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COM(2013) 857 final

2013/0431 (NLE)

Proposal for a

**COUNCIL RECOMMENDATION**

**on a Quality Framework for Traineeships**

{SWD(2013) 495 final}

{SWD(2013) 496 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

Over the past two decades, traineeships have become an important entry point into the labour market for young people. Fostering the employability and productivity of young people is key to bringing them onto the labour market. However, although traineeships increasingly represent a standard feature in our labour markets, their spread has been accompanied by growing concerns as to learning content and working conditions. If traineeships are really to facilitate access to employment, they must offer quality learning content and adequate working conditions, and should not be a cheap substitute for regular jobs.

In December 2012, the Commission presented the Youth Employment Package<sup>1</sup> including the launching of the second stage consultation of social partners on a Quality Framework for Traineeships<sup>2</sup> (QFT), following repeated calls by the European Parliament<sup>3</sup> and the European Council<sup>4</sup>. The Commission's consultations<sup>5</sup> on the matter along with other studies and surveys, identified a range of problems currently affecting traineeships in the EU. The issues concern two areas in particular:

- insufficient learning content (i.e. trainees are asked to do menial tasks); and
- inadequate working conditions (long working hours, unsatisfactory coverage for health and safety or occupational risks, little or no remuneration/compensation, unclear legal situation, extended duration, etc.).

In addition, stakeholders highlighted the issue that a large proportion of unpaid or low-paid traineeships may create an equal access problem<sup>6</sup> and also leads to a tendency to replace paid workers with trainees<sup>7</sup>. Also, trainees are sometimes not told clearly whether they will receive remuneration or compensation, or informed about key working conditions such as health and accident insurance or holiday entitlements.

More transparency regarding the learning content and working conditions of the traineeship will lead to a more efficient functioning of the labour market. The 2013 Eurobarometer on traineeships suggests that transparency regarding working conditions in traineeship vacancy notices and advertisements might be improved.

Member States regulatory frameworks in general and the strictness of the regulation in particular varies widely both amongst the different types of traineeships and across Member States. In some Member States no legal definition of traineeships exists. While the current fragmentation of regulation and the absence of quality criteria in general use is remarkable, a common understanding of what a traineeship is and of its minimum standards can help shape Member States' policies and regulatory approaches. Finally, evidence shows that the number of transnational traineeships is very low<sup>8</sup>, despite very high mobility rates among students, e.g. in the Erasmus programme. This appears to be an important missed opportunity in terms of reducing youth unemployment through mobility: transnational traineeships could be a key

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<sup>1</sup> COM(2012) 727 final, 5.12.2012.

<sup>2</sup> COM(2012) 728 final, 5.12.2012.

<sup>3</sup> EP 2009/2221(INI), 6.7.2010 and Resolution 2012/2647(RSP).

<sup>4</sup> European Council Conclusions of December 2012, February 2013 and June 2013.

<sup>5</sup> SWD(2012) 407 final, 5.12.2012.

<sup>6</sup> According to the UK Low Pay Commission in its report on National Minimum Wage (2011), traineeships are *de facto* becoming a precondition for more and more jobs.

<sup>7</sup> The UK Low Pay Commission refers in its 2013 report to 'widespread non-payment of the minimum wage for positions that appear to be work'.

<sup>8</sup> The 2013 Eurobarometer survey found that only 9% of traineeships took place abroad.

factor in helping young people take up employment in another Member State. A Europe-wide QFT would help address the low number of transnational traineeships. It would help address one key obstacle for cross border mobility, lack of information, in an area of great regulatory fragmentation. The development of a QFT is also essential for the extension of EURES to traineeships, as requested by the European Council in its June 2012 conclusions<sup>9</sup>.

In response to very high youth unemployment in several Member States and following up on earlier commitments, the Commission proposed a Recommendation on Establishing a Youth Guarantee<sup>10</sup>, which the Council adopted on 22 April 2013<sup>11</sup>. This calls on Member States to *ensure that all young people up to the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within four months of becoming unemployed or leaving formal education*. Quality requirements for traineeships are essential for effective implementation of the Recommendation.

Against this background, the current proposal for a Council Recommendation seeks to ensure that traineeships efficiently ease education-to-work transitions and thus increase young people's employability. The proposal sets out guidelines that can ensure high-quality learning content and adequate working conditions. It also outlines how the Commission will support Member States' action through the EU funding framework, the exchange of good practices, and monitoring. It covers so-called 'open-market' traineeships, i.e. traineeships agreed between trainee and a traineeship provider (business, non-profit or government) without the involvement of a third party, generally conducted after completion of studies and/or as part of a job search. The proposed Recommendation does not address traineeships forming part of academic and or vocational curricula, neither the one which form part of mandatory professional training (e. g. medicine, architecture etc).

The proposal is accompanied by an impact assessment which presents the outcomes of stakeholder consultations, looks in more detail at the problems regarding traineeships, discusses legal and subsidiarity issues, and provides an analysis of possible options to respond to the problem.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

### *Public consultation*

The Commission consulted a wide range of stakeholders on the problems regarding traineeships and on possible solutions.

In response to a public consultation between April and July 2012, trade unions, NGOs, youth organisations, educational institutions and most individual respondents generally supported a Commission initiative. While generally supportive of the initiative, employer organisations, chambers of commerce and Member States often referred to the need to keep the framework sufficiently flexible to take into account the diversity of national practices.

Most respondents agreed with the Commission's analysis (a written traineeship agreement, clear objectives and learning content<sup>12</sup>, limited duration, adequate social security coverage

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<sup>9</sup> [www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/131388.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/131388.pdf)

<sup>10</sup> COM(2012) 729 final, 5.12.2012.

<sup>11</sup> Council Recommendation on Establishing a Youth Guarantee, 2013/C 120/01, 22.4.2013.

<sup>12</sup> Among other things, learning content may cover induction training, a clear explanation/description of the work of the organisation and the underlying issues within the sector, and assigning a mentor to follow the work of the trainee and provide guidance.

etc.). Businesses and some employers' organisations argued that remuneration and social protection issues did not fall under EU competence.

#### *Consultation with social partners*

A two-stage social partner consultation on the QFT initiative took place between October 2012 and February 2013. The social partners restated the positions they had taken in the public consultation, with the trade union side arguing for a stronger initiative and the employers' side concerned about flexibility and the burden on business. However, they did not launch negotiations on a possible agreement under Article 154 TFEU.

On 11 June 2013, ETUC, BUSINESSEUROPE, UEAPME and CEEP presented a Framework of Actions on Youth Employment (FoA), resulting from social dialogue negotiations taking note of the Commission's intention to propose a Council Recommendation on the European Quality Framework on Traineeships. Social partners envisage taking further joint actions towards the Council and the European Parliament based on an upcoming Commission proposal for a Council Recommendation on a European QFT.

#### *Small and medium-sized enterprises (SMEs)*

Between March and June 2013, an SME test was conducted to investigate from an employer perspective the quality of traineeships provided by SMEs and gauge the compliance costs of potential measures within a QFT. In total, 914 SMEs replied to the survey. The test highlighted the importance of traineeships for creating jobs in SMEs, with a majority of those questioned (71.9%) seeing traineeships as a way to select and train future employees. It also confirmed that an overwhelming majority of SMEs (9 out of 10) would have no problems with the proposed quality elements.

#### *Eurobarometer survey on traineeships*

In May 2013, a Eurobarometer survey was conducted in the EU-27 and Croatia to quantify concerns about the quality of traineeships. The results of this first ever EU-wide representative survey on the topic included:

- confirmation of how widespread traineeships are: 46% of the 18-35 year-olds surveyed had completed at least one;
- one in three traineeships was deemed unsatisfactory, in terms either of working conditions (25% of all traineeships), learning content (18%) or both;
- a key factor in the rarity of transnational traineeships (9% of all traineeships) is lack of information: 38% of those who would have been interested cited insufficient information on traineeship regulations in other Member States.

An econometric analysis based on the Eurobarometer results found a significant correlation between the quality of traineeships and 'employment outcome'. In other words, those that had completed a substandard traineeship were significantly less likely to find a job afterwards.

#### *Impact assessment*

The second stage of the social partner consultation was accompanied by an analytical document<sup>13</sup> on the problems regarding the quality of traineeships, which sets out possible policy responses.

This document was expanded in 2013 to form a fully-fledged impact assessment (IA)<sup>14</sup> with previously unavailable data on the number and quality of traineeships, and new evidence of

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<sup>13</sup> SWD(2012) 407 final, 5.12.2012.

<sup>14</sup> SWD(2013) 495 final, 4.12.2013

the correlation between quality and employment prospects. The IA identifies and analyses policy options for increasing the share of quality traineeships, notably by issuing 'best practice' standards and discouraging employers from offering substandard traineeships. It also analyses new proposals on transparency to make it easier for young people to screen traineeships for quality.

The IA examines four options in addition to the baseline scenario:

- setting up an information website;
- establishing voluntary quality labels;
- proposing a Council Recommendation; and
- proposing a Directive.

It concludes that the most effective, efficient and proportionate option would be a Commission proposal for a Council Recommendation on a QFT to be transposed by Member States in national practice and/or the national legal system.

It would recommend Member States to ensure that the conclusion of a written traineeship agreement is made compulsory. The agreement would include information on the learning objectives of the traineeship, the working conditions, whether remuneration/compensation is provided, the rights and obligations under applicable EU and national law, as well as the duration of the traineeship.

Also, additional transparency requirements would generate incentives for quality traineeships and/or disincentives for substandard traineeships.

According to the preferred option, traineeship vacancy notices would have to indicate whether the traineeship is paid or not and, if the traineeship is paid, the level of remuneration/compensation. Furthermore, traineeship providers would be asked to disclose the share of trainees that were offered an employment contract after the end of their traineeship.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### *Legal basis*

The legal bases for this initiative are Articles 153, 166 and 292 TFEU. According to Article 292 TFEU, the Council can adopt recommendations on the basis of a Commission proposal in the areas of EU competence.

According to Article 153 TFEU, the Union shall support and complement Member States' activities in the field of, inter alia, working conditions, social security and social protection of workers, and also the integration of persons excluded from the labour market and the combating of social exclusion. In accordance with the case law of the Court of Justice, traineeships which are remunerated fall under Article 153.

In order to cover also traineeships which are not remunerated, Article 166 TFEU has been added as additional legal basis. According to this provision, the Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.

Therefore, depending on whether the traineeship is remunerated or not, Article 153 or 166 TFEU will apply respectively.

The provisions of Article 153 TFEU do not apply to pay, by virtue of Article 153 para. 5 TFEU. However, the latter provision does not stand in the way of addressing problems regarding transparency of pay, by recommending that the written traineeship agreement clarifies *whether or not* remuneration would be applicable.

An analogy may be made with other EU instruments such as Directive 91/533/EEC, on an employer's obligation to inform an employee of the conditions applicable to the contract or employment relationship. That Directive provides at Article 2 that:

*'1. An employer shall be obliged to notify an employee ... of the essential aspects of the contract or employment relationship.*

*2. The information referred to .... shall cover at least the following:*

*(h) the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled ...'*<sup>15</sup>

Similarly, the Proposal for a Directive on conditions of entry and residence of third country nationals in the framework of an intra-corporate transfer<sup>16</sup> addresses the issue of remuneration as an element of an assignment letter from the employer, or of a contract.

Training forms a central objective in the EU's employment and educational policies. It is also an integral part of the freedom of movement of persons under Article 45 TFEU – a fundamental freedom protected by the Treaty. Given the transnational dimension of traineeships, actions of individual Member States alone will not achieve the objectives of the proposed initiative - to comprehensively improve the quality of traineeships undertaken in the EU.

Finally, the Charter of Fundamental Rights of the European Union also contains a number of rights and freedoms which may be relevant to future measures concerning traineeships, in particular Article 21 (Non-discrimination), Article 29 (Right of access to placement services), Article 31 (Fair and just working conditions) and Article 32 (Prohibition of child labour and protection of young people at work).

### *Subsidiarity*

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Union.

In the case of traineeships, an EU-wide solution presents several advantages:

- (1) The quality guidelines adopted or proposed by different bodies in different Member States broadly point to similar elements that are supposed to be key for enhancing the quality of traineeships. This suggests that defining quality standards for traineeships should not fundamentally differ according to national practices or local circumstances.
- (2) An EU-wide solution would have benefits in terms of trainees' mobility. Young people would find it easier to accept a traineeship in another country if the existence of standard practices or rules gave them a clear understanding of what they can expect.

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<sup>15</sup> Article 3 of the same Directive requires that that information shall be provided to the employee in writing, not later than 2 months after the commencement of employment.

<sup>16</sup> COM(2010) 378 final, 13.7.2010.

- (3) Experience shows that, owing to coordination problems, the process of defining internationally accepted quality standards can be faster if supranational institutions adopt a coordinating and supporting role.

Member States could independently adopt measures to improve the quality of traineeships. In practice, however, they have repeatedly called upon the Commission to adopt a QFT (see among others the Conclusions of three recent European Councils: December 2012, February 2013 and June 2013).

In a situation of diverging regulatory frameworks it helps to have a common understanding of what a traineeship is and of its minimum standards. This will help shape Member States' regulatory approaches, since the proposed standards are to be operationalized through the specific regulatory approach of Member States. In this way, the EU could concretely support Member States in implementing the Europe 2020 employment guideline 8, in particular 'enacting schemes to help young people and in particular those not in employment, education or training find initial employment, job experience, or further education and training opportunities, including apprenticeships, and should intervene rapidly when young people become unemployed.' This would address one key obstacle for cross border mobility, lack of information, in an area of great regulatory fragmentation, and the Recommendation would help to underpin the support provided by Erasmus+<sup>17</sup> and further development of EURES<sup>18</sup>.

#### *Proportionality*

The Council Recommendation instrument allows strict respect of the proportionality principle: Member States that have already introduced in their legislation or national practice the proposed safeguards and quality elements will not need to act. Member States shall also be free to assess whether it is opportune to go beyond the QFT proposed here, notably to encompass also the issue of minimum remuneration, which the QFT does not touch.

#### **4. BUDGETARY IMPLICATION**

Not relevant.

#### **5. OPTIONAL ELEMENTS**

Not relevant.

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<sup>17</sup> From 1 January 2014, Erasmus+ will become the new EU funding programme for education, training, youth and sport. Erasmus+ will have a new, streamlined structure that combines current funding programmes in the sector including the Lifelong Learning Programme (Comenius, Leonardo, Erasmus, Grundtvig and Transversal Programmes), Youth in Action, Jean Monnet, Tempus and Erasmus Mundus.

<sup>18</sup> EURES is a cooperation network between the European Commission and the Public Employment Services of the Member States. The EURES portal provides workers, employers and soon trainees and traineeship providers with information on jobs, traineeships and learning opportunities throughout Europe.

Proposal for a

## **COUNCIL RECOMMENDATION**

### **on a Quality Framework for Traineeships**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 153, 166 and 292 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Young people have been hit particularly hard during the crisis. Youth unemployment rates have reached historical peaks in the past years in several Member States, without any sign of decrease in the short term. Fostering the employability and productivity of young people is key to bringing them onto the labour market.
- (2) A smooth transition from education to employment is crucial to enhance the chances of young people on the labour market. Improving young people's education and facilitating their transition to employment are necessary to reach the Europe 2020 headline target of 75% of 20-64 year-olds in employment by 2020. Guideline 8 on employment policies of the Member States calls on Member States to enact "*schemes to help young people and in particular those not in employment, education or training find initial employment, job experience, or further education and training opportunities, including apprenticeships, and should intervene rapidly when young people become unemployed*"<sup>19</sup>.
- (3) Over the past two decades, traineeships have become an important entry point into the labour market for young people.
- (4) Socio-economic costs arise if traineeships, particularly the repeated ones, replace regular employment, notably entry-level positions usually offered to young people. Moreover, low-quality traineeships, especially those with little learning content, do not lead to significant productivity gains nor entail positive signalling effects. Social costs also relate to unpaid traineeships that may limit the career opportunities of those from disadvantaged backgrounds.
- (5) There is evidence that links exist between the quality of the traineeship and the employment outcome. The value of traineeships in easing the transition to employment depends on their quality in terms of learning content and working conditions. Quality traineeships bring direct productivity benefits, improve labour market matching and promote mobility, notably by decreasing search and matching costs both for enterprises and for young people.

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<sup>19</sup> Council Decision on Guidelines for the Employment policies of the Member States, 2010/707/EU, 21.10.2010.



- (6) The Council Recommendation on establishing a Youth Guarantee<sup>20</sup> requests that Member States ensure that all young people up to the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within four months of becoming unemployed or leaving formal education.
- (7) Various studies and surveys have found that quality problems affect a significant share of traineeships, most particularly those where no educational or training institution is directly responsible for the learning content and the working conditions of the traineeship (so called 'open market' traineeships).
- (8) Evidence shows that a significant share of trainees is asked to do menial tasks without sufficient learning content. A quality traineeship has to provide a solid and meaningful learning content, notably by the identification of the specific skills to be acquired, supervision and mentoring of the trainee as well as monitoring of his/her progress.
- (9) Problems have also been identified as regards working conditions, e.g. long working hours, social security coverage, health and safety or occupational risks, little or no remuneration and/or compensation, a lack of clarity on the applicable legal regimes, and the prolonged duration of the traineeship.
- (10) Traineeships are currently regulated in very diverse ways across the Union. Where regulation exists, it provides different quality elements or different implementing practices, while traineeships remain largely unregulated in some Member States and sectors. A considerable share of traineeship providers use trainees as cheap or even unpaid labour, which is often caused by the absence of a regulatory framework or instrument, or by a lack of transparency regarding working conditions for traineeships and their learning content.
- (11) A Quality Framework for Traineeships will support the improvement of working conditions and the learning content of traineeships. The conclusion of a written traineeship agreement that indicates the educational objectives, adequate working conditions, rights and obligations and a reasonable duration constitutes the main element of the Quality Framework for Traineeships.
- (12) Lack of information is one of the causes of low quality traineeships and is a much more widespread problem regarding traineeships than regular employment. Increased transparency requirements for notices or announcements advertising traineeship positions would help to improve working conditions and stimulate cross-border mobility.
- (13) Social partners play a key role in the design, implementation and monitoring of training policies and programmes. Cooperation between social partners and relevant authorities could aim at providing young people with targeted information on available career opportunities and skills needs on labour markets, as well as on trainees' rights and responsibilities. In addition, social partners can play a role in facilitating the implementation of the Quality Framework for Traineeships, notably by elaborating and making available simple and concise model traineeship agreements, particularly for use by micro enterprises and tailored for their specific purposes. In their Framework of Actions on Youth Employment of July 2013, the European social partners took note of the Commission's intention to propose a Council Recommendation on the European quality framework on traineeships and announced to support Member States' actions aiming to improve the quality of traineeships.

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<sup>20</sup>

Council Recommendation on Establishing a Youth Guarantee, 2013/C 120/01, 22.04.2013.

- (14) One of the challenges is to increase the cross-border mobility of trainees in the Union to help foster a genuine European labour market. The existing diversity in regulations constitutes an obstacle to the development of cross-border trainee mobility. Moreover, in some cases, administrative and legal obstacles to cross-border mobility of trainees have been found to affect several of the receiving Member States. By providing standards and guidelines that should be used as a reference, the Quality Framework for Traineeships will facilitate access to transnational traineeships.
- (15) The development of a Quality Framework for Traineeships will increase transparency. Furthermore, it will support the extension of EURES to traineeships, thus facilitating mobility, and help to underpin the support for trainee mobility provided by Erasmus+.
- (16) Member States' programmes promoting and offering traineeships to young people can be financially supported by the European Funds. In addition, the Youth Employment Initiative will support traineeships in the context of the Youth Guarantee, targeting young people from the Union's regions worst affected by youth unemployment and which will be co-financed by the European Social Fund (ESF) 2014-20. The ESF as well as the Youth Employment Initiative can be used to increase the number and the quality of Member States' traineeship schemes. This involves a possible contribution to the cost of the traineeships including, under certain conditions, a part of the remuneration. In addition, they can also support the costs of other trainings that young people may pursue outside their traineeship, e.g. language courses.
- (17) The Commission has launched a specific ESF Technical Assistance Support Programme to help Member States establish traineeship schemes with ESF support. This ESF Technical Assistance Support Programme provides strategic, operational and policy advice to national and regional authorities considering the establishment of new traineeship schemes, or the modernization of existing schemes.
- (18) The Council, in its Resolution on the Structured Dialogue on Youth Employment of May 2011 stated that "a quality framework for internships is desirable in order to guarantee the educational value of such experience".
- (19) The June 2011 Council conclusions on "Promoting youth employment to achieve the Europe 2020 objectives" invited the Commission to "provide guidance on conditions for high quality traineeships by means of a quality framework for traineeships"<sup>21</sup>.
- (20) In June 2012 in its "Resolution towards a Job rich recovery"<sup>22</sup> the European Parliament invited the Commission to present as soon as possible a "proposal for a Council Recommendation on a Quality Framework for Traineeships", and to define "minimum standards supporting the provision and take-up of high-quality traineeships".
- (21) The June 2012 European Council invited the Commission to examine the possibility of extending the EURES portal to traineeships.<sup>23</sup>
- (22) The European Council conclusions of December 2012 invited the Commission "*to rapidly finalise the quality framework for traineeships*".
- (23) In the Youth Employment Package of December 2012 the Commission launched a social partner consultation on a Quality Framework for Traineeships. In their replies,

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<sup>21</sup> Council Conclusions 11838/11 'Promoting Youth Employment to achieve the Europe 2020 objectives' of 17.06.2011.

<sup>22</sup> Resolution 2012/2647(RSP).

<sup>23</sup> EUCO 76/12 of 28/29 June 2012.

EU social partners informed the Commission that they did not intend to launch negotiations towards an autonomous agreement under Article 154 TFEU<sup>24</sup>.

- (24) The June 2013 European Council reconfirmed that 'The Quality Framework for Traineeships should be put into place in early 2014'.
- (25) The Quality Framework is an important reference point for determining a good quality offer of traineeships under the Council Recommendation on Establishing a Youth Guarantee.
- (26) According to the Annual Growth Survey 2014<sup>25</sup> it is "essential to facilitate the transition from school to work, notably by increasing the availability of good quality traineeships or apprenticeships."
- (27) For the purposes of this Recommendation, traineeships are understood as a limited period of work practice, agreed between a trainee and a traineeship provider without the involvement of a third party, which includes a learning component, in order to gain practical experience ahead of taking up regular employment ('open-market' traineeships).
- (28) This Recommendation should cover all 'open-market' traineeships, whether remunerated or not.
- (29) This Recommendation does not cover work experience placements that are part of academic curricula, of formal education or vocational course. Traineeships the content of which is regulated under national law and whose completion is a requirement to obtain a university degree or to access a specific profession (e.g. medicine, architecture, etc) are not covered by this Recommendation.

HEREBY RECOMMENDS THAT MEMBER STATES:

- (1) Improve the quality of open-market traineeships, in particular as regards learning content and working conditions, with the aim of easing the transition of young persons from education to work by adopting within their legislation or national practice the following principles for a Quality Framework for Traineeships:

#### **Conclusion of a written traineeship agreement**

- (2) Require that traineeships are based on a written agreement concluded in advance of the traineeship between the trainee and the traineeship provider;
- (3) Ensure that traineeship agreements indicate the educational objectives, the working conditions, whether remuneration or compensation is provided to the trainee by the traineeship provider, the rights and obligations of the parties under applicable EU and national law, as well as the duration of the traineeship, as referred to in recommendations 4-12;

#### ***Learning objectives***

- (4) Promote best practices as regards learning objectives in order to help young people acquire practical experience and relevant skills; the tasks assigned to the trainee should enable these objectives to be attained;

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<sup>24</sup> COM(2012) 727 final, 11.12.2012.

<sup>25</sup> COM(2013) 800 final, 13.11.2013.

- (5) Encourage traineeship providers to designate a supervisor for trainees guiding the trainee through the assigned tasks, and monitoring his/her progress;

#### ***Working conditions***

- (6) Ensure that the rights of trainees under applicable EU and national law, as well as their working conditions, including applicable limits to maximum weekly working time, minimum daily and weekly rest periods and minimum holiday entitlements are respected;
- (7) Require traineeship providers to clarify coverage in terms of health and accident insurance as well as sick leave;
- (8) Ensure that the traineeship agreement clarifies whether remuneration and/or compensation are applicable, and if applicable, the rate of remuneration and/or compensation;

#### ***Rights and obligations***

- (9) Ensure that the traineeship agreement lays down rights and obligations of the trainee and the traineeship provider, including where relevant the traineeship provider's policies on confidentiality and the ownership of intellectual property rights;

#### ***Reasonable duration***

- (10) Ensure a reasonable duration of traineeships that as a rule does not exceed six months, except in cases where a longer duration is justified, for example in-house training programmes for recruitment or traineeships undertaken in another Member State;
- (11) Clarify the circumstances and conditions under which a traineeship may be extended or renewed after the initial traineeship agreement expired;
- (12) Encourage the practice of specifying in the traineeship agreement that either the trainee or the traineeship provider may terminate it with two weeks' written notice;

#### **Proper recognition of traineeships**

- (13) Encourage traineeship providers to certify through a certificate or a letter of reference the knowledge, skills and competences acquired during traineeships;

#### **Transparency requirements**

- (14) Ensure that traineeship providers include in their vacancy notices and advertisements information on the terms and conditions of the traineeship, in particular on whether remuneration and/or compensation and social protection are applicable, and that the employment services apply transparency requirements and appropriate career guidance;

#### **Social partners**

- (15) Promote the active involvement of social partners in implementing the Quality Framework for Traineeships;

### **Cross-border traineeships**

- (16) Facilitate the cross-border mobility of trainees in the European Union *inter alia*, by clarifying the national legal framework for open-market traineeships and establishing clear rules on hosting trainees from, and the sending of trainees to, other Member States and by reducing administrative formalities;
- (17) Promote the use of the extended EURES network and the exchange of information on traineeships through the EURES portal and encourage employment services to upload traineeship vacancies on the EURES portal;

### **Use of European Structural and Investment Funds**

- (18) Make use of the European Structural and Investment Funds, namely the European Social Fund and the European Regional Development Fund, in the next programming period 2014-20, and the Youth Employment Initiative, where applicable, for increasing the number and quality of traineeships, including through effective partnerships with all relevant stakeholders;

### **Implementation of the Quality Framework for Traineeships**

- (19) Implement the Quality Framework for Traineeships as soon as possible, and no later than the end of 2014;
- (20) Identify the public authority in charge of this implementation and communicate to the Commission how the Quality Framework for Traineeships is implemented;
- (21) Promote the active involvement of employment services, educational institutions and training providers in implementing the Quality Framework for Traineeships.

### **NOTES THAT THE COMMISSION INTENDS TO:**

- (22) Foster close cooperation with Member States, social partners and other stakeholders with a view to the swift implementation of this Recommendation;
- (23) Monitor the implementation of the Quality Framework for Traineeships pursuant to this Recommendation and analyse the impact of the policies in place;
- (24) Report on progress in implementing this Recommendation on the basis of information provided by Member States;
- (25) Work with Member States, social partners, employment services, and youth and trainee organisations to promote this Recommendation;
- (26) Encourage and support Member States, including through promoting the exchange of best practices among them, to make use of the European Social Fund and the European Regional Development Fund or other European Funds for the 2014-2020 programming period to increase the number and quality of traineeships;
- (27) Continue its efforts to increase the offer of transnational traineeships under the Erasmus+ programme;

- (28) Work, together with the Member States, towards the inclusion of traineeships in EURES and set up a dedicated webpage on national legal frameworks for traineeships.

Done at Brussels,

*For the Council*  
*The President*