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EurECCA's contribution to the call for evidence on the fair labour mobility package

Introduction – Fair labour mobility and the structural reality of Cabin Crew employment

The European Cabin Crew Association (EurECCA) welcomes the European Commission's initiative on a Fair Labour Mobility Package and recognises its ambition to revitalise one of the most fragile freedoms of the Single Market: the free movement of workers. For cabin crew, labour mobility is neither an abstract principle nor an occasional experience but a structural condition of employment. Cabin crew operate across borders on a daily basis, yet remain legally anchored to systems that were never designed for permanent mobility. Their employment relationships frequently involve foreign jurisdictions, fragmented social security affiliations, intermediary structures and contractual arrangements that obscure the real place where work is performed. EurECCA has repeatedly underlined, notably in its policy work on social dumping in European aviation, that when mobility is driven primarily by cost competition and regulatory arbitrage, it ceases to be a freedom for workers and becomes a mechanism of pressure on wages, working conditions and collective bargaining systems. As such, the aviation sector constitutes a revealing mirror of the strengths, but also of the unresolved contradictions, of the current European framework governing cross-border work.

EurECCA has documented, notably in its position paper [Social Dumping in European Aviation](#), that these practices are not marginal deviations, but increasingly central elements of certain airline business models.

Aviation as a stress test for fair labour mobility in the Single Market

The aviation sector demonstrates with particular clarity how imbalances between economic freedoms and social rights have been allowed to widen. Over the past decade, airlines have increasingly relied on complex cross-border employment structures, wet-leasing and temporary agency work to fragment employment relationships and weaken cabin crews' bargaining power. EurECCA has pointed out how these models undermine trade union representation, dilute employer responsibility and create a workforce that is formally mobile but socially insecure degenerating into structural precariousness and unfair competition. The present initiative offers a decisive opportunity to realign mobility with fairness, and economic freedom with social responsibility.

Social dumping and regulatory arbitrage as systemic practices

European case law has repeatedly attempted to reintroduce legal substance into this reality. In *Koelzsch* (C-29/10) and *Voogsgeerd* (C-384/10), the Court of Justice of the European Union affirmed that the place where the employee habitually carries out their work must prevail over purely formal contractual links. This jurisprudential line was further consolidated in aviation-specific contexts, most notably in *Ryanair* (C-168/16), where the Court recognised the operational "home base" of aircrew as a decisive connecting factor for determining jurisdiction



and applicable labour law. These judgments reflect a clear judicial intent to prevent the artificial disconnection of workers from the legal systems most closely linked to their working reality.

CJEU, *Koelzsch*, <https://curia.europa.eu/juris/liste.jsf?num=C-29/10>

Voogsgeerd, <https://curia.europa.eu/juris/liste.jsf?num=C-384/10>

Ryanair, <https://curia.europa.eu/juris/liste.jsf?num=C-168/16>)

Strengthening the European Labour Authority

Despite this jurisprudence, EurECCA observes a persistent gap between legal principles and enforcement on the ground. This gap is particularly visible in aviation, where labour inspections remain nationally confined while employment structures are inherently transnational. EurECCA therefore strongly supports the Commission's intention to reinforce the mandate of the European Labour Authority. A stronger ELA is indispensable if EU law is to retain credibility in sectors characterised by high mobility, subcontracting and complex corporate architectures. Without an enhanced capacity to conduct joint inspections, carry out sector-specific risk assessments and address cross-border employment schemes involving third-country nationals, enforcement will continue to lag behind economic integration.

The European Social Security Pass (ESSPASS)

The proposal for a European Social Security Pass constitutes another potentially transformative element of the package. EurECCA has long advocated for greater transparency and traceability of social security rights for mobile aircrew, who often face administrative opacity regarding their affiliation, contributions and entitlements.

However, digital instruments cannot compensate for unresolved substantive ambiguities. As EurECCA stressed in its position paper on occupational health and safety, the persistent misalignment between social security affiliation, habitual place of work and actual exposure to occupational risks undermines both worker protection and legal certainty. The Social Security Pass must therefore be conceived not as a voluntary facilitation tool, but as an enforceable mechanism grounded in clear and sector-sensitive legal criteria.

Skills mobility must not replace employment protection

Similarly, while EurECCA supports initiatives aimed at skills portability and recognition of qualifications, it cautions against a policy narrative that risks substituting skills mobility for employment protection. Cabin crew qualifications are already harmonised at EU level, yet the sector continues to suffer from high turnover, increasing psychosocial risks and declining job stability. As highlighted in EurECCA's submissions to the European institutions on quality jobs in aviation, labour shortages cannot be credibly addressed without tackling the working conditions that drive experienced crew out of the profession but require investment in decent working conditions, social dialogue and collective bargaining coverage, in line with the [European Pillar of Social Rights](#).



Subcontracting, posting and permanent mobility: A legal grey zone

Finally, EurECCA welcomes the Commission's recognition of the enforcement challenges posed by subcontracting, posting and the use of labour intermediaries. In aviation, these mechanisms have produced a situation of "permanent mobility", where cabin crews are neither genuinely posted nor genuinely established, but continuously displaced across legal regimes. Existing instruments were not designed for this reality. If the Fair Labour Mobility Package is to succeed, it must confront this grey zone directly and ensure that equal work in the same operational context entails equal rights, irrespective of contractual engineering.

Conclusion

In conclusion, EurECCA firmly believes that fair labour mobility cannot be reduced to administrative simplification or digital innovation alone. It requires political resolve, legal coherence and effective enforcement. Cabin crew, as emblematic mobile workers, should not be treated as an exception to Social Europe, but as a reference point for its credibility. EurECCA remains committed to working with the European Commission to ensure that the Fair Labour Mobility Package strengthens Social Europe and delivers tangible improvements for mobile workers in aviation.

EurECCA stands for fair skies and fair work

FLYING TOGETHER – PROTECTING EACH OTHER

About EurECCA: established in Brussels in 2014, the European Cabin Crew Association, EurECCA, represents, protects and develops the rights and needs of cabin crew all over Europe. It is composed of cabin crew unions from European Union Member States as well as accession and bordering states and represents some 50,000 cabin crew in Europe. EurECCA has no political connections. EurECCA's work is around Cabin Crew working conditions, wages, social protection and health and safety at work.

EurECCA European Cabin Crew Association AISBL
Avenue Louise 143/4
1050 Brussels, Belgium

www.eurecca.eu
contact@eurecca.eu