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EurECCA's submission to the call for evidence on a Commission Communication on Better Regulation

EurECCA and the specificities of the aviation sector

EurECCA, the largest independent European Cabin Crew Association based in Brussels, represents cabin crew across Europe and contributes to EU policymaking from the perspective of cabin crew operating in a highly regulated, safety-critical and inherently transnational sector. Cabin crew perform safety, security and emergency duties that are essential to the protection of passengers and aircraft, under strict regulatory and operational constraints.

In civil aviation, EU regulatory choices have direct and immediate consequences for working conditions, occupational health and safety, fatigue management, employment models and access to social protection. These impacts extend beyond the individual worker and directly affect aviation safety, operational resilience and public confidence in air transport. For this reason, EurECCA has consistently underlined that aviation regulation cannot be treated as a purely economic or technical policy area, but must fully integrate its social and safety dimensions.

Better Regulation as a tool for effective and legitimate EU action

In a context of profound economic, geopolitical and operational change, the modernisation of the Better Regulation framework is a key lever to ensure that EU action remains both effective and legitimate. EurECCA acknowledges the need for the Commission to act swiftly and decisively when confronted with genuine emergencies or rapidly evolving situations, including crises affecting connectivity, security or market stability.

However, EurECCA's experience in the aviation sector demonstrates that urgency must remain a strictly circumscribed exception and not become a standard mode of policymaking. Better regulation should not be understood primarily as an exercise in reducing burdens or accelerating procedures, but as a means of improving the quality, coherence and enforceability of EU legislation, in line with the public interest objectives of the Union.

Evidence-based policymaking and the risks of accelerated procedures

EurECCA has repeatedly warned that accelerated or simplified regulatory processes, when insufficiently supported by comprehensive social and operational evidence, risk weakening essential safeguards in aviation. This is particularly the case where initiatives affect working time limitations, rest requirements, fatigue risk management systems or cross-border employment arrangements.



In practice, such approaches may contribute to increased fatigue exposure, erosion of occupational health and safety standards and the proliferation of complex employment models. EurECCA has consistently raised concerns about the expansion of wet leasing and ACMI operations, the use of temporary work agencies, bogus self-employment and other atypical forms of employment, which can undermine social protection, complicate accountability and facilitate social dumping. These developments also create uneven application of EU labour and social rules, distorting competition between operators and Member States.

Even under time pressure, EurECCA considers that proportionate but systematic assessments of social, health and safety impacts remain indispensable. Where comprehensive ex-ante assessments cannot be fully carried out, robust ex-post evaluations with clear review clauses should be foreseen, particularly in a sector where operational and human factors are closely intertwined.

The Commission should therefore fully take into account the European Ombudsman's recommendations on the use of emergency or urgency procedures when implementing its recommendations of 25 November 2025. The Ombudsman identified instances of maladministration linked to an overly broad interpretation of "urgency", insufficient justification of such derogations, and a lack of transparency in the internal decision-making process. She called on the Commission to ensure a predictable, consistent and non-arbitrary application of the Better Regulation rules, including by clearly defining the notion of urgency and properly documenting any exemptions from standard procedural safeguards.

In this context, EurECCA considers that the Commission's forthcoming initiatives should explicitly reflect these recommendations by embedding clearer criteria for the use of emergency procedures, strengthening documentation and accountability requirements, and ensuring that even under accelerated timelines, the social, health and safety dimensions of aviation policy are not sidelined. This would not only align the Commission's approach with the Ombudsman's findings, but also reinforce legal certainty, stakeholder trust and the overall quality of EU rule-making in a sector where operational decisions have immediate and tangible consequences for cabin crew and passengers alike.

<https://www.ombudsman.europa.eu/en/recommendation/en/215920>



Safeguarding open and inclusive stakeholder consultations

With regard to consultations, EurECCA firmly emphasises the necessity of safeguarding open and inclusive public consultation processes as a cornerstone of better regulation. Open public consultations must not be replaced by targeted or invitation-only formats, which cannot offer equivalent guarantees in terms of transparency, inclusiveness and democratic legitimacy.

Any shift towards consultation models based predominantly on invitation carries a serious risk of excluding key stakeholders, including citizens, civil society organisations and social partners, in particular trade unions in all their diversity. EurECCA recalls that trade union pluralism is a fundamental pillar of European social dialogue and an indispensable source of expertise on the concrete, operational and human impacts of EU policies. In aviation, where employment is highly transnational and operational realities are complex, such expertise is essential to avoid regulatory blind spots.

EurECCA further notes that the effectiveness of consultations is hindered by structural shortcomings such as limited predictability of timetables, insufficient response periods and a lack of transparency regarding how contributions are taken into account. Improving these aspects would significantly enhance both the quality of evidence collected and stakeholders' trust in the process.

Simplicity, legal certainty and enforcement in aviation

EurECCA supports the objective of simplicity by design and clearer, more enforceable EU legislation. However, from a cabin crew perspective, simplification must not be equated with a reduction in ambition or protection. In a sector as complex and safety-critical as aviation, a certain degree of regulatory detail is often necessary to ensure legal certainty and effective implementation.

EurECCA has repeatedly highlighted that differentiated national transposition, minimum harmonisation and extensive reliance on delegated or implementing acts can contribute to legal uncertainty, enforcement gaps and unfair competition. These risks are particularly acute in relation to business models relying on wet leasing, cross-border outsourcing of labour and fragmented employment chains. Where the protection of cabin crew and a level playing field are essential, regulatory approaches should prioritise clarity, uniform application and effective enforcement across the European Union.

Better regulation should therefore also encompass stronger mechanisms for monitoring, enforcement and cooperation between competent authorities, ensuring that EU rules are applied consistently and effectively in practice.



Better regulation for a safe, fair and sustainable aviation sector

In conclusion, EurECCA considers that a modernised Better Regulation framework should strengthen, rather than weaken, the EU's capacity to legislate in the public interest. For cabin crew, better regulation means legislation that is evidence-based, proportionate and enforceable, fully integrating social, health and safety considerations and reflecting operational realities on the ground.

Such an approach is essential to ensure fair working conditions, prevent social dumping and maintain high safety standards, thereby contributing to a safe, sustainable and socially responsible European aviation sector.

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.

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