



## HOTREC Position

### Traineeship Directive – Trilogue Negotiations

HOTREC<sup>1</sup> recognises the importance of improving and enforcing fair working conditions for trainees. However, we believe that a proposal for a **Recommendation would have been a more appropriate instrument than a Directive**. This would better respect national competences and existing frameworks while still achieving the shared objective of enhancing traineeships.

HOTREC supports the Council general approach ([10570/25](#)), and takes note of the European Parliament position ([2024/0068\(COD\)](#)) on the proposal for a Directive on Traineeships.

Our main priorities for the trilogue negotiations are:

- **Scope:** The Directive should only cover trainees with an employment contract. Traineeships forming part of education and training curricula, or active labour market policies, must remain outside its scope. Apprenticeships should also be explicitly excluded.
- **Equal treatment:** A differentiated treatment of trainees should be allowed where justified on objective grounds.
- **Role of social partners:** Collective agreements must retain the ability to derogate from the Directive, in full respect of national labour traditions.

HOTREC calls on the European Parliament and the Council to uphold these priorities in the final negotiations.

#### Article 1a – Scope

HOTREC supports the Council approach:

- The Directive shall apply to trainees who have an **employment contract** or who are in an employment relationship, as defined by national law, collective agreements or practice.
- It shall **not apply to traineeships** that are carried out within the national framework of **education or training, or active labour market policies**.

We also welcome that the European Parliament has specifically **excluded apprenticeship schemes** from the scope.

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<sup>1</sup> HOTREC is the European Association of Hotels, Restaurants and Cafés in Europe, representing 2 million businesses (90% of which are SMEs) and providing 10 million jobs.

### Justification

- Traineeships that are part of **formal education or training curricula** are usually classified as **student activity, not employment**. Under Articles 165(4) and 166(4) TFEU, the EU has no competence to harmonise Member State laws in this area.
- There must be a clear distinction between **apprenticeships** (governed by national law or collective agreements) and **open-market traineeships**. Overlap between the two would create confusion and legal uncertainty<sup>2</sup>.

### Article 3 – Equal treatment

HOTREC supports the Council approach:

- Member States shall allow for a **different treatment between trainees and employees** when justified on objective grounds, such as different tasks, lower responsibilities, reduced work intensity, or the predominance of a learning and training component.

### Justification

- By definition, traineeships prioritise learning over productivity. Tasks, responsibilities, and workload differ significantly from those of regular employees.
- Trainees gain learning experience. Employees perform tasks based on skills and qualifications. Therefore, we consider that **compensation or lower remuneration** can be fairly justified<sup>3</sup>.
- Example: In Belgium, open-market traineeships under a “Convention d’immersion professionnelle” must provide at least half the minimum wage and include accident insurance, striking a balance between learning objectives and fair protection.

### Article 12 – Role of social partners

HOTREC supports the Council approach:

- Collective agreements should retain the ability to derogate from the Directive.

### Justification

- The **autonomy of social partners** should be safeguarded, in line with the principle of subsidiarity.
- This ensures that diverse national practices and industrial relations systems can continue to function effectively, while respecting the EU framework.

### Support to SMEs

HOTREC welcomes provisions to support companies, and **SMEs in particular** (e.g. Amendment 7 – Art. 7(1)(b) of the Parliament position).

- Administrative burden and red tape should be reduced as much as possible.
- Excessive obligations would discourage companies, especially SMEs, from offering traineeships, thereby limiting opportunities for young people and reducing competitiveness and innovation in the sector.

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<sup>2</sup> Apprenticeships are typically structured programs that combine practical work experience with theoretical education, often leading to a recognised qualification. They are usually regulated at the national level or collective bargaining agreements and may be part of formal education or vocational training systems. In contrast, open market trainings are more flexible, often shorter in duration, and may not lead to formal qualifications.

<sup>3</sup> To note that Council Recommendation for a Quality Framework for Traineeships ([2014/C 88/01](#)) refers to **compensation or payment** (Recommendation 8). HOTREC agrees with this approach.