

The Right to Training in European Union Law

**A legal study on the
constitutional limits of EU action
under Article 166(4) TFEU**

Executive summary





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Executive summary



What the study asks

For some time now, political discussions have been ongoing at EU level on the possibility of a directive – a binding EU law – that would give every worker in the EU an enforceable right to training against their employer. This study asks a single question: do the EU Treaties allow such a law to be adopted? It does not ask whether training is important. It is, and nobody disputes it. The question is about legal competence: what the EU is legally empowered to do, and what the Treaties leave to national governments and social partners.

The answer

No. EU law today regulates certain aspects of training – for example, training that an employer is already obliged to provide must be free of charge and count as working time – but nowhere does it give workers a general right to training. The Treaties do not empower the EU to create one. The obstacle concerns the right as such, whether or not it comes with a fixed number of hours or days.

Why the EU lacks the legal competence

First, the Treaty says so in plain words. Article 166(4) of the Treaty on the Functioning of the European Union allows the EU to support and fund vocational training, but expressly excludes any harmonisation of national rules in this field – that is, replacing national rules with a common European one. Member States chose to keep the design of their training systems for themselves, and that choice has survived every Treaty revision since 1992.

Second, there is no back door through “working conditions”. A different Treaty article (Article 153) lets the EU legislate on working conditions, and some argue that a training right could pass under that legal basis. The Court of Justice, however, looks at the real subject matter of the law, not the label chosen by its drafters. A directive whose real subject is training falls under the training article and its prohibition. Today's policy debate makes this harder for proponents, not easier: training is now presented as preparation for the jobs of the future, portable across employers and sectors. The more it is framed that way, the further it moves from workplace regulation and the more clearly it belongs to the field the Treaty closed off.

Third, the Charter of Fundamental Rights does not change this. Article 14 of the Charter mentions access to training, but the Charter states expressly that it creates no new EU powers.

Fourth, there is no catch-all. A residual clause (Article 352) lets the EU act where the Treaties are silent. Here they are not silent: they granted a limited power on purpose.

The Court has just shown that these limits bite

In November 2025, the Court of Justice annulled the central provisions of the *Adequate Minimum Wages Directive* because they crossed a comparable Treaty reservation, the one on pay. A single Member State brought the case, three years after the directive was adopted, and won. A directive creating a right to training would carry the same risk from the day of its publication, and years of national implementation work could again be spent on rules the Court later removes.

What the facts show

The study surveys all twenty-seven Member States (the full country-by-country analysis is in the annex). Only two – Portugal and Belgium – require employers by general statute to provide a set amount of training. The countries with the highest adult participation in training – Sweden (64.0%), Denmark (58.8%) and Finland (56.8%), against an EU average of 33.8% – impose no such requirement; they rely on collective bargaining, sectoral funds and public co-financing. A uniform EU rule would change the legal form in twenty-five countries without any evidence that it would raise participation, and it could disturb national arrangements that already perform well. This diversity is not a gap for the EU to fill. It is the result intended by the Treaty.

What the EU can legitimately do

The EU is far from powerless in this field. It can issue recommendations, as it did on individual learning accounts in 2022. It can fund training through the European Social Fund Plus and the Just Transition Fund. It can set benchmarks and compare national performance. And European employers and trade unions can negotiate agreements between themselves. These are not second-best options; they are the instruments the Treaties provide for a field where national systems legitimately differ.

In short

Support and fund: yes. Harmonise: no. A directive creating a right to training – with or without a fixed number of hours – would exceed the EU's powers and would be exposed to annulment by the Court of Justice.



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Its areas of work include labour market and social policy, industrial relations, occupational health and safety (OHS), skills development and workplace transformation. Its members are cross-industry and sectoral employers' organisations operating at both European and national levels.

The EEI's activities consist of collecting data and information, analysing topics relevant to employers, conducting studies, establishing networks of researchers and research organisations in the fields of industrial relations and labour law, running of EU-funded projects and supporting social dialogue on horizontal and sectoral levels.

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