹ Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee 2020/C 372/01 (OJ C 372, 4.11.2020, p. 1).	(3) <u>Youth unemployment remains a persistent challenge in the Union, with rates more than twice the overall unemployment rate. There is therefore a need for measures that genuinely support sustainable labour market integration and skills development, rather than temporary or repetitive traineeships that do not contribute to standard employment. The European Pillar of Social Rights Action Plan aims to reduce NEETs among young people aged between 15 and 29 from 12,6% in 2019 to 9 % by 2030 by improving employment prospects. The Council Recommendation on A Bridge to Jobs – Reinforcing the</u>The reinforced Youth Guarantee¹ aims at ensuring that young people under the age of 30 receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of becoming unemployed or leaving education.The 2014 Recommendation is an important reference point to measure the quality of traineeships offers under the reinforced Youth		

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					<u>Guarantee, mainly supporting young people at risk of exclusion from the labour market.</u> 1. Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee 2020/C 372/01 (OJ C 372, 4.11.2020, p. 1).
Recital 4	(4) Labour shortages exist in many occupations and at all skills levels. They are expected to increase with the projected decline in the working age population and increasing demand for several occupations relevant for the green and digital transition. The lower labour market participation of young people contributes to these shortages. Quality traineeships can be a useful up- and/or reskilling pathway for persons of any age to acquire practical skills on the job to enter the labour market or take their career in a new direction.	(4) There are labour shortages-exist in many occupations and at all skillsskill levels. They are expected to increase with the projected decline in the working age population and with increasing demand for several occupations that transitiontransitions. The lower labour market participation of young people contributes to thesethose shortages. Quality traineeships can be a useful up- and/or reskillingre-skilling pathway for persons of any age to acquire practical skills on the job in order to enter the labour market or to take their career in a new direction.	(4) Labour <u>and skills</u> shortages exist in many a number of 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<u>numerous sectors and</u> occupation relevant for the green and digital transition <u>and other emerging sectors</u>. <u>As highlighted by the Draghi and Letta reports, lack of investment in skills will only exacerbate</u> The lower labour market participation of young people contributes to these shortages. Quality traineeships can bear a useful up- and/or reskilling pathway for persons of any age<u>opportunity for people making the transition from education to employment</u> to acquire practical skills on the job to enter the labour market or take their career in a new direction.		
17					
Recital 5	(5) Traineeships can help young people gain practical and professional experience, improve their employability, and facilitate their transition into stable employment. As such, traineeships constitute an important pathway to the labour market. For employers, traineeships provide opportunities to attract, train and retain young people. They can reduce the cost of searching for	(5) Traineeships can help young people gain practical and professional experience, improve their employability, and facilitate their transition into stable employment. As such, Traineeships thus constitute an important pathway tointo the labour market. For employers, traineeships provide opportunities to attract, train and retain young people. They can reduce the cost of	(5) Traineeships <u>can aim to</u> help young people gain practical and professional experience, improve their employability, and to facilitate their transition into stable <u>from education to standard employment and access to a profession</u>. <u>The purpose of a traineeship is to combine a short period of entry-level work with a significant learning and training</u>		
18					

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		and recruiting skilled staff, when trainees are offered a regular position after their traineeship. However, this can only be achieved if traineeships are of good quality and offer decent working conditions.		searching for and recruiting skilled staff, when trainees are offered a regular position after their traineeship traineeships . However, this can only be achieved if traineeships are of good quality and offer decent working conditions.		<u>component</u> . As such, traineeships <u>can</u> constitute an important pathway to <u>enter</u> the labour market. For employers traineeships providers , traineeships provide opportunities to attract, train and retain young people. They can identify emerging talent and reduce the cost of searching for and recruiting skilled staff, when trainees are offered a regular position standard employment after their traineeship. However, this can only be achieved if traineeships are of good regulated to ensure quality and offer , decent and transparent working conditions, and a significant learning and training content .
Recital 6		(6) Challenges persist regarding the problematic use of traineeships, including when regular employee positions are disguised as traineeships, depriving those workers of their full rights under Union law, national law and collective agreements and risking to trap them in precarious working conditions. Employment relationships distorted between companies by putting compliant employers at a disadvantage, lead to the circumvention of employers' fiscal and social security obligations and to a substitution of permanent posts. In other cases, employers may not comply with all requirements stemming from Union law, national law, collective agreements or practice, depriving them of their full rights.		(6) Challenges persist regarding the problematic use of traineeships, including when regular employee positions are disguised as through false traineeships, depriving those which deprive workers of their full rights under Union law, national law and collective agreements, and risk trapping and risking to trap them in precarious working conditions. Employment relationships distorted between as false traineeships distort competition between companies by putting compliant employers at a disadvantage, lead to the circumvention of employers' fiscal and social security obligations and to a substitution of permanent posts. In other cases, employers of 'genuine' trainees may might not comply with all requirements stemming from Union law, national law, collective agreements or practice, depriving them the trainees of their full rights.		(6) Challenges persist regarding the problematic use of traineeships, including when regular employee positions are disguised as traineeships are of poor quality with substandard working conditions, including no or low remuneration, indeterminate duration, repeated with the same traineeship provider or require previous work experience or where traineeships are used to disguise standard employment relationships , depriving those workers of such employment relationships and their full rights under Union law, national law and collective agreements and and risking to trap them in precarious working conditions. Employment relationships distorted between companies by putting compliant employers at a disadvantage, lead to the circumvention of employers' fiscal and social security obligations and to a substitution of permanent posts. In other cases, employers traineeship providers of 'genuine' trainees may not comply with all

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						requirements stemming from Union law, national law, collective agreements or practice, depriving them of their full rights.
Recital 7		(7) Additionally, trainees are less likely to defend their rights due to their vulnerable positions in the labour market. The absence, complexity or diversity of regulatory frameworks for traineeships in various Member States alongside an insufficient enforcement of national legislation and the lack of capacity for controls and inspections, as well as a lack of clarity regarding the authority responsible for control and enforcement, are among the main factors leading to the problematic use of traineeships.		(7) Additionally, trainees are less likelyunlikely to defend their rights due to their vulnerable positions in the labour market. The absence, complexity or diversity of regulatory frameworks for traineeships in various Member States alongside anthe insufficient enforcement of national legislation and the lack of capacity for controls and inspections, as well as a lack of clarity regarding the authorityauthorities responsible for control and enforcement, are among the main factors leading to the problematic use of traineeships.		(7) Additionally, trainees are less likely to defend their rights due to their vulnerable positions in the labour market. The absence, complexity or diversity of regulatory frameworks for traineeships in various Member States alongside an insufficient enforcement of national legislation and the lack of capacity for controls and inspections, as well as a lack of clarity regarding the authority responsible for control and enforcement, are among the main factorsrisk leading to <u>practices that circumvent the purpose</u>the problematic use of traineeships. <u>The lack of official statistics on traineeships also hampers the assessment of their quality and effectiveness. The European Court of Auditors has identified challenges related to the varying definition of traineeships, inconsistent application of the 2014 Council Recommendation on quality traineeships in the Member States, and limited reliable data, which may hinder evidence-based policymaking and create variations in opportunities and accessibility for young people from different social backgrounds. These gaps contribute to the vulnerability of trainees, who often find themselves unable to defend their rights due to their vulnerable position in the labour market.</u>
20						
Recital 7a						
20a						<u>(7a) Complications also arise due to the broad and informal categorisation of traineeships. Traineeships can be understood to</u>

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						<u>include traineeships which are accessible on the open market; traineeships which are regulated under national law and the completion of which is a mandatory requirement to access a specific profession; traineeships in the context of active labour market policies; and traineeships which are part of curricula for formal education. Only some of these are regulated or partly regulated in some Member States. Although the Union has established a policy framework for traineeships since 2013, the 2014 Council Recommendation on a Quality Framework for Traineeships is non-binding, and as a result, not all Member States have aligned their legal frameworks with that recommendation.</u>
Recital 7b						
20b						<u>(7b) Unpaid or poorly paid traineeships are particularly difficult to access by young people from vulnerable backgrounds and this results in direct or indirect discrimination on grounds such as age, sex, race, colour, ethnic and social origin, disability and others. The European Parliament has repeatedly condemned the practice of unpaid traineeships as a form of exploitation of young workers and a violation of their rights and has called for a common legal framework to ensure fair remuneration for traineeships in order to avoid exploitative practices.</u>
Recital 8						
21	(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions compared to regular employees, including regarding working hours, leave entitlements, and access to	(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions as compared to regular employees, including regarding their	(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions compared to regular ## other employees, including regarding working hours, leave entitlements, and access to			

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	hours, leave entitlements, and access to equipment as well as pay.		pay, working hours, leave entitlements, and their access to equipment-as-well-as-pay.		equipment as-well-as-pay -and, in particular, pay. <u>The lack of opportunities to access quality employment, including quality traineeships, contributes to the emigration of young people in search of better working and living conditions in other Member States, exacerbating the brain drain in certain parts of the Union and regional imbalances. Ensuring decent working conditions, in particular adequate pay, for trainees is therefore essential to retain and develop talent across all territories and to uphold the right of young people to build their lives and careers in their region of origin, thereby strengthening social, economic and territorial cohesion in the Union.</u>
Recital 9	(9) At Union level, existing legal instruments provide a framework for the protection of workers, including the directives on transparent and predictable working conditions ¹ , adequate minimum wages ² , working time ³ , health and safety at work ⁴ , equality and non-discrimination ⁵ , work-life balance for parents and carers ⁶ , information and consultation of employees ⁷ , fixed-term work ⁸ , part-time work ⁹ , posting of workers ¹⁰ and on temporary agency work. ¹¹ This legal framework fully applies to trainees who have an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice of the European Union. The Union legal framework also encompasses recommendations on the quality of traineeships ¹² and apprenticeships ¹³ and on access to social protection for workers and self-employed ¹⁴ .	(9) At Union level, existing legal instruments provide a framework for the protection of workers, including the directives on transparent and predictable working conditions ¹ , adequate minimum wages ² , working time ³ , health and safety at work ⁴ , equality and non-discrimination ⁵ , work-life balance for parents and carers ⁶ , information and consultation of employees ⁷ , fixed-term work ⁸ , part-time work ⁹ , posting of workers ¹⁰ , and on temporary agency work. ¹¹ This legal framework fully applies to trainees who have an employment contract or who are in an employment relationship as defined by law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice of the European Union. The Union legal framework also encompasses recommendations on the quality of traineeships ¹² and of	(9) At Union level, existing legal instruments provide a framework for the protection of workers, including the directives on transparent and predictable working conditions ¹ , adequate minimum wages ² , working time ³ , health and safety at work ⁴ , equality and non-discrimination ⁵ , work-life balance for parents and carers ⁶ , information and consultation of employees ⁷ , fixed-term work ⁸ , part-time work ⁹ , posting of workers ¹⁰ and on temporary agency work. ¹¹ This legal framework fully applies to trainees who have an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice of the European Union. The Union legal framework also encompasses recommendations on the quality of traineeships ¹² and apprenticeships ¹³ and on access to social protection for workers and self-employed ¹⁴ .		

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	1. Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105). 2. Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33). 3. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9). 4. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.06.1989, p. 1). 5. Among others: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16). 6. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance (OJ L 188, 12.7.2019, p. 79). 7. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ L 80, 23.3.2002, p. 29). 8. Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43). 9. Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time working concluded by UNICE, CEEP and the ETUC – Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9). 10. Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).		apprenticeships¹³, and on access to social protection for workers and the self-employed¹⁴. 1. Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105), ELI: http://data.europa.eu/eli/dir/2019/1152/oj. 2. Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33). 3. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9). 4. 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Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ L 80, 23.3.2002, p. 29). 8. Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43). 9. Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time working concluded by UNICE, CEEP and the ETUC – Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9). 10. Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).	

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		11. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9). 12. Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1). 13. Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1). 14. 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).		96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16). 11. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9). 12. Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1). 13. Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1). 14. 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).		11. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9). 12. Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1). 13. Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1). 14. 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).
Recital 10						
23	(10) The Conference on the Future of Europe¹ 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. 1. Report on the final outcome – May 2022.	(10) The May 2022 Report on the final outcome⁴ of the Conference on the Future of Europe⁴ put forward a proposal on ensuring that young people’s internships and jobs adhere to quality standards, including on pay remuneration, as well as banning through a legal instrument unpaid internships on the labour market and outside formal education. 4. Report on the final outcome – May 2022.	(10) <u>In 2022</u>, the Conference on the Future of Europe⁴ 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. 4. Report on the final outcome – May 2022.			
Recital 11						
24	(11) The European Parliament adopted a resolution pursuant to Article 225 TFEU with recommendations to the Commission on quality traineeships in June 2023¹. In its resolution, it called on the Commission “to update and strengthen the 2014 QFT and to turn it into a stronger legislative instrument”. It further called on the Commission to include additional principles in an updated quality framework for traineeships. Specifically, the European Parliament called for the Commission to	(11) On 14 June 2023, the European Parliament adopted a resolution pursuant to Article 225 of the Treaty on the Functioning of the European Union (TFEU) with recommendations to the Commission on quality traineeships in June 2023¹. In the resolution, it called on the Commission “to update and strengthen the 2014 QFT Council Recommendation and to turn it into a stronger legislative instrument”. It further called on the Commission to include additional principles in	(11) <u>In June 2023</u>, the European Parliament adopted a resolution pursuant to Article 225 TFEU with recommendations to the Commission on quality traineeships in June 2023¹. In its resolution, it called on the Commission “to update and strengthen the 2014 QFT and to turn it into a stronger legislative instrument”. It further called on the Commission to include additional principles in an updated quality framework for traineeships. Specifically, the European Parliament called for the Commission			

CLEAN	Commission Proposal	VS.EC	Council Mandate	VS.EC	EP Mandate
	“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”. 1. European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL)).	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”. 1. European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL))OJ C, C/2024/484, 23.1.2024, ELI: http://data.europa.eu/eli/C/2024/484/oj).		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”. 1. European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL))	
Recital 12					
25	(12) 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.	(12) 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 outcomesoutcome of the consultation of social partners.	(12) 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 <u>and accessibility</u> 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.		
Recital 13					
26	(13) The Commission has extensively consulted with stakeholders, including trainees and youth organisations, traineeship providers,	<i>deleted</i>		(13) The Commission has extensively consulted with stakeholders, including trainees and youth organisations, traineeship providers,	

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		national public authorities, educational institutions, and experts from academia.				national public authorities, educational institutions, and experts from academia.
Recital 14						
27	(14)	Article 153(2) in conjunction with (1)(b) TFEU empowers the European Parliament and the Council to adopt Directives setting minimum requirements on working conditions with a view to achieving the objectives set out in Article 151 TFEU, namely the promotion of employment and improved living and working conditions.	(14)	Article 153(2) TFEU, in conjunction with Article 153 (1)(b) TFEU, empowers the European Parliament and the Council to adopt Directives setting minimum requirements on working conditions with a view to achieving the objectives set out in Article 151 TFEU, namely the promotion of employment and improved living and working conditions.	(14)	Article 153(2) in conjunction with (1)(b) TFEU empowers the European Parliament and the Council to adopt Directives setting minimum requirements on working conditions with a view to achieving the objectives set out in Article 151 TFEU, namely the promotion of employment and improved living and working conditions.
Recital 14a						
27a						<u>(14a) In its case law, the Court of Justice has established criteria for determining the status of a worker. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive.</u>
Recital 14b						
27b						<u>(14b) Direction, personal service, and the pursuit of activities, which are real and genuine, to the exclusion of activities on such a small scale as to be regarded as purely marginal and ancillary, are essential elements of the definition of an employment relationship in the case-law of the Court of Justice.</u>
Recital 14c						
27c						<u>(14c) The Court of Justice has repeatedly held^{1a} that the concept of worker, within the meaning of Article 45 TFEU ‘extends to a person who serves a traineeship’. The case-law of the Court of Justice has applied the employment nexus to the four types of traineeships: those which are accessible on the</u>

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
					<u>open market, those which are mandatory for the purpose of gaining access to a profession, those that are associated with active labour market policies and those that are part of an academic or vocational qualification.</u> <u>1a. See, for example, the judgment of the Court of Justice of 10 February 2022, XXXX v HR Rail SA, Case C-485/20, ECLI identifier: ECLI:EU:C:2022:85, paragraph 31.</u>
Recital 15	(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union and to combat employment relationships disguised as traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.	(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as false traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union and to combat employment relationships disguised as false traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.	(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as false traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union and to combat employment relationships disguised as false traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.	(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to improve the working conditions of trainees, the quality and accessibility of traineeships, to detect and combat regular disguised employment relationships disguised as traineeships, and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union and to combat employment relationships disguised as traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.	
28					
Recital 15a					
28a					(15a) The Union and the Member States are party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

CLEAN	Commission Proposal	VS.EC	Council Mandate	VS.EC	EP Mandate
					<u>Article 27 of which requires ensuring access for persons with disabilities to general technical and vocational training, and promoting their participation in the open labour market. The Strategy for the Rights of Persons with Disabilities 2021–2030 aims to ensure the full participation of persons with disabilities in society, on an equal basis with others, including through access to training and reskilling as a fundamental requisite for employment and independence. Barriers to accessing high-quality traineeships might also arise, from the automatic loss of disability allowance to lack of reasonable accommodation and financial support, which may also discourage employers. Ensuring equal and non-discriminatory access to traineeships is essential, particularly in light of digitalisation, automation and the development of new technologies, and in view of the fact that approximately 26,8% of Union citizens aged 16 and above report some form of disability.</u>
Recital 16	(16) This Directive should apply to trainees in the Union who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. In its case law, the Court of Justice has established criteria for determining the status of a worker, which is to be based on a case-by-case-analysis.	(16) Chapter II and IV of this Directive should apply to trainees in the Union who have an employment contract or who are in an employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. It isThe case law, of the Court of Justice of the European Union has established criteria for determining the status of a worker, a matter which is to be based on a case-by-case-analysis. Furthermore, Chapter III of this Directive		(16) This Directive should apply to lays down a common definition of traineeships and establishes a framework for principles and measures to improve and enforce the working conditions of trainees in the Union who have an employment contract or by providing for quality, transparent and accessible traineeships that facilitate the transition from education to standard employment relationships as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. In its case-law, the Court of	

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Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') (Text with EEA relevance)	2024/0068(INI)	22-10-2025 at 17h31	17/68
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CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
			should apply to any person engaged in a false traineeship.		Justice has established criteria for determining the status of a worker, which is to be based on a case-by-case analysis. <u>and measures to detect and combat practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships.</u>
Recital 16a					
29a		(16a)	The classification of a traineeship as part of formal education is determined within national education and training systems, taking into account their specific structures and regulations. Due to their specific regulatory frameworks and the specific public interests they pursue, traineeships that are carried out within the national framework of education or training should not be covered by this Directive, such as vocational education and training relationships, apprenticeships, traineeships which are carried out within the framework of formal education, including those that are a prerequisite to start formal education or vocational education and training, as well as traineeships that are obligatory in order to achieve a specific degree or qualification, professional traineeships as defined in Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications ¹ .		<u>(16a) This Directive defines traineeships as comprising a limited period of entry-level work aiming to provide practical and professional skills through significant learning and training to facilitate the transition from education to a standard employment relationship or access a profession, on the basis of a written contract between the trainee and the traineeship provider, which is paid in accordance with national law, collective agreements or practice, and, where applicable with Directive (EU) 2022/2041.</u>
Recital 16b			1. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22, ELI: http://data.europa.eu/eli/dir/2005/36/oj).		

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
29b			(16b)	Traineeships carried out as part of active labour market policies should be excluded from the scope of this Directive, due to their specific regulatory frameworks designed to achieve certain social and labour market objectives and because they are subject to public oversight within these frameworks.	(16b)	<u>Traineeship providers should provide trainees with access to social protection in accordance with national schemes, including health insurance, unemployment benefits and pension contributions.</u>
Recital 16c						
29c					(16c)	<u>One of the challenges relating to the regulation of traineeships is the absence of common rules or of a shared legal understanding of the concept and purpose of traineeships at Union level, together with a lack of specific legislation in many Member States. This Directive addresses that challenge by providing a common definition of the concept and purpose of a traineeship as a limited period of work, the purpose of which is to facilitate the transition from education to standard employment. To the same end, this Directive provides for measures to detect and combat practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships.</u>
Recital 16d						
29d					(16d)	<u>This Directive establishes provisions to ensure the quality and accessibility of traineeships. It sets out the minimum quality criteria to be included in a written traineeship agreement as well as requiring Member States to take effective measures to improve the accessibility and inclusivity of traineeships, in particular for persons who are at risk of being</u>

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
					<u>excluded from the labour market, including persons with disabilities, people residing in the outermost regions and other remote, rural, insular, peripheral and mountainous regions, as well as sparsely populated areas, people from disadvantaged socio-economic or migrant backgrounds, people from the Roma community and people with lower levels of educational attainment.</u>
Recital 16e					
29e					<u>(16e) This Directive ensures that the principle of non-discrimination laid down in Directive 2006/54/EC of the European Parliament and of the Council^{1a}, Directive 2000/78/EC, Council Directive 2000/43/EC^{1b} and Article 21 of the Charter of Fundamental Rights of the European Union, apply to traineeships, in respect of access to traineeships and the working conditions including pay. This Directive addresses concerns relating to the discriminatory implications of traineeships and promotes the inclusivity of traineeships.</u> ^{1a} <u>Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).</u> ^{1b} <u>Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).</u>
Recital 16f					

	CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
29f						<u>(16f) Trainees should benefit from the same level of health and safety protection as other workers in the same establishment. Taking into account the level of their professional experience and the nature of the tasks assigned, they should be provided with additional safeguards, including tailored information, appropriate supervision and training measures.</u>
Recital 16g						
29g						<u>(16g) Traineeship providers should ensure that persons with disabilities have the same traineeship opportunities as others. Member States should take effective measures to remove the obstacles to participation in traineeships. Trainees with disabilities should receive tailored support, including adaptations to physical and digital work environments to accommodate specific needs, flexible training schedules to account for health related requirements, and support from trained mentors or designated disability liaison officers to ensure a successful and inclusive experience. Obstacles to participation in traineeships might also arise, for persons with disabilities, from the automatic loss of disability allowance or entitlement to other services upon undertaking a traineeship. Member States should also provide financial subsidies, using State aid, to employers who take on trainees with disabilities to cover any costs linked to reasonable accommodations.</u>
Recital 17						
30	(17)	Work-based learning programmes falling under the definition of traineeship vary significantly across Member States. Hence, apprenticeships may fall within the scope of this		<i>deleted</i>		(17) Work-based learning programmes falling under the definition of <u>a</u> traineeship vary significantly across Member States. Here <u>For the purposes of this Directive, traineeships that</u>

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		Directive, insofar as apprentices fall under the notion of 'worker' as defined by the law, collective agreements or practices in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union.				<u>are integral to and a mandatory part of the curriculum of formal higher education or vocational education and training and that are undertaken solely for the purpose of obtaining academic or professional credits should be excluded. This Directive should cover open-market traineeships, traineeships in the context of active labour market policies, traineeships that are a mandatory part of professional training, as well as traineeships which are a part of formal education or training but are not integral to or a mandatory part of the curriculum and which are not undertaken solely for the purpose of obtaining academic or professional credits. Apprenticeships may fall within <u>the meaning of the Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships, should be excluded from</u> the scope of this Directive, insofar as apprentices fall under the notion of 'worker' as defined by the law, collective agreements or practices in force in the Member States, with consideration to the case-law of the Court of Justice of the European <u>given that they are based on a different work-based learning model with distinct objectives and regulatory frameworks at Union and national level.</u></u>
Recital 18						
31	(18)	Chapter III of the Directive applies to regular employees who are falsely labelled as trainees, i.e. when employers label a regular employment relationship either as a traineeship which is not an employment relationship, or as a traineeship which does constitute an employment relationship, however with a lower level of pay		deleted		(18) Chapter III of the This Directive applies to regular employees who are falsely labelled as trainees, i.e. when employers label a regular <u>requires Member States to introduce effective measures to detect and combat practices that circumvent the purpose of traineeships and the use of standard</u>

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
		or other working conditions than those which regular employees would be entitled to under Union or national law, collective agreements or practice.				employment relationship either as a traineeship which is not an employment relationship <u>relationships disguised as traineeships</u> , or as a traineeship which does constitute an employment relationship, however with a <u>with the effect of granting lower level of pay or other levels of protection, including working conditions and pay, than the trainee concerned</u> than those which regular employees would be entitled to under Union or national law, collective agreements or practice.
Recital 18a						
31a						<u>(18a) Member States should implement targeted actions and structural reforms aimed at supporting traineeships. To that end, Member States should develop and enforce measures to prevent practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships, protect labour rights, and foster the creation of quality employment opportunities.</u>
Recital 18b						
31b						<u>(18b) Member States should encourage workers' representatives and other relevant legal entities to allocate a designated person within such organisations to serve as a first point of contact for trainees to seek advice on available remedies and support in cases of suspected malpractice, poor working conditions, infringements of their rights or any similar practices. As such, they can provide additional oversight and play an important role in the monitoring and enforcement of this Directive.</u>
Recital 19						

	CLEAN	Commission Proposal	VSEC	Council Mandate	VSEC	EP Mandate
32	(19) Traineeships which are employment relationships can be distinguished from 'regular' employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to employment or accessing a profession.	(19) Traineeships which are employment relationships can be distinguished from 'regular' employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience. The learning and training component of traineeships is understood as being significant when trainees acquire or improve a skill set, practical experience, or industrial and professional insights, with a view to improving employability and facilitating transition to preparing them for future career opportunities and challenges. In the light of these elements, persons having to undergo a probationary period aimed at assessing their performance in the framework of a lasting employment or accessing a profession are understood as trainees under this Directive.	(19) Traineeships which are employment relationships can be distinguished from 'regular' employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience. The learning and training component of traineeships is understood as being significant when trainees acquire or improve a skill set, practical experience, or industrial and professional insights, with a view to improving employability and facilitating transition to preparing them for future career opportunities and challenges. In the light of these elements, persons having to undergo a probationary period aimed at assessing their performance in the framework of a lasting employment or accessing a profession are understood as trainees under this Directive.	(19) Traineeships which are necessarily entail the establishment of an employment relationship and the traineeship provider and can be distinguished from 'regular' standard employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience, with a view to improving employability and facilitating the transition from education to standard employment or accessing a profession.		
Recital 19a						
32a			(19a) False traineeships should be understood as disguised employment relationships that are claimed by the employer to be a traineeship but in fact are employment relationships which do not meet the elements of a traineeship as defined in this Directive. As a result, individuals concerned may not be in a position to enjoy the appropriate level of rights and protections granted to workers under Union or national law, collective agreements or practice, which may lead to legal uncertainty and less favourable working conditions.			

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
Recital 20		(20) The principle of non-discrimination is suitable to combat abuses of traineeships, such as granting trainees less favourable working conditions or lower pay compared with regular employees without appropriate justification, and to ensure the sustainability of traineeships as a pathway to stable employment opportunities. It can also help make traineeships more accessible to groups of workers in a vulnerable situation.	VS,EC	(20) The principle of non-discrimination is suitable to combat the abuses of traineeships, such as granting trainees less favourable working conditions or lower pay compared with regularcomparable employees without appropriate justification, and to ensure the sustainability of traineeships as a pathway to stable employment opportunities. It can also help make traineeships more accessible to groups of workers in a vulnerable situation and improve the sustainability of traineeships as a pathway to stable employment opportunities.	VS,EC	(20) The principle of non-discrimination is suitable to <i>detect and</i> combat abuses of practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships, such as granting trainees less favourable working conditions or lower pay compared with regularemployeesother workers without appropriate justification, and to ensure the sustainability of traineeships as a pathway to stablestandard employment opportunities. It can also help make traineeships more accessible to groups of workers in a vulnerable situation <i>or who are at risk of being excluded from the labour market</i>.
33						
Recital 21		(21) It is therefore necessary to lay down the principle of non-discrimination for trainees which should apply in addition to Clause 4 of the Annex to the Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, which provides that in respect of employment conditions, fixed-term workers are not to be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation unless different treatment is justified on objective grounds. Trainees who have an employment relationship are by definition 'fixed-term workers' within the meaning of that Directive. Its clause on the principle of non-discrimination, however, does not allow for comparison with other fixed-term workers. Moreover, Clause 2 (2) of the Annex to that Directive allows Member States to exclude	VS,EC	(21) It is therefore necessary to lay down the principle of non-discrimination for trainees, which should apply in addition to Clause 4 of the Annex to the Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP¹, which provides that in respect of employment conditions, fixed-term workers are not to be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation, unless different treatment is justified on objective grounds. Trainees who have an employment relationship are by definitionqualify as 'fixed-term workers' within the meaning of that Directive. Its clause on the principle of non-discrimination, however, does not allowprovide for comparison with other fixed-term workers. Moreover, Clause 2 (2) of the Annex to that Directive allows Member States to exclude	VS,EC	(21) It is therefore necessary to lay down the principle of non-discrimination for trainees which should apply in addition to Clause 4 of the Annex to the Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, which provides that in respect of employment conditions, fixed-term workers are not to be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation unless different treatment is justified on objective grounds. Trainees who have an employment relationship are by definition 'fixed-term workers' within the meaning of that Directive. Its clause on the principle of non-discrimination, however, does not allow for comparison with other fixed-term workers. Moreover, Clause 2 (2) of the Annex to that Directive allows Member States to exclude
34						

CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
	certain types of workers from its scope, including initial vocational training relationships and apprenticeship schemes or employment contracts and relationships which have been concluded within the framework of a specific public or publicly supported training, integration and vocational retraining programme. It also fails to recognise the particularly vulnerable position that trainees are in. It is therefore necessary to guarantee that the principle of equal treatment compared to regular employees applies to all trainees who have an employment relationship.	certain types of workers from its scope, including initial vocational training relationships and apprenticeship schemes or employment contracts and relationships which have been concluded within the framework of a specific public or publicly supported training, integration and vocational retraining programme. It also fails to recognise the particularly vulnerable position that of trainees are in. It is therefore necessary to guarantee that the principle of equal treatment compared to regular with comparable employees applies to all trainees who have an employment relationship. 1. Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work conducted by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43, ELI: http://data.europa.eu/eli/dir/1999/70/oj).	certain types of workers from its scope, including initial vocational training relationships and apprenticeship schemes or employment contracts and relationships which have been concluded within the framework of a specific public or publicly supported training, integration and vocational retraining programme. It also fails to recognise the particularly vulnerable position that of trainees are in. It is therefore necessary to guarantee that the principle of equal treatment compared to regular with comparable employees applies to all trainees who have an employment relationship.	certain types of workers from its scope, including initial vocational training relationships and apprenticeship schemes or employment contracts and relationships which have been concluded within the framework of a specific public or publicly supported training, integration and vocational retraining programme. It also fails to recognise the particularly vulnerable position that trainees are in. It is therefore necessary to guarantee that the principle of equal treatment compared to regular employees other workers applies to all trainees. <u>Traineeship providers should also inform trainees about vacancies, which become available in their organisation in order to ensure that trainees should have the same access to permanent positions as other workers who have an employment relationship.</u>	
Recital 22	(22) Member States should therefore ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute grounds for less favourable treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds.	(22) Member States should therefore ensure that, in respect of working conditions, including pay, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. For the purpose of this Directive, “pay” should be understood in accordance with national law, collective agreements and practice in each Member State and can include compensation whether pecuniary or in kind. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute grounds for less favourable treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds.	(22) Member States should therefore ensure that, in respect of working conditions including pay <u>and social protection</u>, trainees are not treated in a less favourable manner than comparable regular employees other workers in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees other workers in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute objective grounds for different treatment, where relevant, with regard to the employment condition at issue. The extent of		

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
			objective grounds for different treatment, where relevant, with regard to the employment working condition(s), including pay , at issue. Member States may, where admissible pursuant to national law or practice and where social partners jointly agree, give social partners the option to establish via collective agreements the objective grounds that could justify a different treatment of trainees. The extent of different treatment should, however , in any case be proportionate to those objective grounds and remain consistent with the objectives of this Directive.		<i>different treatment should, however, be proportionate to those grounds.</i>
Recital 23					
36	(23) The application of the principle of non-discrimination requires the identification of a comparable regular employee engaged in the same or similar type of work or occupation as the trainee, due regard being given to qualifications and skills.	(23) The application of the principle of non-discrimination requires the identification of a comparable regular employee engaged in the same, or a similar, type of work or occupation as the trainee, due regard being given to circumstances such as professional experience, qualifications and skills, as defined in national law or collective agreements.			<i>deleted</i>
Recital 24					
37	(24) Member States should have appropriate measures in place to combat regular employment relationships disguised as traineeships with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.		<i>deleted</i>		<i>deleted</i>
Recital 25					
38	(25) It is necessary to ensure effective controls and inspections conducted by competent	(25) It is necessary to ensure Member States should provide for effective measures in		(25) It is necessary to ensure <u>thorough data collection, as well as regular and</u> effective	

CLEAN	Commission Proposal	VSE.C	Council Mandate	VSE.C	EP Mandate
	authorities as they are essential to protect the rights of trainees and to combat regular employment relationships disguised as traineeships. They should be targeted to avoid the substitution of regular employment by disguised traineeships and to protect workers' rights.	accordance with national law and practice, including, where appropriate, controls and inspections conducted by the competent authorities as they are essential to protect the rights of trainees and to, to identify and combat regular employment relationships disguised as false traineeships. They should be targeted to avoid the substitution of regular employment by disguisedWhere appropriate, and in accordance with national law or practice, Member States could also entrust social partners with tasks related to identifying and combating false traineeships and to protect workers' rights..		controls and inspections conducted by competent authorities as they are essential to protect the rights of trainees and to regular employment relationships disguised as practices that circumvent the purpose of traineeships. They should be targeted to avoid the substitution of regular other employment relationships, where the elements of a traineeship are not present, by repeatedby disguised traineeships and to protect workers the trainees' rights. <u>All collected data should be standardised, comparable and shared in line with the principles of the Open Data Directive to identify trends, promote transparency, and support future policy improvements based on evidence.</u>	
Recital 26	(26) The assessment whether a regular employment relationship is disguised as a traineeship should be based on the factual circumstances and not on the formal designation of the contractual relationship. In order to determine whether a regular employment relationship is disguised as a traineeship, competent authorities should perform an overall assessment of all relevant facts. In order to facilitate the assessment for competent authorities, key elements that would allow to make the distinction between a regular employment relationship and a disguised traineeship should be set out. The assessment of those elements should be performed on a case-by-case basis, taking due account of the circumstances of each specific case. Therefore, the elements referred to are indicative and non-	(26) The assessment whether a regular employment relationship is disguised as a traineeship to identify and combat false traineeships should be based on the factual circumstances and not on the formal designation of the contractual relationship. In order to determine whether a regular employment relationship is disguised as a traineeship, Competent authorities should perform an overall assessment of all relevant facts. In order to facilitate the assessment for competent authorities, key factual elements that would allow to make the distinction between a regular employment relationship and a disguised traineeship should be set out. The assessment of those elements should be performed on a case-by-case basis, taking due account of the circumstances of each specific case. Therefore, the elements referred to are indicative and non-		(26) <u>In order to detect and combat practices that circumvent the purpose of traineeships and the use of standard</u> The assessment whether a regular employment <u>relationship is relationships</u> disguised as a traineeship <u>and not on the formal designation of the contractual relationship. In order to determine whether a regular employment relationship is disguised as a traineeship</u> <u>traineeships</u> , competent authorities should perform an overall assessment of all relevant facts. In order to facilitate the assessment for competent authorities, <u>key this Directive sets out various factual</u> elements that <u>would allow to make the distinction between a regular</u> should be relevant in detecting and combatting such practices and the use of such standard employment <u>relationship and a disguised traineeship should be set</u>	
39					

CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
	exhaustive and without the necessity to meet a specific threshold.		exhaustive and without the necessity to meet a specific threshold.		on the <u>relationships</u> . The assessment of those elements should be performed on a case-by-case basis , taking due account of <u>the content of the written traineeship agreement and</u> the circumstances of each specific case. Therefore, the elements referred to are indicative and non-exhaustive and without the necessity to meet a specific threshold.
Recital 26a					
39a			(26a) While the appropriate duration of a traineeship may vary depending on its purpose and sector, in accordance with national law or practice, a duration of up to six months is generally considered sufficient to achieve its intended objectives. A significantly longer duration, particularly where multiple consecutive traineeships are conducted with the same provider, may raise concerns about the genuine nature of the traineeship and should be carefully assessed. However, in certain cases, a longer duration may be appropriate if it supports the purpose of the traineeship.		
Recital 26b					
39b			(26b) For carrying out the assessment of all relevant factual elements, the competent authorities may take into account among others the following elements: the absence of a significant learning or training component; the excessive duration or multiple consecutive traineeships with the same employer by the same person; and the levels of tasks, responsibilities and intensity of work. The competent authorities may take into account		

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
			additional elements as a matter of national law or practice.			
Recital 27		(27) Requiring previous work experience for a traineeship in the same or similar field of activity may not indicate a regular employment relationship disguised as a traineeship if the employer provides justification such as an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise.		deleted		(27) <u>Trainees should not be required to have previous work experience in the same field in order to access a traineeship in the same or a similar field.</u> Requiring previous work experience for a traineeship, <u>in particular</u> in the same or similar field of activity may not , <u>could indicate a regular employment relationship disguised as a traineeship if the employer provides justification such as an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise practices that circumvent the purpose of traineeships.</u>
Recital 28		(28) When competent authorities carry out their analysis of the relevant facts to determine the existence of a regular employment relationship disguised as a traineeship, the information needed to perform this analysis might not always be easily accessible to them. In order to enable competent authorities to perform their tasks, employers should be obliged to provide them with the necessary information that lies in their control upon request of the competent authorities.		(28) When competent authorities carry out their analysis of the relevant facts to determine the existence of a regular employment relationship disguised as a traineeship <u>practices that circumvent the purpose of traineeships</u> , the information needed to perform this analysis might not always be easily accessible to them <u>can be drawn both from the content of the written traineeship agreement and the facts relating to the actual performance of work irrespective of how the relationship is designated in any contractual arrangement that may have been agreed between the parties involved.</u> In order to enable competent authorities to perform their tasks, employers <u>traineeship providers</u> should be obliged to provide them with the necessary information that lies in their control upon request of the competent authorities. <u>Ensuring access to</u>		
40						
41				(28) When competent authorities carry out their analysis of the all relevant facts to determine the existence of a regular employment relationship disguised as a traineeship elements to identify and combat false traineeships , the information needed to perform this that analysis might not always be easily accessible to them. In order to enable competent authorities to perform their tasks, employers should be obliged to provide them with the necessary information that lies in their control upon request of the . Ensuring access to such information is crucial to enable competent authorities to determine whether a traineeship is used in accordance with its intended purpose or whether it may constitute a false traineeship.		

CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
					<u>such information is crucial to enabling competent authorities to determine the existence of practices that circumvent the purpose of traineeships. Such information should be provided without delay.</u>
Recital 28a					
41a			(28a) Such information may include details on the number of trainees hosted by the employer and their employment status in relation to the total number of employees. It may also cover the duration of traineeships, as well as the nature of tasks and responsibilities assigned to trainees compared to those performed by comparable employees.		
Recital 29					
42	(29) Member States should have appropriate measures in place to facilitate the assessment of whether a purported traineeship genuinely constitutes a traineeship. This should include a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer. A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation. However, Member States may provide that a longer duration can be justified if it is based on objective grounds. Examples of such exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to acquire the necessary knowledge, competences and experience warrants a longer traineeship and experience. Certain traineeships that are part of active labour market policies aimed at the		<i>deleted</i>		(29) Member States should have appropriate measures in place to facilitate the assessment of whether a purported traineeship genuinely constitutes a traineeship <u>detection and combating of practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships</u> . This should include a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer . A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation. However, Member States may provide that a longer duration can be justified if it is based on objective grounds <u>that further the aims of a traineeship</u> . Examples of such exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
		integration of persons in a vulnerable situation could also benefit from a longer duration. Some traineeships that are part of curricula of formal education or vocational education and training may have a longer duration for reasons linked to the curricula.				acquire the necessary knowledge, competences and experience warrants a longer traineeship and experience. Certain traineeships that are part of active labour market policies aimed at the integration of persons in a vulnerable situation could also benefit from a longer duration. Some traineeships that are part of curricula of formal education or vocational education and training may have a longer duration for reasons linked to the curricula.
	Recital 30					
43	(30)	The obligation for employers to include information on the expected tasks, working conditions, including pay, social protection, learning and training elements in the vacancy notices and advertisements for traineeships could be fulfilled by including a link to a website containing this information.		deleted	(30)	The obligation for employers <u>traineeship providers</u> to include <u>comprehensive and accessible</u> information on the expected tasks, working conditions, including pay, social protection, learning and training elements, <u>as well as the possibilities of recruitment after the completion of the traineeship in in the</u> vacancy notices and advertisements for traineeships could be fulfilled by including <u>providing</u> a link to a website containing this information.
	Recital 31					
44	(31)	In addition to this Directive, Member States should ensure full implementation and enforcement of the rights enshrined in the Union acquis applicable to trainees who have an employment relationship.		(31) In addition to this Directive, Member States should ensure full implementation and enforcement of the rights enshrined in the Union acquis applicable to trainees who have <u>in an employment relationship. In particular, Member States should develop the capability of the competent authorities, where appropriate following a risk-based approach.</u>		deleted
	Recital 31a					
44a	(31a)				(31a)	<u>Member States should promote the recognition of traineeships as relevant work</u>

CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
Recital 32	(32) An extensive system of enforcement provisions for the social acquis in the Union has been developed in recent legal instruments, such as Directive (EU) 2019/1152 and Directive (EU) 2023/970¹. Such provisions should be included in this Directive to help ensure effective enforcement and defence of rights of trainees stemming from this Directive and from other Union law applicable to workers. 1. Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, OJ L 132, 17.5.2023, p. 21.	(32) This Directive includes an extensive system of enforcement provisions for the social acquis in the Union has been developed in recent legal instruments, such as Directive (EU) 2019/1152 and Directive (EU) 2023/970¹. Such provisions should be included in this Directive to help ensure effective enforcement and the defence of the rights of trainees in an employment relationship, whether stemming from this Directive and/or from other Union law applicable to workers. Channels to report alleged infringements arising from the application of this Directive can support trainees in enforcing their labour rights. Existing channels can also be used for that purpose. 1. Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, OJ L 132, 17.5.2023, p. 21.	(32) An extensive system of enforcement provisions for the social acquis in the Union has been developed in recent legal instruments, such as <u>Directives 89/391/EEC, 2002/14/EC, 2003/88/EC, 2008/104/EC, 2018/957/EU, Directive (EU) 2019/1152, 2019/1158/EU, 2022/2041/EU</u> and Directive (EU) 2023/970¹<u>of the European Parliament and of the Council, as well as Council Directives 97/81/EC, 1999/70/EC and 2000/78/EC</u>. Such provisions should be included in this Directive to help ensure effective enforcement and defence of <u>the</u> rights of trainees stemming from this Directive and from other Union law applicable to workers. 1. Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, <u>OJ L 132, 17.5.2023, p. 21</u>.	(33) Trainees should have access to effective and impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed <u>at the start of the traineeship</u> about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the end of the traineeship	<u>experience in private and public recruitment processes.</u>
45					
Recital 33	(33) Trainees should have access to effective and impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the end of the traineeship	(33) Trainees should have access to effective and impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the end of thea traineeship	(33) Trainees should have access to effective and impartial dispute resolution and a right to redress, including adequate compensation. Trainees should be informed <u>at the start of the traineeship</u> about the redress mechanisms for the purpose of exercising their right to redress. Having regard to the fundamental nature of the right to effective legal protection, trainees should continue to enjoy such protection even after the		
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	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		giving rise to an alleged breach of rights under this Directive and other relevant Union law applicable to workers.		giving rise to an alleged breach of rights under this Directive and other relevant Union law applicable to workers.		end of the traineeship giving rise to an alleged breach of rights under this Directive and other relevant Union law applicable to workers.
Recital 34						
47	(34)	To provide a more effective level of protection of trainees, representatives of workers should be able to engage in proceedings in order to defend any of the rights and obligations arising from this Directive or from other Union law applicable to workers either on behalf or in support of one or several trainees.	(34)	To provide a more effective level of protection of trainees, Member States should ensure that workers' representatives of workers should be able to engage, in accordance with national law or practice, in any relevant judicial or administrative proceedings in order to defend or enforce any of the rights and obligations arising from this Directive or from other Union law applicable to. Where such action is admissible pursuant to national law or practice, Member States should ensure that workers' representatives are able to act either on behalf or in support of one or several trainees a trainee. Member States which do not allow workers' representatives to act on behalf or in support of a trainee should not be required to do so.	(34)	To provide a more effective level of protection of trainees, workers' representatives of workers should be able to engage in proceedings in order to defend any of the rights and obligations arising from this Directive or from other Union law applicable to workers either on behalf or in support of one or several trainees.
Recital 35						
48	(35)	Trainees should be provided with adequate judicial and administrative protection against any adverse treatment and consequences in reaction to any complaint lodged with the employer or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law applicable to workers. In particular, trainees should be protected from dismissal or its equivalent for exercising the rights provided for in this Directive or in other Union law applicable to workers.	(35)	Trainees should be provided with adequate judicial and administrative protection against any adverse treatment and consequences in reaction to any complaint lodged with the employer or resulting from any proceedings initiated with the aim of enforcing compliance with the obligations and claiming the rights provided for in this Directive or in other Union law applicable to workers. In particular, trainees in an employment relationship should be protected from dismissal or its equivalent and from all preparations for dismissal or its equivalent for exercising the rights provided for	(35)	Trainees should be provided with adequate judicial and administrative protection against any adverse treatment and/or consequences in reaction to any complaint lodged with the employer traineeship provider or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law applicable to workers . In particular, trainees should be protected from dismissal or its equivalent, such as the withholding of an offer of future employment at the traineeship provider , and all preparations for dismissal or its

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
			in this Directive or in other Union law applicable to workers.		equivalent for exercising the rights provided for in this Directive or in other Union law applicable to workers.
Recital 35a					
48a					<u>(35a) The burden of proof with regard to establishing that there has been no dismissal or equivalent detriment on the grounds that trainees have exercised their rights provided for in this Directive or in other Union law applicable to workers, should fall on traineeship providers when trainees establish, before a court or other competent authority or body, facts from which it may be presumed that they have been dismissed, or have been subject to measures with equivalent effect, such as the withholding of an offer of future employment at the establishment of the traineeship provider, on such grounds. It should be possible for Member States not to apply that rule in proceedings in which the assessment of the facts is entrusted to a court or other competent authority or body, in particular in systems where dismissal has to be approved beforehand by such authority or body.</u>
Recital 36					
49	(36) Member States should lay down rules on effective, proportionate and dissuasive penalties for cases of infringement of the rights provided for in the scope of this Directive. Penalties can include administrative and financial penalties, such as fines or the payment of compensation, as well as other types of penalties.	(36) Member States should lay down rules on effective, proportionate and dissuasive penalties for cases of infringement infringements of the rights provided for in the scope of this Directive. Penalties can include administrative and financial penalties, such as fines, or the payment of compensation, as well as other types of penalties.	(36) Member States should lay down rules on effective, proportionate and dissuasive penalties for cases of infringement of the rights provided for in the scope of this Directive. Penalties can include administrative and financial penalties, such as fines or the payment of <u>adequate</u> compensation, as well as other types of penalties.		
Recital 36a					

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
49a						<u>(36a) To ensure the effective monitoring and enforcement of this Directive on Union and national level, Member States should ensure adequate and timely data collection on the quality of traineeships, particularly through establishing effective data collection tools to provide comparative data, while being mindful of unnecessary reporting burden. As such data collection can pose challenges for traineeship providers, in particular micro and small enterprises, financial and practical support should be provided to them in line with the Commission communication of 12 September 2023 on an SME Relief Package.</u>
Recital 36b						
49b						<u>(36b) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council^{1a}</u> <u>^{1a} Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/req/2011/182/oj).</u>
Recital 37						
50	(37) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain	(37) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to maintain or introduce and	(37)	This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain	(37)	This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive.		maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive.		more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive.
Recital 38						
51	(38) Since the objectives of this Directive, namely to enforce working conditions of trainees and combat regular employment relationships disguised as traineeships, cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(38) Since the objectives of this Directive, namely to enforce working conditions of trainees and combat regular employment relationships disguised as traineeships , cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU) TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.		(38) Since the objectives of this Directive, namely to <u>provide a common definition of traineeships</u> , to <u>improve and enforce the working conditions of trainees</u> and <u>the quality and accessibility of traineeships</u> , to <u>detect and combat regularpractices that circumvent the purpose of traineeships and the use of standard</u> employment relationships disguised as traineeships, cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.		(38) Since the objectives of this Directive, namely to <u>provide a common definition of traineeships</u> , to <u>improve and enforce the working conditions of trainees</u> and <u>the quality and accessibility of traineeships</u> , to <u>detect and combat regularpractices that circumvent the purpose of traineeships and the use of standard</u> employment relationships disguised as traineeships, cannot be sufficiently achieved by the Member States, but can, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
Recital 39						
52	(39) In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints, in particular if they hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of	(39) In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints, in particular if they hold back the creation and development of micro-, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of		(39) In implementing this Directive, Member States should avoid imposing unnecessary administrative, financial and legal constraints, in particular if they hold back the creation and development of micro-, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of		(39) In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints, in particular if they hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore encouraged to assess the impact of their transposition measures on those enterprises in order to ensure that they are not disproportionately affected, paying particular attention to microenterprises and to the administrative burden, to publish the results of

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
		such assessments, and to provide support to those enterprises as necessary.		such assessments, and to provide support to those enterprises as necessary.		such assessments, and to provide support to those enterprises as necessary.
Recital 39a						
52a						<u>(39a) It is more important than ever to strive for an internal market with a level playing field without social dumping and with respect for social and employment rights. The Union supports Member States in their striving for collective bargaining and their freedom to maintain, conclude and enforce collective agreements where they are a better tool for implementing and complementing the Union's legislative initiatives, in light of national practices and frameworks. In that respect, it is crucial to acknowledge the importance of the social partners and their right to negotiate and bargain collectively.</u>
Recital 39b						
52b						<u>(39b) Member States should provide incentives for the establishment of traineeships that lead to potential employment with the same employer, while also establishing clear pathways for transitioning from training to permanent employment, thereby promoting talent retention and career opportunities for young professionals.</u>
Recital 40						
53	(40)	Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in	(40)	Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so, and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in	(40)	Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		accordance with national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing the provisions of this Directive.		accordance with national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing the provisions of this Directive.,		accordance with national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing the provisions of this Directive.
Formula						
54	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:				HAVE ADOPTED THIS DIRECTIVE:
Chapter I						
55		Chapter I General provisions		Chapter I General provisions		Chapter I General provisions
Article 1						
56		Article 1 Subject matter		Article 1 Subject matter		Article 1 Subject matter <u>and scope</u>
Article 1, 1.						
57		This Directive lays down a common framework of principles and measures to improve and enforce the working conditions of trainees and to combat regular employment relationships disguised as traineeships		This Directive lays down a common framework of principles and measures to:- a) improve and enforce the working conditions of trainees covered by this Directive; and b) and-to-combat regular employment relationships disguised as false traineeships.		<u>1.</u> This Directive lays down a common <u>definition of traineeships and establishes a</u> framework of principles and measures to improve and enforce the working conditions of trainees and-to-combat regular employment relationships disguised as traineeships, by <u>providing for:</u>
Article 1, 1., point (a)						
57a						<u>(a)</u> <u>the promotion of quality, transparent, and accessible traineeships that facilitate the transition from education to standard employment or access to a profession, through a significant learning and training component;</u>
Article 1, 1., point (b)						
57b						<u>(b)</u> <u>measures to detect and combat:</u> <u>(i) practices that circumvent the purpose of traineeships;</u>

CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
					<u>(ii) the use of standard employment relationships disguised as traineeships;</u>
Article 1, 1. a					
57c					<u>1a.</u> <u>This Directive does not apply to:</u>
Article 1, 1. a, point (a)					
57d					<u>(a)</u> <u>traineeships that are integral to and a mandatory part of the curriculum of formal higher education or vocational education and training and that are undertaken solely for the purpose of obtaining academic or professional credits; or</u>
Article 1, 1. a, point (b)					
57e					<u>(b)</u> <u>apprenticeships [within the meaning of Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships].</u>
Article 1a					
57f			Article 1a Scope		
Article 1a (1)					
57g			1. For the purposes of Chapters II and IV, this Directive applies to trainees who have an employment contract or who are in an employment relationship as defined by the law, collective agreements or practice in force in the Member State, with consideration to the case law of the Court of Justice, and whose traineeship is not mandatory.		
Article 1a (2)					

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
57h			2. For the purposes of Chapter III, this Directive applies to any person engaged in a false traineeship.		
Article 1a (3)					
57i			3. This Directive shall not apply to traineeships that are carried out within the national framework of education or training nor to traineeships carried out as part of active labour market policies.		
Article 2					
58	Article 2 Definitions		Article 2 Definitions		Article 2 Definitions
Article 2, first paragraph					
59	For the purposes of this Directive, the following definitions apply:		For the purposes of this Directive, the following definitions apply:		For the purposes of this Directive, the following definitions apply:
Article 2, first paragraph, point (a)					
60	(a) ‘traineeship’ means a limited period of work practice which includes a significant learning and training component, undertaken to gain practical and professional experience with a view to improving employability and facilitating transition to a regular employment relationship or accessing a profession;	(a) ‘traineeship’ means a limited period of work practice which includes a significant learning and training component, undertaken to gain practical and professional experience with a view to improving employability and facilitating professional transition to a regular employment relationship or accessing a profession;	(a) ‘traineeship’ means a limited period of <u>entry-level work aiming to provide practical and professional experience and skills through work practice which includes</u> a significant learning and training component, undertaken to gain practical and professional experience with a view to improving employability and facilitating <u>the</u> transition from education to a standard to a <u>regular</u> employment relationship or accessing a profession;		
Article 2, first paragraph, point (b)					
61	(b) ‘trainee’ means any person undertaking a traineeship who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in	(b) ‘trainee’ means any person undertaking a traineeship who has an employment contract or employment relationship as defined by the law; collective agreements or practice in force in			

	CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
		every Member State with consideration to the case law of the Court of Justice;	every Member State with consideration to the case law of the Court of Justice;			<i>every Member State with consideration to the case law of the Court of Justice;</i>
Article 2, first paragraph, point (ba)						
61a						<i>(ba) 'traineeship provider' means a private or public undertaking or a not-for-profit entity, which provides traineeships;</i>
Article 2, first paragraph,						
62	(c)	'regular employment relationship' means any employment relationship that is not a traineeship;		<i>deleted</i>		<i>deleted</i>
Article 2, first paragraph,						
63	(d)	'regular employee' means any person in a regular employment relationship.		<i>deleted</i>		<i>deleted</i>
Article 2, first paragraph, point (e)						
63a			(e)	"comparable employee" means a person with an employment contract or employment relationship in the same establishment, who is not undertaking a traineeship and is engaged in the same or similar work or occupation, due regard being given to circumstances such as professional experience, qualifications and skills.		
Article 2, first paragraph, point (f)						
63b			(f)	"false traineeship" means a disguised employment relationship that is claimed by the employer to be a traineeship but in fact is not a traineeship in the meaning of this Directive.		
Chapter II						
64		Chapter II		Chapter II		Chapter II

CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
	Equal treatment		Equal treatment		Equal treatment <u>Traineeship agreements and decent working conditions</u>
Article 2a					
64a					<u>Article 2a</u> <u>Traineeship agreements</u>
Article 2a(1)					
64b					<u>1. In order to ensure the presence of a significant learning and training component and decent working conditions for trainees, Member States shall ensure that trainees are provided with a written agreement before the start of their traineeship /('traineeship agreement')[, which sets out, inter alia:</u>
Article 2a(1), point (a)					
64c					<u>(a) the duration of the traineeship;</u>
Article 2a(1), point (b)					
64d					<u>(b) the pay, in accordance with national law, collective agreements or practice and, where applicable, with Directive (EU) 2022/2041;</u>
Article 2a(1), point (c)					
64e					<u>(c) the learning and training objectives agreed between the trainee and the traineeship provider;</u>
Article 2a(1), point (d)					
64f					<u>(d) the rights and obligations of the trainee and the traineeship provider, and the tasks to be carried out by the trainee in order to facilitate the achievement of the learning and training objectives referred to in point (c);</u>
Article 2a(1), point (e)					

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
64g						<u>(e) the traineeship provider's policies on confidentiality and the ownership of intellectual property rights;</u>
Article 2a(1), point (f)						
64h						<u>(f) the arrangements for regular and consistent mentorship and evaluation to be carried out by the supervisor or mentor assigned for the duration of traineeship while guiding the trainee through the assigned tasks.</u>
Article 2a(2)						
64i						<u>2. Member States shall ensure that traineeship providers put in place adequate training for staff with supervisory functions in their establishments.</u>
Article 2a(3)						
64j						<u>3. Traineeship providers shall provide trainees with access to social protection in accordance with national schemes.</u>
Article 2a(4)						
64k						<u>4. The requirements relating to traineeship agreements pursuant to this Article shall be without prejudice to the traineeship provider's obligations pursuant to Directive (EU) 2019/1152.</u>
Article 3						
65		Article 3 Principle of non-discrimination		Article 3 Principle of non-discrimination		Article 3 Principle of non-discrimination
Article 3, first paragraph						
66		Member States shall ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than		1. Member States shall ensure that, in respect of working conditions, including pay, trainees are not treated in a less favourable		Member States shall ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than

CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
	comparable regular employees in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component.		manner than comparable regular employees in the same establishment , unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the higher weight of the learning and training component.		comparable regular employees other workers in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component on the sole ground that they <u>are undertaking a traineeship.</u>
Article 3, second paragraph					
66a					<u>Member States shall ensure that, in respect of access to traineeships and the working conditions including pay, traineeships comply with the principle of non-discrimination as laid down in Directives 2000/43/EC, 2000/78/EC and 2006/54/EC and Article 21 of the Charter.</u>
Article 3, third paragraph					
66b					<u>Member States shall take effective measures to increase access to traineeships for persons in vulnerable situations and those at risk of being excluded from the labour market, including people facing structural disadvantages in accessing education or employment.</u>
Article 3, fourth paragraph					
66c					<u>Member States shall take appropriate measures to ensure that trainees with disabilities are not prevented from participating in traineeships, including by ensuring the accessibility and adaptability of the workplace and by providing reasonable accommodation, where needed.</u>
Article 3, fifth paragraph					
66d					<u>With regard to health and safety at work, Member States shall ensure that trainees benefit from the same level of protection as other workers in the same establishment. The</u>

CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
					<u>traineeship provider shall provide additional safeguards, including tailored information, appropriate supervision, and training measures, taking into account the level of the trainee's professional experience and the nature of the tasks assigned.</u>
Article 3, sixth paragraph					
67	Where there is no comparable regular employee in the same establishment, the comparison shall be made by reference to the applicable collective agreement, or where there is no applicable collective agreement, in accordance with national law or practice.	2.	Where there is no comparable regular employee in the same establishment, the comparison shall be made by reference to the applicable collective agreement, or where there is no applicable collective agreement, in accordance with national law or practice.		<i>deleted</i>
Article 3, third paragraph					
67a		3.	Member States may, if the national social partners jointly agree, give the social partners, at the appropriate level and subject to the conditions laid down by Member States, the option of upholding or concluding the collective agreements establishing the objective grounds that are considered to justify a different treatment, in accordance with paragraph 1.		
Article 3, seventh paragraph					
67b		2 a.	<u>Traineeship providers shall inform trainees of vacancies which become available in their undertaking or establishment to ensure that trainees have the same access to permanent positions as other workers. Such information may be provided by way of a general announcement at a suitable place in the undertaking or establishment.</u>		
Chapter III					

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
68		Chapter III Regular employment relationships disguised as traineeships		Chapter III Regular employment relationships disguised as False traineeships		Chapter III Regular <u>Measures to detect and combat practices that circumvent the purpose of traineeships and the use of standard</u> employment relationships disguised as traineeships
Article 4						
69		Article 4 Measures to combat regular employment relationships disguised as traineeships		Article 4 Measures to combat regular employment relationships disguised as false traineeships		Article 4 Measures to <u>detect and</u> combat regular <u>practices that circumvent the purpose of traineeships and the use of standard</u> employment relationships disguised as traineeships
Article 4, first paragraph						
70		Member States shall provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.		Member States shall provide for effective measures in accordance with national law or practice, including, where appropriate, controls and inspections conducted by the competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law; collective agreements or practice identify and combat false traineeships.		Member States shall provide for effective controls and inspections conducted by competent authorities, <u>including by inspectors with specific expertise or training in assessing the nature and quality of traineeships</u> , to detect and take enforcement <u>and corrective</u> measures against practices where a regular <u>that circumvent the purpose of traineeships and the use of standard</u> employment relationship is <u>relationships</u> disguised as traineeship with the effect of granting <u>traineeships. Practices that circumvent the purpose of traineeships, which is to provide valuable professional experience and skills through a significant learning and training component and to facilitate the transition from education to standard employment, or accessing a profession, and the use of standard employment relationships disguised as traineeships result in</u> lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
Article 4, first paragraph a						
70a						<u>Member States shall encourage workers' representatives and other relevant legal entities to allocate a designated person for trainees to serve as a first point of contact for advice on available remedies and supports in the case of suspected malpractice, poor working conditions, infringements of their rights or any similar practices.</u>
Article 5						
71	Article 5	Assessment of regular employment relationships disguised as traineeships	Article 5	Assessment of regular employment relationships disguised as false traineeships	Article 5	Assessment of regular practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships
Article 5(1)						
72	1.	In order to determine whether a purported traineeship constitutes a regular employment relationship, competent authorities shall make an overall assessment of all relevant factual elements. That assessment shall take into account, among others, the following indicative elements:	1.	In order to determine whether a purported traineeship constitutes a regular employment relationship, competent authorities shall make an overall assessment of all relevant factual elements, in accordance with national law or practice. That assessment shall take into account, among others, the following indicative elements:	1.	In order to determine whether a purported traineeship constitutes a regular employment relationship, competent authorities shall make an overall assessment of all relevant factual elements. That assessment shall take into account, among others, consider one or more of the following indicative elements to indicate such practices:
Article 5(1), point (a)						
73	(a)	the absence of a significant learning or training component in the purported traineeship;	(a)	the absence of a significant learning or training component in the purported traineeship;	(a)	the absence of a significant learning or training component in the purported traineeship;
Article 5(1), point (b)						
74	(b)	the excessive duration of the purported traineeship or multiple and/or consecutive	(b)	the excessive duration of the purported traineeship or multiple and/or consecutive		deleted

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
		purported traineeships with the same employer by the same person;		purported traineeships with the same employer by the same person;		
	<i>Article 5(1), point (ba)</i>					
74a						<u>(ba) the absence of a significant learning and training component, indicated by the absence of one or more of the following:</u>
	<i>Article 5(1), point (ba)(i)</i>					
74b						<u>(i) a clear training programme for the traineeship which sets out the skills, knowledge and competences to be developed over the course of the traineeship, the learning objectives of the traineeship, and the assignment of tasks and training opportunities which is intended to facilitate those skills and objectives;</u>
	<i>Article 5(1), point (ba)(ii)</i>					
74c						<u>(ii) the arrangements for regular and consistent mentorship and evaluation to be carried out by the supervisor or mentor assigned for the duration of traineeship while guiding the trainee through the assigned tasks;</u>
	<i>Article 5(1), point (ba)(iii)</i>					
74d						<u>(iii) a demonstrable connection between the skills being developed during the traineeship and the tasks set and performed;</u>
	<i>Article 5(1), point (c)</i>					
75	(c)	equivalent levels of tasks, responsibilities and intensity of work for purported trainees and regular employees at comparable positions with the same employer;	(c)	the equivalent levels of tasks, responsibilities and intensity of work for purported trainees and regular employees at compared to comparable positions with the same employer employees;		<i>deleted</i>
	<i>Article 5(1), point (ca)</i>					

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
75a						<u>(ca) multiple or consecutive traineeships undertaken by the same person with the same employer;</u>
Article 5(1), point (d)						
76		(d) the requirement for previous work experience for candidates for traineeships in the same or a similar field of activity without appropriate justification;		deleted		deleted
Article 5(1), point (da)						
76a						<u>(da) the absence of pay or pay awarded in violation of national law, collective agreements or practice or, where applicable, with Directive (EU) 2022/2041;</u>
Article 5(1), point (e)						
77		(e) a high ratio of purported traineeships compared with regular employment relationships with the same employer;		deleted		deleted
Article 5(1), point (ea)						
77a						<u>(ea) a requirement for candidates to have previous work experience, in particular in the same or a similar field of activity, prior to taking up the traineeship;</u>
Article 5(1), point (f)						
78		(f) a significant number of purported trainees with the same employer who had completed two or more traineeships or held regular employment relationships in the same or similar field of activity, prior to taking up the purported traineeship.		deleted		deleted
Article 5(1), point (fa)						

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
78a					<u>(fa) the absence of any information about one or more of the following in the vacancy notice or advertisement for the traineeship:</u>
Article 5(1), point (fa)(i)					
78b					<u>(i) the expected tasks and level of responsibility required of the trainee;</u>
Article 5(1), point (fa)(ii)					
78c					<u>(ii) the rights and entitlements of the trainee, including pay and social protection, in accordance with national schemes , and working time;</u>
Article 5(1), point (fa)(iii)					
78d					<u>(iii) details of the significant learning and training component and skills to be gained;</u>
Article 5(1), point (fb)					
78e					<u>(fb) the absence of a transparent recruitment policy for the purpose of facilitating the trainee's transition to a standard employment relationship upon completion of the traineeship.</u>
Article 5(1a)					
78f					<u>1a. In order to determine whether a traineeship comprises a standard employment relationship disguised as traineeship , competent authorities shall make an overall assessment of all relevant factual elements and shall consider in particular:</u>
Article 5(1a), point (a)					
78g					<u>(a) the ratio of trainees relative to the number of other workers in the same establishment;</u>

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
Article 5(1a), point (b)						
78h						<u>(b) the level of recruitment of trainees who have previously completed a traineeship in the same or in a similar field of activity;</u>
Article 5(1a), point (c)						
78i						<u>(c) the equivalent levels of tasks, responsibilities and intensity of work for trainees and other workers in the same establishment;</u>
Article 5(2)						
79	2.	To enable competent authorities to carry out the assessment referred to in paragraph 1, the employer shall, upon request, provide those authorities with the following information:	2.	To enable competent authorities to carry out the assessment referred to in paragraph 1, the employer shall ensure that employers provide, upon request, provide those the competent authorities with the following necessary information:	2.	To enable competent authorities to carry out the assessment referred to in paragraph 1; <u>the employer paragraphs 1 and 1a, traineeship providers shall, upon request, provide supply without delay</u> those authorities with the following information:
Article 5(2), point (a)						
80	(a)	the number of traineeships and regular employment relationships		deleted	(a)	the number of traineeships and regular employment relationships <u>trainees and other types of workers;</u>
Article 5(2), point (b)						
81	(b)	the duration of traineeships;		deleted	(b)	the duration of traineeships;
Article 5(2), point (c)						
82	(c)	the working conditions, including pay, tasks and responsibilities of purported trainees and of regular employees at comparable positions;		deleted	(c)	the working conditions, including pay, tasks and responsibilities of purported the trainees and of regular employees at comparable positions <u>other workers in the same establishment;</u>
Article 5(2), point (d)						

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
83		(d) the descriptions of the learning and training components of traineeships;		<i>deleted</i>		(d) the descriptions of the learning and training components of traineeships <i>as indicated in the written traineeship agreement</i> ;
Article 5(2), point (e)						
84		(e) the vacancy notices for traineeships.		<i>deleted</i>		(e) the vacancy notices for traineeships.
Article 5(3), first subparagraph						
85		3. To facilitate the assessment referred to in paragraph 1, Member States shall:		<i>deleted</i>		3. To facilitate the assessment <i>assessments</i> referred to in paragraph 1 <i>paragraphs 1 and 1a</i> , Member States shall:
Article 5(3), first subparagraph, point (a)						
86		(a) define a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer;		<i>deleted</i>		(a) define a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer, as being between one and six months' duration, except where a longer duration is justified on objective grounds that further the aims of the traineeship, in particular for traineeships whose completion is mandatory for accessing a specific profession and provided that Member States ensure that the applicable maximum duration is not circumvented by means of the renewal or extension of the traineeship agreement.
Article 5(3), first subparagraph, point (b)						
87		(b) require employers to include information on the expected tasks, working conditions, including pay, social protection, learning and training elements in the vacancy notices and advertisements for traineeships.		<i>deleted</i>		(b) require employers <i>traineeship providers</i> to include information on the expected tasks, working conditions, including pay, social protection, learning and training elements, <i>as well as the possibilities of recruitment after the completion of the traineeship</i> in the vacancy notices and advertisements for traineeships.

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
Article 5(3), second subparagraph						
88		Member States may provide for exceptions to the time-limit in point (a) in cases where a longer duration is justified by objective grounds.		<i>deleted</i>		<i>deleted</i>
<i>Chapter IV</i>						
89		Chapter IV Enforcement and supporting measures		Chapter IV Enforcement and supporting measures		Chapter IV Enforcement and supporting measures
Article 6						
90		Article 6 Implementation and enforcement of relevant Union law		Article 6 Implementation and enforcement of relevant Union law		Article 6 Implementation and enforcement of relevant Union law
Article 6, first paragraph						
91		Member States shall take effective measures to ensure that all relevant Union law applicable to workers is fully implemented and enforced in relation to trainees. In particular they shall:		Member States shall take effective measures in accordance with national law or practice to ensure that all relevant Union law applicable to workers is also fully implemented and enforced in relation to trainees. In particular they shall:		Member States shall take effective measures to ensure that all relevant Union law applicable to workers is fully implemented and enforced in relation to trainees. In particular they shall:
Article 6, first paragraph, point (a)						
92		(a) ensure that information on the rights of trainees is publicly available in a clear, comprehensive and easily accessible way;		(a) ensure that information on the rights of trainees is publicly available in a clear, comprehensive and easily accessible way;		(a) ensure that information on the rights of trainees is publicly available free of charge in a clear, comprehensive and easily accessible way <u>including in accessible formats for persons with disabilities</u> ;
Article 6, first paragraph, point (b)						
93		(b) develop guidance for employers of trainees regarding the legal framework for traineeships, including relevant labour law and social protection aspects;		(b) develop guidance for the employers of trainees regarding the legal framework for traineeships, including an adequate level of information on the relevant labour law and social protection aspects;		(b) develop guidance <u>and support for traineeship providers</u> for employers of trainees regarding the legal framework for traineeships, <u>in particular SMEs</u> , including relevant labour law and social protection aspects <u>as well as best practices on provision of quality learning and training elements</u> ;
Article 6, first paragraph, point (c)						

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
94		(c) provide for effective controls and inspections conducted by competent authorities to enforce relevant labour law in relation to trainees;		(c) provide for effective measures including, where appropriate , controls and inspections conducted by the competent authorities, to enforce the relevant labour law in relation to trainees;		(c) provide for regular and effective controls and inspections to be conducted by competent authorities to enforce relevant labour law in relation to trainees;
Article 6, first paragraph, point (d)						
95		(d) ensure that the competent authorities are provided with the human, technical and financial resources necessary to perform effective controls and inspections and have the competence to impose effective, proportionate and dissuasive penalties;		<i>deleted</i>		(d) ensure that the competent authorities, in particular national labour inspectorates , are provided with the sufficient human, technical and financial resources necessary to perform effective controls and inspections and have the competence to impose effective, proportionate and dissuasive penalties;
Article 6, first paragraph, point (e)						
96		(e) develop the capability of the competent authorities, in particular through training and guidance, to proactively target and pursue non-compliant employers;		(e) develop the capability capabilities of the competent authorities, in particular through training and guidance, to proactively target and pursue non-compliant employers;		(e) develop the capability of the competent authorities, in particular through training and guidance, to proactively target and pursue non-compliant employer traineeship providers ;
Article 6, first paragraph, point (f)						
97		(f) ensure, in cooperation with the competent authorities, channels for trainees to report malpractice and poor working conditions, and provide information on those channels		(f) ensure, in cooperation with the competent authorities or, where appropriate, social partners , that channels are in place for trainees to report malpractice and poor working conditions alleged infringements of rights and obligations under this Directive , and provide information on those channels.		(f) ensure, in cooperation with the competent authorities and social partners , channels for trainees to anonymously and safely report malpractice and poor working conditions, alleged infringements of rights and obligations , and provide information on those channels under point (a) in accordance with Regulation (EU) 2016/679, and ensure that such channels are accessible for persons with disabilities in accordance with Directive (EU) 2016/2102 ;
Article 6, first paragraph, point (fa)						
97a						(fa) ensure the validation, recognition and portability of the skills and competences

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
					<u>acquired during the traineeship period through a certificate;</u>
Article 6, first paragraph, point (fb)					
97b					<u>(fb) promote the recognition of traineeships as relevant work experience in recruitment processes in the job market;</u>
Article 7					
98	Article 7 Right to redress		Article 7 Right to redress		Article 7 <u>Dispute resolution and</u> right to redress
Article 7, first paragraph					
99	Member States shall ensure that trainees, including those whose employment relationship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, in the case of infringements of their rights arising from this Directive or from other Union law applicable to workers.		Member States shall ensure that trainees, including those whose employment relationship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation for the of their rights arising from this Directive or from other Union law applicable to workers.		Member States shall ensure that trainees, including those whose employment <u>relationship</u> traineeship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, in the case of infringements of their rights arising from this Directive or from other Union law applicable to workers.
Article 7, first paragraph a					
99a					<u>Member States shall take the necessary measures to ensure that during a traineeship, the trainee can urgently refer the matter to the competent authority and the labour inspectorate in the event of an infringement of the rights provided for in this Directive, with a view to solving the matter swiftly or, where this is not possible, to putting an end to the traineeship with no detriment to the trainee or the proper functioning of their training programme.</u> <u>Member States shall ensure that, in such situations, the trainee is not subject to retaliatory measures, including the interruption of the traineeship.</u>

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
Article 8						
100	Article 8	Procedures on behalf or in support of trainees	Article 8	Procedures on behalf or in support of trainees workers' representatives		Article 8 Procedures on behalf or in support of trainees
Article 8, first paragraph						
101	Member States shall ensure that representatives of workers may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to workers. They may act on behalf or in support of one or several trainees in the case of an infringement of any right or obligation arising from this Directive or from other Union law applicable to workers, with that trainee's or those trainees' approval.	Member States shall ensure that workers' representatives of workers may be able to engage, in accordance with national law or practice, in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to workers. They may act and are able to act, where admissible pursuant to national law or practice, on behalf or in support of one or several trainees in the trainee in case of an infringement of any right or obligation arising from this Directive or from other Union law applicable to workers, with that, with the trainee's or those trainees' approval.	Member States shall ensure that workers' representatives may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to workers. those trainees' approval, in the case of practices that circumvent the purpose of traineeships or of the use of standard employment relationships disguised as traineeships, or in the case of an infringement of any other right or obligation arising from this Directive or from other Union law applicable to workers, with that trainee's or those workers' representatives, or, in the absence of workers' representatives, the employer, shall explicitly inform trainees' approval about their rights of access to administrative and judicial proceedings at the beginning of the traineeship.			Member States shall ensure that workers' representatives may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive or from other Union law applicable to workers. They may act on behalf or in support of one or several trainees, with that trainee's or those trainees' approval, in the case of practices that circumvent the purpose of traineeships or of the use of standard employment relationships disguised as traineeships, or in the case of an infringement of any other right or obligation arising from this Directive or from other Union law applicable to workers, with that trainee's or those workers' representatives, or, in the absence of workers' representatives, the employer, shall explicitly inform trainees' approval about their rights of access to administrative and judicial proceedings at the beginning of the traineeship.
Article 9						
102	Article 9	Protection against adverse treatment and consequences	Article 9	Protection against adverse treatment and consequences		Article 9 Protection against adverse treatment and consequences and burden of proof
Article 9(1)						
103	1. Member States shall introduce the necessary measures to protect trainees and their representatives from any adverse treatment by the employer and from any adverse consequences	1. Member States shall introduce the necessary measures to protect trainees and their representatives from any adverse treatment by the employer and from any adverse consequences	1. Member States shall introduce the necessary measures to protect trainees and/or their representatives from any adverse treatment by the employer and from any adverse			1. Member States shall introduce the necessary measures to protect trainees and their representatives from any adverse treatment by the employer traineeship provider and from any

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
		resulting from a complaint lodged with the employer or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law applicable to workers.		consequences resulting from a complaint lodged with the employer or resulting from any proceedings initiated with the aim of enforcing compliance with the rights and obligations provided for in this Directive or in other Union law applicable to workers.		adverse consequences resulting from a complaint lodged with the employer traineeship provider or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive or in other Union law applicable to workers.
Article 9(2)						
104	2.	In particular, Member States shall take the necessary measures to prohibit the dismissal or its equivalent, and all preparations for the dismissal or its equivalent, of trainees on the grounds that they have exercised the rights provided for in this Directive or in other Union law applicable to workers.	2.	In particular, Member States shall take the necessary measures to prohibit the dismissal or its equivalent, and all preparations for the dismissal or its equivalent, of trainees on the grounds that they have exercised the rights provided for in this Directive or in other Union law applicable to workers.	2.	In particular, Member States shall take the necessary measures to prohibit the dismissal or its equivalent, <u>such as the withholding of an offer of future employment at the establishment of the traineeship provider</u> , and all preparations for dismissal or its equivalent, of trainees on the grounds that they have exercised the rights provided for in this Directive or in other Union law applicable to workers.
Article 9(3)						
105	3.	Trainees who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, or in other Union law applicable to workers, may request the employer to provide duly substantiated grounds for the dismissal or the equivalent measures. The employer shall provide those grounds in writing.	3.	Trainees who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, or in other Union law applicable to workers, may request the employer to provide duly substantiated grounds for the dismissal or the equivalent measures. The employer shall provide those grounds in writing.	3.	Trainees who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, or in other Union law applicable to workers, may request the employer to traineeship provider to supply duly substantiated grounds for the dismissal or the equivalent measures. The employer traineeship provider shall provide those grounds in writing.
Article 9(4)						
106	4.	Member States shall take the necessary measures to ensure that, when trainees referred to in paragraph 3 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for	4.	Member States shall take the necessary measures to ensure that, when trainees referred to in paragraph 3 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for	4.	Member States shall take the necessary measures to ensure that, when trainees referred to in paragraph 3 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
		the employer to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 2.		the employer to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 2.		the employer <u>traineeship provider</u> to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 2.
Article 9(4a)						
106a						<u>4a. Paragraph 4 shall not prevent Member States from introducing rules of evidence which are more favourable to trainees.</u>
Article 9(5)						
107	5.	Member States shall not be required to apply paragraph 4 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.	5.	Member States shall not be required to apply paragraph 4 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.	5.	Member States shall not be required to apply paragraph 4 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.
Article 9(6)	6.	Paragraph 4 shall not apply to criminal proceedings, unless otherwise provided by the Member State.	6.	Paragraph 4 shall not apply to criminal proceedings, unless otherwise provided by the Member State.	6.	Paragraph 4 shall not apply to criminal proceedings, unless otherwise provided by the Member State.
Article 9a						<u>Article 9a</u> <u>Collection, and monitoring of data</u>
108a						
Article 9a(1), first subparagraph						
108b						<u>1. Member States shall ensure that effective data is collected for the purpose of monitoring the quality of traineeships, in accordance with the implementing acts adopted by the Commission pursuant to paragraph 3.</u>
Article 9a(1), second subparagraph						
108c						<u>Such data shall include the following information:</u>
Article 9a(1), second subparagraph, point (a)						

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
108d					<u>(a)</u> the number of traineeships;
Article 9a(1), second subparagraph, point (b)					
108e					<u>(b)</u> the number of traineeship providers;
Article 9a(1), second subparagraph, point (c)					
108f					<u>(c)</u> the proportion of traineeships leading to standard employment in the same sector;
Article 9a(1), second subparagraph, point (d)					
108g					<u>(d)</u> the number of controls and inspections carried out by the competent authorities;
Article 9a(1), second subparagraph, point (e)					
108h					<u>(e)</u> the number of practices that circumvent the purpose of traineeships reported;
Article 9a(1), second subparagraph, point (f)					
108i					<u>(f)</u> the number of standard employment relationships disguised as traineeships.
Article 9a(1), third subparagraph					
108j					<u>Member States shall promote the active involvement of stakeholders, in particular social partners, student organisations, youth organisations and lifelong career guidance services in collecting and monitoring the quality of traineeships provided at national level.</u>
Article 9a(2)					
108k					<u>2. Member States shall submit the data referred to in paragraph 1 to the Commission by ... [OJ to insert date: two years after the date of transposition of this Directive] and every two years thereafter. They shall ensure that the data is disaggregated by gender, age, disability, size of employer and sector, in so far as possible.</u>

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
Article 9a(3)						
108l						<u>3. The Commission shall adopt implementing acts to ensure the uniformity and comparability of data collection by Member States pursuant to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article – 9b(2).</u>
Article 9b						
108m						<u>Article 9b</u> <u>Committee procedure</u>
Article 9b, first paragraph						
108n						<u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u>
Article 9b, second paragraph						
108o						<u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u>
Article 10						
109		Article 10 Penalties		Article 10 Penalties		Article 10 Penalties
Article 10, first paragraph						
110	Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.		Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.		Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.
Chapter V						

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
111		Chapter V Final provisions		Chapter V Final provisions		Chapter V Final provisions
Article 11						
112		Article 11 Non-regression and more favourable provisions		Article 11 Non-regression and more favourable provisions		Article 11 Non-regression and more favourable provisions
Article 11(1)						
113		1. No provision in this Directive shall be construed as lowering the protection of workers afforded by other instruments of Union law, national law, collective agreements or practice.		1. No provision in this Directive shall be construed as lowering the protection of workers afforded by other instruments of Union law, national law, collective agreements or practice.		1. No provision in this Directive shall be construed as lowering the protection of workers, <u>including trainees</u> , afforded by other instruments of Union law, national law, collective agreements or practice.
Article 11(2)						
114		2. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers, including trainees, within Member States.		2. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers, including trainees, within Member States.		2. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers, including trainees, within Member States.
Article 11(3)						
115		3. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers.		3. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers. At the same time, nothing in this Directive shall be construed as imposing an obligation on Member States to introduce a specific employment relationship for trainees in their national law.		3. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers <u>trainees</u> or to encourage or permit the application of collective agreements which are more favourable to workers <u>trainees</u> .
Article 11(3a)						
115a				3a. This Directive is without prejudice to other rights conferred on workers by other legal acts of the Union.		

CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
Article 11(3a)					
115b					<u>3a. Member States may, provided that the national social partners jointly agree, give the social partners, at the appropriate level and subject to the conditions laid down by the Member States, the option of upholding or concluding collective agreements to implement and complement the protection laid down in this Directive.</u>
Article 12					
116	Article 12 Transposition and implementation		Article 12 Transposition and implementation		Article 12 Transposition and implementation
Article 12(1)					
117	1. Member States shall take the necessary measures to comply with this Directive by [2 years after entry into force]. They shall immediately inform the Commission thereof.	1. Member States shall take the necessary measures to comply with this Directive by [2 years after entry into force of this Directive]. They shall immediately inform the Commission thereof.	1. Member States shall take the necessary measures to comply with this Directive by [2 years after entry into force of this Directive]. They shall immediately inform the Commission thereof.	1. Member States shall take the necessary measures to comply with this Directive by [2 years <u>18 months</u> after entry into force]. They shall immediately inform the Commission thereof.	
Article 12(2)					
118	2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	
Article 12(3)					
119	3. Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.	3. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	3. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	3. Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.	
Article 12(4)					

	CLEAN	Commission Proposal	VSEEC	Council Mandate	VSEEC	EP Mandate
120		4. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive.		4. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive. <u>The report referred to in paragraph 2 shall include a description of the involvement of the social partners in the implementation of this Directive.</u>		4. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive. <u>The report referred to in paragraph 2 shall include a description of the involvement of the social partners in the implementation of this Directive.</u>
	Article 12(5)					
121		5. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.		5. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.		5. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.
	Article 12(5a)					
121a						<u>5a. Member States shall promote the use of Union and national funds, to ensure sufficient financial and administrative support and incentives to traineeship providers, such as non-governmental organisations, non-profit organisations and micro and small and medium enterprises.</u>
	Article 13					
122		Article 13 Reporting and review		Article 13 Reporting and review		Article 13 Reporting and review
	Article 13(1)					
123		1. By [5 years after the date of transposition], Member States shall communicate to the Commission all information concerning the implementation of this Directive that is		1. By [57 years after the date of transposition entry into force of this Directive], Member States shall communicate to the Commission all relevant information concerning		1. By [5 3] years after the date of transposition], Member States shall communicate to the Commission all information concerning the implementation of this Directive that is

	CLEAN	Commission Proposal	VS/EC	Council Mandate	VS/EC	EP Mandate
		necessary for the Commission to draw up a report. That information shall include data on traineeships for the purposes of allowing the proper monitoring and assessment of the implementation of this Directive.		the implementation of this Directive that is necessary for the Commission to draw up at he report referred to in paragraph 2 . That information shall include relevant data on traineeships for the purposes of allowing the proper monitoring and assessment of the implementation of this Directive.		necessary for the Commission to draw up <u>shall submit</u> a report. That information shall include data on traineeships for the purposes of allowing the proper monitoring and to the European Parliament and to the Council, following its assessment of the implementation of this Directive. <u>The Commission's report shall, if appropriate, be accompanied by proposals for legislative amendments.</u>
Article 13(1a)						
123a						<u>1a. Before submitting the reports referred to in paragraph 1, the Commission shall consult the Member States, the social partners at Union level and key stakeholders, and shall take into account the impact of this Directive on SMEs, including microenterprises. In its reviews of the implementation of this Directive, the Commission shall pay particular attention to the impact of this Directive on facilitating the transition from traineeships to standard employment relationships as well as the design and impact of national measures under Chapter II.</u>
Article 13(1b)						
123b						<u>1b. By [3 years after the date of transposition] and every two years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the basis of its analysis of the data and information submitted by the Member States pursuant to Article 10a.</u>

	CLEAN	Commission Proposal	VSE/C	Council Mandate	VSE/C	EP Mandate
						<u>When submitting those reports the Commission shall, simultaneously, publish the data and information submitted by the Member States on a dedicated website.</u>
	Article 13(2)					
124	2.	The Commission shall submit the report referred to in paragraph 1 to the European Parliament and to the Council. The report shall, if appropriate, be accompanied by a legislative proposal.		2. By [8 years after the date of entry into force of this Directive], the Commission shall, after consulting the Member States and the social partners at Union level and taking into account the impact on micro-, small and medium-sized enterprises, submit thea report referred to in paragraph 1 on the implementation of this Directive to the European Parliament and to the Council. The report shall evaluate the way in which this Directive has been implemented and assess the need for additional measures, with a view to improving the protection of trainees. The report shall, if appropriate, be accompanied by a legislative proposal.		deleted
	Article 14					
125		Article 14 Entry into force		Article 14 Entry into force		Article 14 Entry into force
	Article 14, first paragraph					
126		The Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.		The Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		The Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.
	Article 15					
127		Article 15 Addressees		Article 15 Addressees		Article 15 Addressees
	Article 15, first paragraph					

	CLEAN	Commission Proposal	VS,EC	Council Mandate	VS,EC	EP Mandate
128		This Directive is addressed to the Member States.		This Directive is addressed to the Member States.		This Directive is addressed to the Member States.
	Formula					
129		Done at Brussels,		Done at Brussels...,		Done at Brussels,
	Formula					
130		For the European Parliament		For the European Parliament		For the European Parliament
	Formula					
131		The President		The President		The President
	Formula					
132		For the Council		For the Council		For the Council
	Formula					
133		The President		The President		The President