Brussels, 10-06-2025

EurECCA's contribution on call for evidence for an impact assessment for the Revision of EU Air Services Regulation (1008/2008)

Introduction and context

EurECCA welcomes the call for evidence for an impact assessment with the aim to revise Regulation (EC) 1008/2008 on common rules for air services, aiming to make aviation more **sustainable, resilient, and socially responsible**, while preserving fair competition and **high-quality employment**. EurECCA, the largest independent European Cabin Crew Association, is deeply invested in this revision to ensure that new rules close loopholes that undermine fair working conditions and conditions of employment. EurECCA's concerns centre on ending **"social dumping"** practices and strengthening labour standards and requirements in aviation.

EurECCA's' priorities focus on six key objectives, each addressed in detail below:

1. **Clear definitions of "Operational Base" and "Principal Place of Business":** Establish legally binding definitions to prevent **regulatory arbitrage** that allows airlines to evade labour laws by shopping for favourable jurisdictions.
2. **Strict limits on wet-leasing and ACMI from third countries:** Impose clear criteria (defining **"exceptional needs"** in law) so that wet-lease arrangements with non-EU carriers are truly temporary, not used to undercut European labour standards and therefore abuses can be prevented.
3. **Oppose relaxation of Ownership & Control (O&C) rules:** Maintain the EU's ownership and control requirements for airlines (no dilution of the 50%+ EU ownership rule) to prevent **flags of convenience** and uphold EU social and safety standards.
4. **Enforce labour law and safety standards across Member States:** Ensure that all aircrews enjoy the protection of applicable **labour laws and occupational health & safety (OHS)** rules, with EU oversight, including the European Labour Authority, to support national enforcement.
5. **Boost cross-border cooperation and transparency:** Strengthen coordination among labour inspectorates and civil aviation authorities across the EU for **joint inspections**, social security enforcement, and information-sharing to guarantee a level playing field.
6. **Protection of industrial action as a fundamental right of EU citizens**

Issues, proposals and argumentations

1. Define “Operational Base” and “Principal Place of Business”

Issue: The current regulation lacks clear binding definitions of an airline’s “operational base” and “principal place of business” (PPB). This gap enables some airlines to create **“letterbox” companies** or multiple bases to circumvent labour laws – leading to inconsistent application of rules and potential social dumping. Cabin crew can find themselves based in a country with no clarity on which country’s labour law, tax, or social security regime applies, undermining their rights.

Proposal: Amend Regulation (EC)1008/2008 to include binding definitions and obligations for operational bases and PPBs:

- **Operational Base:** Define as the exercise of a regular, stable and continuous air transport activity using technical, material and human resources, including the use of employees whose actual centre of professional activity is at the aerodrome concerned (the centre of an employee's professional activity is the place where he/she usually works or where he/she starts and ends his/her service). This definition should be linked to the concept of a **“secondary place of establishment”** under EU law, making clear that if an airline has a permanent operational base in a Member State other than its PPB, that operational base is an establishment subject to local jurisdiction.
- **Applicable Labor Law:** Tie the operational base definition to conflict-of-law rules (Rome I Convention) so that **the law of the place where the employee habitually works governs the contract** eurecca.eu. In practice, a cabin crew based in Member State X would fall under X’s labour law and social protections, even if the airline’s PPB is in Member State Y. Any choice of law in contracts cannot deprive employees of the protections of the law of the habitual place of work eurecca.eu. This closes the loophole of basing crew in one country while applying another country’s laxer labour rules.
- **Principal Place of Business:** Refine the definition of PPB to ensure an airline’s **core corporate presence** (registered office or central administration) is meaningful and tied to where a significant portion of operations occur. Require regulators to consider whether an airline’s actual commercial decisions and employment of staff correspond to its declared PPB. If not, measures should be taken (e.g. requiring re-registration or denying operating rights) to prevent use of a nominal PPB for convenience.
- **Regulatory Oversight:** Establish that **both** the licensing authority (home state of PPB) and the host state of any operational base have clearly defined oversight responsibilities. The host state should have competence over labour law enforcement and certain safety oversight for the base, while the licensing authority ensures overall regulatory compliance. A framework for cooperation between authorities will ensure **no operation falls through the gaps** of oversight.

Argumentation: These measures will directly prevent “forum shopping” by airlines. By legally defining operational bases as establishments, the regulation forces airlines to **abide by local labour standards where they operate**, eliminating incentives to register in a low-cost jurisdiction while operating largely elsewhere. This ends the unfair advantage of carriers that currently exploit grey areas to lower crew costs. It also upholds Article 153 TFEU’s mandate that the EU enacts Directives for worker health and safety in all sectors.

Clear definitions with shared oversight will **ensure full and efficient supervision of all operations (including "remote" "secondary bases"), stop letter-box companies and flags of convenience, and prevent social dumping by clarifying which labour laws and social protections apply to cabin crews**. Only with this overlap of the legislation a fair treatment for cabin crews and accountability for the airline can be guaranteed. In short, an airline will no longer be able to evade national employment laws by claiming a transitory status; if it has a long-term base in a country, it must play by that country's rules. This creates a level playing field and legal certainty for aircrews and employers alike. And, it is also fundamental that ELA sees its mandate reenforced with cross country capability, targeted inspection can be carried out.

2. Impose strict limits on Wet-Leasing and ACMI with third-country carriers

Issue: Wet-leasing (leasing aircraft **with crew**) and ACMI agreements (Aircraft, Crew, Maintenance, Insurance) are intended for short-term needs but have been used by some EU airlines to outsource operations to low-cost carriers, including non-EU (third-country) airlines. Currently, **Article 13 of Regulation (EC) 1008/2008 allows European Union wet-leases indefinitely as long as safety is ensured**, with no further social conditions eurecca.eu. There is also a provision permitting wet-leasing from third countries for "exceptional needs" or seasonal/business needs, but this term is vague and easily abused. Relaxation of the wet lease ruling might pressure EU carriers to cut labour costs or outsource operation to remain competitive, potentially undermining collective bargaining and aircrews' rights. The lack of social safeguards means wet-leasing can drive down terms and conditions of employment for European crews and facilitate atypical employment models eurecca.eu. For example, long-term wet-lease arrangements effectively import cheaper labour, undermining EU jobs – even to the extreme of being used to break strikes (as when a UK airline wet-leased aircraft + crew from Qatar during a cabin crew strike). Unchecked, this loophole incentivizes a **"two-tier" workforce** and erodes collective bargaining and safety culture.

Proposal: Strengthen Article 13 and related provisions to tightly control wet-leasing, especially from third countries:

- **Define "exceptional needs" in binding terms:** Incorporate a clear, **legal definition of "exceptional needs"** for which third-country wet-leasing is permitted, mirroring the strict criteria in the EU-UK Trade and Cooperation Agreement (TCA). The TCA allows leasing from outside carriers only if justified by *unforeseen exceptional needs, seasonal capacity demands, or operational difficulties* of the lessee **and** only for the time strictly necessary to meet those needs eurecca.eu. EurECCA proposes codifying these criteria in the EU-community legislation. Normal commercial or cost-saving motives must **not** be qualified as exceptional. Regulators should approve such leases only case-by-case, requiring documented proof of the extraordinary circumstances (e.g. sudden aircraft grounding or short-term peak that cannot be met otherwise).
- **Time limits on wet-lease duration:** Impose a **hard time limit** for how long an EU airline may wet-lease aircraft with crew from another operator (especially non-EU). For instance, a continuous wet-lease on the same route or capacity could be limited to 3–6 months, after which extensions require special authorization and scrutiny. This prevents "semi-permanent" wet-leases that effectively replace EU jobs eurecca.eu.

European Union wet-leases between EU carriers should also face time limitations if they become recurrent.

- **Social protection clause:** Introduce a requirement that any wet-lease *must not undermine labour standards*. When assessing wet-lease approvals, authorities should consider the **terms and conditions of the crew supplied**. If the lessee airline's home crew would be governed by certain EU social standards, a lease should not be used to circumvent those. For third-country leases, mandate that **core labour standards (e.g. ILO conventions on the right to organize, bans on forced or child labour)** are respected by the lessor. This could be enforced by only allowing wet-leasing from countries that uphold basic labour rights and by giving cabin crews' representatives a say in objecting to problematic leases.
- **"Public interest" test:** Explicitly allow authorities to reject or limit wet-lease arrangements on **social policy grounds**, not just safety. Currently, if a lease is technically safe, it can proceed; we propose that if a lease would significantly harm **"the protection of the public interest in relation to social policy objectives"**, it can be denied eurecca.eu, eurecca.eu. This aligns with the EU-UK TCA language that recognizes social protection as part of public interest in aviation leasing.
- **Transparency and justification:** Require airlines to **notify regulators and labour authorities** (and, where applicable, trade unions) of planned wet-leases, including detailed justifications. These justifications should be made public (with appropriate confidentiality for commercial details) to ensure transparency. A common EU-level database of wet-lease authorizations could be maintained, helping track usage and ensure consistency across Member States.
- **Enforcement and oversight:** Encourage EASA and national aviation authorities to collaborate on oversight of wet-leased operations. While EASA handles safety, national authorities should exchange information on any compliance issues involving leased crews (e.g. violation of flight time limitations or social security issues). Smaller national authorities struggling to oversee complex lease arrangements (with chains of subcontractors) should be able to request support from EASA or peer authorities eurecca.eu. The European Labour Authority (ELA), discussed later, could assist in monitoring cross-border leasing impacts on labour rights.

Argumentation: These reforms will ensure wet-leasing remains a **safety valve for genuine emergencies, not a backdoor to cheap labour**. By adopting the TCA's strict wording on leasing only for exceptional, short-term needs eurecca.eu, the EU closes ambiguity that has allowed some carriers to run quasi-permanent outsourced operations. Today's situation, where wet-leases can be indefinitely renewed "as long as they are safe," is untenable eurecca.eu – it ignores the social impact on cabin crews and even on safety when crews operate long-term without integration into the lessee airline. Unlimited wet-leasing **"translates into lower terms and conditions for aircrew across the industry and gives a boost to atypical employment schemes"** eurecca.eu, as EurECCA has warned. Moreover, opening the EU market to third-country operators without equivalent social obligations means EU capacity and jobs are replaced by non-EU crews. This contradicts the EU's policy goal of **"contributing to quality jobs"** in Europe and aviation employment. By making leasing rules **"less burdensome"** only within strict limits, we avoid exporting jobs and ensure EU airlines aren't incentivized to sidestep their workforce. Crucially, we must also guard fundamental rights: clear wording should forbid the use of wet-leases to break strikes or undermine collective bargaining (as happened in the BA/Qatar case where an EU Regulation was misused to nullify workers' right to strike). In summary, tightening wet-lease rules will protect European jobs and standards

while still permitting flexibility for true exceptional situations – preserving fair competition rather than a race to the bottom.

3. Protect EU Ownership & Control rules – No flags of convenience

Issue: Under current O&C rules, an EU airline must be majority owned and effectively controlled by EU nationals (with up to 49% foreign ownership allowed). The European Commission has hinted at liberalizing these ownership and control requirements in pursuit of investment or as part of air transport agreements with third countries. EurECCA is **firmly opposed** to any relaxation of O&C without strong safeguards. Loosening ownership caps or control criteria could enable **"flags of convenience" in aviation**, where carriers are formally EU-based but in reality controlled by foreign entities that might exploit regulatory differences (akin to what happened in maritime shipping). There's also a risk that foreign state-subsidized airlines or investors could take over EU carriers, potentially undermining labour standards, given that some non-EU countries have much weaker protections or different business practices. Notably, other major markets **do not reciprocate** such liberalization – the U.S. strictly limits foreign airline ownership to 25%, and countries like Qatar, Turkey, ASEAN states have shown little interest in loosening O&C in their agreements with the EU. Thus, pushing this agenda could harm EU workers and airlines without clear benefits.

Proposal: Retain and strengthen the EU's O&C rules in the revised Regulation, and build in protections against flag-of-convenience practices:

- **No increase in foreign ownership threshold: Keep the 49% cap on non-EU ownership** of EU airlines. The revision of Regulation (EC)1008/2008 should explicitly state that majority ownership and effective control must remain with EU persons or entities. Removing or raising this limit unilaterally, absent reciprocal market access and robust conditions, would expose EU airlines to foreign takeover without guarantee of equal opportunity abroad. The Commission should instead use case-by-case provisions in air service agreements if any flexibility is needed, but the default EU Regulation must hold the line.
- **Maintain "effective control" rigorously:** Clarify the definition of "effective control" to prevent creative circumvention. This could include criteria such as requiring that strategic commercial decisions and chief executives are EU-based. The Commission's recent Guidelines on O&C should be codified or referenced to help national authorities uniformly assess control file. If problems exist with inconsistent national application of control tests, the solution is **better guidance and oversight**, not abolishing the rules. EurECCA supports the Commission increasing its monitoring of how Member States vet ownership/control in license approvals, possibly via an annual reporting mechanism.

Argumentation: The message is that **relaxing O&C rules would be premature and potentially harmful**. No major trade partners have offered the EU meaningful reciprocal access in exchange for loosening these rules. Unilaterally lifting the 49% cap could invite foreign state-owned or low-cost players to use EU shell airlines as Trojan horses, eroding standards and even risking connectivity if those owners pull out in tough times. Aviation is considered a strategic sector vital to national and EU-wide infrastructure. Allowing foreign control could reduce EU states' ability to ensure continuity of service in emergencies or

conflicts. Non-EU governments (especially from countries with state-owned airlines) might gain indirect influence over EU aviation policies and creating unfair competition.

Indeed, **foreign capital without local roots has proven volatile, often lacking long-term commitment when aviation's cyclical downturns hit**. Europe learned from past crises that airlines need sustainable business models, not just infusions of cash that might seek quick profit at labour's expense. Moreover, EU rules must not be changed just because enforcement was lax in some cases and problems with the application of rules must not be solved by abolishing those rules. Instead, doubling down on proper enforcement (through consistent Guidelines and Commission oversight) is the prudent path. Maintaining robust O&C requirements, as EurECCA advocates, will **prevent the proliferation of flags-of-convenience and social dumping in aviation**. This protects Europe's aviation workforce and ensures that competition remains fair. It also aligns with the EU's broader goals of **strategic autonomy** – keeping critical transport services under EU control – and with social objectives, by avoiding scenarios where non-EU controlled airlines bypass European labour standards. In sum, EurECCA urges policymakers to keep the **"European" in European airlines**, preserving both ownership and control and the social responsibilities that come with it.

4. Ensure enforcement of labour law and OHS standards for all aircrew

Issue: Even the best rules on paper mean little if not enforced. Today, enforcement of labour standards in aviation is inconsistent across Member States. Cabin crew and pilots working across borders often face uncertainty over which country's labour law applies, and some unscrupulous employers can exploit these gaps. In addition, aviation has been **excluded or exempted from some general EU labour Directives** – for instance, there is no dedicated EU **Occupational Health & Safety (OHS)** Directive for aviation workers, and the Working Time Directive's application to aircrew is limited to flight time limitations managed by EASA rules. This regulatory gap leaves cabin crew without the full spectrum of workplace health and safety protections enjoyed by other workers. The result is that issues like fatigue, mental health, or ergonomic injuries may not be adequately overseen by labour authorities, as they would be in other sectors. Moreover, Member States differ in how proactively they enforce labour laws for airlines: some have strict rules (e.g. requiring an airline with a base to establish a local company), while others take a "laissez-faire" approach. This patchwork can allow forms of **"atypical" or precarious employment** (contracting via temporary agencies, bogus self-employment, pay-to-fly schemes) to flourish in less regulated jurisdictions, undermining standards across Europe eurecca.eu, eurecca.eu. For example, the use of Ireland-based crew hiring agencies for operations in other countries created confusion over jurisdiction, enabling avoidance of certain taxes and social contributions.

In essence, **lack of a common social framework** in aviation means good companies are undercut by those willing to skirt the rules.

Proposal: Integrate strong enforcement mechanisms and social protection requirements into the revised Regulation, ensuring every aircrew member working in the EU is covered by **effective labour law and safety oversight**:

- **Embed social compliance in operating license conditions:** Amend Article 4 (Operating License requirements) to explicitly require that an airline *demonstrates compliance with applicable labour laws and social security obligations* in the Member

States where it operates. Just as financial fitness is checked, social fitness should be too. For instance, when an airline applies or renews its operating license, the licensing authority should verify that the airline **respects all employment laws** for aircrews at its operational bases (e.g. has proper work contracts, pays social contributions in the correct country, respects working time limits). Non-compliance could lead to warnings or even suspension of the operating license.

- **Role of European Labour Authority (ELA):** Leverage the ELA to support cross-border enforcement (as detailed in Priority 5). Specifically, establish a formal cooperation between DG MOVE and the ELA to handle cases where labour rights may be violated across borders. The revised Regulation can include a clause mandating referral of suspected **infringements (e.g. an airline misapplying labour law)** to the ELA for coordination of investigation among Member States. The ELA, operational since 2019, has the mandate to facilitate joint labour inspections and mediate disputes on cross-border employment. EurECCA proposes that **ELA plays a crucial role in coordinating and supporting enforcement of EU social law in aviation** eurecca.eu. This could mean organizing an EU-wide inspection blitz on airlines' labour practices or ensuring that if crew complain in one country about a company based in another, the case is followed up.
- **Occupational Health & Safety (OHS) measures:** EurECCA advocates for the Commission (DG EMPL in collaboration with EASA) to develop dedicated **OHS Guidelines or Regulations for aircrews**. While this might be outside the scope of 1008/2008 itself, it can be recommended in the revision's accompanying measures. The lack of an EU OHS Directive for aviation workers is, as EurECCA notes, **contrary to the requirements of the EU Treaty (Article 153) which calls for health and safety protection in all workplaces**. According EurECCA, DG EMPL and national authorities must begin to work on an Aviation OHS Directive or integrate aviation-specific provisions into existing Directives and considering the aircraft as the place of work. In the meantime, the revised Air Services Regulation could incorporate a general duty for airlines to provide a safe working environment and could reference compliance with any **EASA safety recommendations related to human factors** (e.g. the 2017 EASA "New Business Models Hazards" guide highlighting how precarious employment can affect safety eurecca.eu. Making a link between social conditions and safety in the Regulation's recitals would underscore the importance of decent work for safety outcomes.
- **Pan-European Labor Ombudsperson/Contact Point:** Establish or designate a mechanism for individual aircrew to seek redress or information if they believe their rights are being circumvented. For example, require the Commission or ELA to maintain a **one-stop helpdesk** for mobile aviation workers. Crew often face difficulty identifying their employer or applicable law when employed via complex arrangements eurecca.eu. The ELA could be tasked to assist workers in understanding their rights and directing them to the appropriate national inspectorate or court.
- **Data and Transparency:** Improve transparency by requiring airlines to report **employment data** by country. The Regulation could mandate that airlines annually report to the Commission the number of aircrews based in each Member State, the form of their contracts (direct, temporary agencies, self-employed, etc.), and the jurisdiction of their social security coverage. This data (kept confidentially or published in aggregate) would allow authorities to spot trends (e.g. large shares of crew on atypical contracts) and act if something looks amiss. It will also help measure the effectiveness of enforcement efforts over time.

Argumentation: Ensuring enforcement is essentially about making **"social responsibility" a reality in European skies**. The European Commission itself has recognized that the revised rules must **"ensure the principles of socially responsible behaviour" by airlines** eurecca.eu, and that no carrier should gain advantage by circumventing social laws eurecca.eu. By integrating labour compliance into aviation Regulation, EurECCA mainstreams the idea that market access and social standards go hand in hand. This is analogous to how environmental standards are being built into aviation (through the Green deal's Fit for 55 measures); we must similarly embed social standards. Effective enforcement across all Member States addresses the current **enforcement gap**: only a few countries **"carry out labour inspections on their airlines, or actively prevent misclassification of employees"**, and legislation varies widely. This not only hurts workers but also **distorts competition** between airlines – those "playing by the rules" are put under unsustainable pressure by those who do not. A single European aviation market needs a uniform floor of labour protection; otherwise, a "race to the bottom" forces even good employers to consider bad practices to stay competitive. EurECCA positions of beefing up enforcement and OHS will help **end the pattern of regulatory evasion and/or fiscal optimisation**. It draws on Treaty principles (Article 153 TFEU on improving working conditions) to justify EU action in a sector that has lagged behind in social protection. By championing these changes, EurECCA aligns with the **European Pillar of Social Rights** and the vision of a **"Social Europe"** where mobility is fair. Practically, better enforcement means healthier, safer cabin crew, which correlates with better service and safety for passengers – a point we will make to win broad support. In summary, we want an aviation internal market that is not just economically successful but also a model of **decent work and compliance**, ensuring that all airlines operating in the EU respect the same high social standards.

5. Strengthen cross-border cooperation, inspections and social protection

Issue: Aviation is inherently cross-border – airlines operate in multiple countries, and aircrew often work on flights spanning several jurisdictions. This makes it easy for companies to exploit gaps between national systems. For example, an airline might base an aircraft in Country A, hire crew through an agency in Country B, and run flights in Country C, confusing the enforcement authorities of each. Without strong **transnational cooperation**, no single Member State can fully police such an airline. Historically, coordination among national **labour inspectorates** and social security authorities in aviation has been weak. There have been instances where inspectors in one country were unsure if they could inspect an aircraft of an airline licensed elsewhere, or where an airline under investigation simply shifts operations to another jurisdiction. Moreover, sharing of information (e.g. about an airline's non-compliance) is ad hoc. This lack of coordination allows problematic airlines to **"forum shopping"** and avoid detection. It also means honest airlines that operate transparently in multiple countries face redundant or inconsistent procedures. On social protection, differences in national systems (especially for social security and unemployment benefits) create uncertainty for aircrew working abroad or across borders, and some companies have taken advantage by not registering employees properly anywhere. In short, **national silos in enforcement** undermine the promise of fair mobility.

Proposal: Place cross-border cooperation and transparency at the centre of the new Regulation's implementation, with concrete measures:

- **Joint inspections and data sharing:** Encourage and facilitate **joint labour inspections** in the aviation sector. The revised Regulation (or its accompanying measures) should mandate that national authorities cooperate for inspecting airlines with multinational operations. For instance, if an airline based in Member State X has a major base in Member State Y, the labour inspectorates and civil aviation authorities of X and Y should conduct **coordinated audits** of that airline's employment practices. The European Labour Authority can act as a coordinator for these joint inspections, offering a legal framework and logistical support. In fact, **conducting regular transnational labour inspections to identify abuses** is a recommended action. EurECCA will propose that the Commission launch an initiative under ELA specifically targeting aviation in the first year of the Regulation's entry into force.
- **European Labour Authority's coordinating role:** As noted, EurECCA sees the ELA as pivotal. We will push for language in the Regulation's recitals endorsing ELA's involvement in aviation and for a formal cooperation agreement between ELA and the network of civil aviation authorities. The goal is that when one Member State finds an issue (e.g. suspected bogus self-employment or avoidance of social contributions by an airline), ELA can swiftly bring in other affected states to take action. The Regulation could direct the Commission to utilize ELA for **"supporting the enforcement of applicable labour and social security laws in aviation"** eurecca.eu. EurECCA will also ask the ELA's Management Board (which includes Member State representatives and Commission) to prioritize aviation as a sector for its 2025–2026 work program.
- **Cross-border social security enforcement:** A joint work with the Administrative Commission for Social Security Coordination (the body overseeing EU rules on cross-border social security) would resolve issues of multi-state aircrew coverage. Airlines must not be allowed to evade paying into social systems. EurECCA proposes that airlines with bases in multiple countries be required to **designate a single country for each worker's social security contributions according to EU rules** and to **inform that country's authorities**. If crew perform substantial work in a country (or are based there), that country should be the one where contributions are paid – this follows Regulation 883/2004 on social security coordination. The new rules should facilitate information exchange so that, for example, Country A can confirm whether a crew based at its airport but employed by an airline from Country B has an A1 certificate or similar proving where contributions are paid. Lack of such transparency has been exploited in the past.
- **Information portal and whistleblowing:** Establish an EU-level **transparency portal** where basic information on airlines' operating bases and employment models is available to regulators and possibly the public. For example, the Commission could maintain a register (drawing from the annual employment data mentioned in priority 4) listing each EU airline's principal place of business and operational bases, including which subsidiary or contracting firm employs the staff at each base. This would shine a light on complex setups. Additionally, ensure robust **whistleblower protections** for aircrew who report malpractices – perhaps via an EU hotline (managed by ELA) that guarantees anonymity and triggers cross-border investigations.
- **National cooperation mechanisms:** At national level, EurECCA urges each Member State to improve coordination between its **civil aviation authority (CAA)** and its **labour inspectorate/social affairs ministry**. Often, CAAs focus on safety and economic licensing, while labour enforcement is separate; the two need to share

information. For example, when a CAA issues an airline license or authorizes a wet-lease, it should notify the labour authorities to be vigilant about that operator's employment practices. The Regulation could include an article requiring Member States to **designate a liaison unit or officer** for aviation labour issues, responsible for liaising with other countries. Transport attaches in Council (who often come from transport ministries) should also liaise with their labour ministry counterparts to form a united national position that social concerns must be addressed in the Air Services Regulation revision.

- **Monitor and review:** Finally, include a review clause: within, say, two years of the Regulation's entry into force, the Commission should report on how well labour law enforcement and cross-border cooperation have improved in aviation. If gaps remain, consider additional measures (e.g. empowering an EU agency or expanding EASA's remit to social oversight in some form).

Argumentation: Cross-border cooperation is the **linchpin** that holds the above priorities together. Without it, definitions and rules can still be gamed in practice. By making enforcement truly European, we remove the incentive for airlines to "forum shop" for weak Regulation – there will be **"nowhere to hide"** because authorities will act in unison. The European Labour Authority was created precisely to ensure fair labour mobility; using it in aviation will demonstrate the EU's commitment to **"fair mobility"** in a high-profile sector. EurECCA underscores that **"enforcement and cross-border coordination should be at the heart of the revised Regulation"**, as previously stated in our consultation input eurecca.eu. If authorities work together on inspections for carriers operating in multiple states, **social dumping and unfair competition can be prevented at the source**. This cooperative approach not only protects workers but also helps law-abiding airlines: it creates a level playing field where no Member State can be a haven for low-cost regimes. Importantly, better cooperation will increase **transparency** in the industry – both regulators and worker representatives will have clearer visibility of airline practices. This aligns with current EU priorities on transparency and enforcement (e.g. the European Commission's push for better implementation of existing social legislation). Finally, tying these efforts to broader EU agendas: just as the **European Green Deal** requires collective action to cut emissions, a "Social Deal" for aviation requires collective inspection to uphold rights. The **Fit for 55** climate measures (like sustainable fuel mandates) will impose new costs on airlines in Europe; strong cross-border social enforcement ensures carriers don't try to **offset those costs by squeezing labour via cross-border loopholes**, thus keeping the transition fair eurecca.eu, eurecca.eu. In sum, by enhancing cross-border coordination and transparency, we reinforce every other element of this strategy – sending a clear signal that Europe's single aviation market will not tolerate **regime-shopping, hidden exploitation, or opaque practices**. Instead, it will champion fair competition grounded in respect for workers across all Member States.

6. Protection of industrial action as a fundamental right of EU citizens

Issue: Within the call for evidence for an impact assessment, it is mentioned that "airlines have been concerned about how delays and cancellations due to strikes by air traffic controllers (ATCs) impact their freedom to provide services." It is stated that the impact would be "particularly disproportionate when it affects flights which do not depart from or land in the country whose ATCs are on strike, but simply overfly that country's airspace."

Proposal:

- EurECCA rejects the assessment mentioned within the call for evidence for an impact assessment and clearly opposes any attempt to restrict the right to take industrial action under the guise of false premises.
- Additionally, EurECCA does not agree with the assessment that there is “no impact expected” on any fundamental rights as the Right of Collective Bargaining and Action (Charter 28 of the Charter on Fundamental Rights of the European Union) is clearly affected.

Argumentation:

Whilst EurECCA is acknowledging that industrial action will at times cause inconvenience for passengers as well as airlines, such type of inconvenience cannot be averted without denying people working within the aviation industry their fundamental right to take effective industrial action in order to pursue collective bargaining goals.

It has to be clearly stated: No workers should be obliged to work during a strike with which a labour union is pursuing legitimate collective bargaining goals. Having to avoid the airspace of a country whose ATC controllers are taking industrial action is very clearly not a “particularly disproportionate” restriction of an entrepreneurial freedom to offer services.

The right to strike as a fundamental right of any European citizen (Charter 28 of the Charter on Fundamental Rights of the European Union) has to be upheld.