



Brussels, 21-09-2026

EurECCA Position Paper on the Fair Labour Mobility Package

Analysis of European Commission Communication COM(2026) 970 final

EurECCA position

EurECCA welcomes the Fair Labour Mobility Package and the Commission's express recognition that cabin crew and flight crew are mobile workers whose rights depend on effective cross-border rules. This Package combines a communication with five legislative proposals, including proposals on the European Social Security Pass and the European Labour Authority. It also announces a further proposal on social security coordination for 2027 and follow-up work on the posting of third-country nationals.

For aviation, however, horizontal measures will succeed only if they are adapted to a workforce that may cross several jurisdictions in a single working day while remaining organisationally attached to a home base. Cabin crew face frequent base changes, wet-leasing operations, temporary agency arrangements, long subcontracting chains and disputed employment status. These features allow gaps between labour law, social security, aviation safety rules and enforcement practice.

EurECCA therefore calls for an aviation-specific framework within the legislative negotiations and follow-up to the Package. Such a framework must use the home base as the central connecting factor, equip ELA to act on cross-border aviation risks, make social security documents instantly verifiable and ensure that simplification never reduces aircrews' substantive rights or the ability of authorities to inspect.

Priority measures

1. **Create a permanent aviation workstream within ELA.** EurECCA calls on ELA to conduct sectoral risk assessments, coordinate joint inspections and address airlines, labour suppliers, temporary work agencies and wet-lease providers across borders.
2. **Protect the home base rule.** The proposal announced by the Commission for 2027 must preserve and reinforce the home base as the connecting factor for flight and cabin crew and prevent artificial base allocation or repeated transfers intended to change applicable law.



3. **Deliver a centralised and interoperable ESSPASS.** The proposed ESSPASS Regulation must ensure that the portable document A1 and healthcare entitlements are issued within binding time limits, accessible to the aircrew and verifiable in real time by competent authorities.
4. **Adopt aviation-specific posting rules.** EurECCA calls for a sectoral framework that determines when and where aircrew are posted, identifies the competent authorities and anchors enforcement in the genuine home base and habitual place of work.
5. **Address complex employment models.** Enforcement must cover bogus self-employment, letterbox companies, temporary agencies, subcontracting, pay-to-fly arrangements and third-country crew used in intra-EU operations.
6. **Close the working time and health and safety gap.** EurECCA calls on the Commission to propose a revision of Directive 2000/79/EC and to develop aircrew-specific occupational health and safety rules under Article 16 of Directive 89/391/EEC.

Aviation safety flight time limitations cannot replace social protection.

Why aviation needs a specific implementation framework

The Communication identifies aviation as a strategic sector and states that the Package complements sectoral aviation initiatives. That recognition must lead to operational measures. The standard model of a cabin crew temporarily sent from one Member State to another does not reflect the daily reality. A crew member may report at a home base in one State, fly sectors touching several other States, be employed through an undertaking established elsewhere and operate an aircraft under an air operator certificate issued by another authority.

The absence of a binding EU definition of operational base adds to this uncertainty. EurECCA proposes that this gap be filled through the following binding definition:

"An operational base is a set of premises or infrastructures from which a company carries out a stable, usual and continuous air transport activity with employees who have the effective centre of their professional activity there. For the purposes of the above provisions, the centre of an employee's professional activity is the place where he/she usually works or where he/she starts its duty and returns after completing his/her assignment."

EurECCA calls for this definition to be incorporated into a future revision of Regulation (EC) No 1008/2008. Such a revision would complement the Fair Labour Mobility Package by making operational presence, labour responsibility and enforcement jurisdiction transparent.



European Labour Authority

EurECCA supports the targeted revision of Regulation 2019/1149 and the proposed improvements to ELA's risk analysis, information services, mediation and support for inspections involving third-country nationals. Civil aviation is a clear case for stronger European coordination because national authorities often see only one part of a multi-State operation.

The Communication nevertheless confirms that concerted and joint inspections remain voluntary and dependent on the initiative of the Member States concerned. This limits ELA's capacity where no single national authority has a complete view or a sufficient incentive to act. In aviation, fragmented responsibility can itself be the enforcement problem.

EurECCA calls for the proposed revision to be amended so as to allow ELA to propose and initiate a cross-border case on the basis of a documented risk assessment, while preserving the lawful powers of national inspectorates. Under this approach, a Member State that declines participation must give reasons, and ELA must be able to refer persistent enforcement gaps to the Commission. Risk analysis must combine information from labour inspectorates, social security institutions, civil aviation authorities and, where appropriate, EASA, subject to clear data protection safeguards.

EurECCA calls on ELA to establish a specialised aviation team and recurring inspection programme covering home base allocation, employment intermediaries, wet leasing, third-country nationals, working time records and the authenticity of the portable document A1. Cabin crew organisations must participate in the design of risk indicators and information tools.

ESSPASS and social security coordination

EurECCA strongly supports the objective of proving and verifying social security rights quickly and securely across the Union. The proposed initial focus on the portable document A1 and the European Health Insurance Card is directly relevant to cabin crew. Binding time limits, instant verification and convergence between A1 requests and posting declarations can reduce uncertainty for aircrew and compliant employers.

EurECCA reiterates its support for a centralised, interoperable architecture and considers that the system must provide the worker with direct access to the current document, its issuing institution, validity period, applicable legislation and any suspension or withdrawal. Competent authorities must receive reliable real-time confirmation. A paper alternative must remain available, but paper must not prevent digital verification of the underlying entitlement.

ESSPASS must not turn the A1 certificate into an unchallengeable digital presumption. It must strengthen the cooperation procedures required where an institution, inspectorate or court identifies fraud, incorrect information or a mismatch between the declared situation and the work actually performed. The tool must record changes and withdrawals promptly, protect



personal data and avoid making the worker responsible for an employer's failure to request or update a document.

The Commission has announced that it will present, in 2027, a proposal for further simplification and modernisation of the EU rules on social security coordination. The content and legal form of this future initiative have not yet been published. The proposal announced for 2027 must preserve and strengthen the specific home base rule in Article 11(5) of Regulation (EC) No 883/2004 and address multiple or rapidly changing bases, agency work, wet-leasing assignments and arrangements presented as self-employment. A home base must correspond to operational reality and must not be allocated solely to obtain lower contributions or weaker protection.

Posting of workers and third-country nationals

EurECCA welcomes the Commission's intention to clarify genuine posting of third-country nationals and ELA's role in supporting enforcement. Third-country cabin crew can be particularly exposed when residence status, employment contract, social security coverage, air operator certificate and actual base are spread across different jurisdictions.

EurECCA calls for a *lex specialis* on posting comparable in purpose to the sector-specific framework adopted for road transport, but tailored to air operations. The mere crossing of a border or operation of a flight to a destination must not automatically determine posting. The rules must identify a genuine temporary assignment by reference to the cabin crew's stable home base, habitual work pattern, employer and operational organisation. They must also prevent permanent operations in a State from being presented as a succession of temporary postings.

The common e-declaration and the once-only principle can simplify compliance. They must preserve the information needed for enforcement, including the employer, labour supplier, air operator, home base, operational base, expected assignment, applicable collective agreement and social security institution. Information must be available to all competent authorities before or at the start of the relevant assignment, with proportionate safeguards for genuinely unforeseen operational changes.

Employment status and complex business models

The Package recognises risks arising from subcontracting, undeclared work, misclassification and fraud. These risks are present in aviation through chains that may separate the airline controlling the work from the entity named as employer. EurECCA considers that contractual labels must not displace the facts of direction, integration, economic dependence and control over rosters.

EurECCA considers that cross-border inspections must examine the entire arrangement rather than one contract in isolation. They must identify who recruits the cabin crew, sets the roster, provides mandatory training, controls leave, bears commercial risk, pays remuneration



and can impose disciplinary consequences. Where cabin crew are supplied through agencies or other intermediaries, the air operator must have clear due-diligence and information duties, without prejudice to the responsibilities of the legal employer.

EurECCA calls for the legislative negotiations and implementation of the Package to be linked to a future revision of Regulation (EC) No 1008/2008. Licensing and oversight rules must require transparency concerning operational bases, employment entities and the workforce used for EU operations. This would help authorities detect letterbox structures and prevent business models based on regulatory and social security shopping.

Working time and occupational health and safety

The Communication lists poor application of occupational health and safety rules among the abuses faced by mobile workers, but the Package does not close the specific protection gap affecting aircrew. Cabin crew are covered by Directive 2000/79/EC, which does not establish a clear daily limit for the whole period of work within each 24 hours. Flight Duty Period limits under Regulation 965/2012 address aviation safety and alertness. They are not a substitute for social working time rules or individual occupational health protection.

A cabin crew member's work includes more than Flight Duty Period. It can include reporting, post-flight duties, mandatory training and other ground tasks. EurECCA calls for EU law to limit the entire working time and guarantee that all such periods are recorded and available to the worker and competent authorities.

EurECCA calls for revision of Directive 2000/79/EC and for an individual Directive specifically protecting aircrew under Article 16 of Directive 89/391/EEC. The framework must cover fatigue, psychosocial risks, irregular and night work, cumulative exposure, roster predictability and the principle in Article 6(2)(d) that work must be adapted to the person. The implementation and legislative follow-up to the Fair Labour Mobility Package must preserve and support this parallel work.

Skills portability and aviation qualifications

EurECCA supports secure digital credentials and faster recognition of qualifications. For cabin crew, implementation must respect the existing sectoral framework for the Cabin Crew Attestation under Commission Regulation 1178/2011. New horizontal tools must make valid aviation credentials easier to verify across borders without duplicating procedures or weakening common safety, medical and training requirements.

Qualifications obtained in third countries require careful assessment against EU aviation standards. Faster recognition cannot mean automatic acceptance without equivalent training, demonstrated competence and effective oversight. Workers must receive clear information about recognition procedures before recruitment and must not bear unreasonable costs for employer-required conversion or recurrent training.



Governance and implementation

Cabin crew representatives must be involved throughout implementation, including the ELA mandate review, aviation risk indicators, ESSPASS user testing, social security coordination reform and any sectoral posting framework. EurECCA calls on the Commission to establish a standing aviation implementation group bringing together DG EMPL, DG MOVE, ELA, EASA, national labour and social security authorities, civil aviation authorities and representative social partners.

EurECCA calls for the group to publish an implementation plan with measurable objectives, including the number and scope of coordinated aviation inspections, the time required to issue and verify A1 documents, the correction of incorrect affiliations, outcomes for third-country workers and the resolution of cross-border cases. Aggregated results must be public and distinguish aviation from other transport sectors.

Conclusion

The Fair Labour Mobility Package can materially improve the protection of mobile workers if enforcement, digitalisation and legal clarity advance together. Its explicit recognition of pilots and cabin crew is welcome. The next stage must reflect how aviation is actually organised. EurECCA asks the European Parliament, the Council and the Commission to place aviation within the operational core of the Package. A stronger ELA, verifiable social security rights and simpler procedures will protect cabin crew only when they are anchored in the genuine home base, supported by sector-specific rules and backed by effective cross-border inspections. Mobility must never make rights mobile in name but unreachable in practice.

References

- [European Commission, Fair Labour Mobility Package, COM\(2026\) 970 final, 15 September 2026.](#)
- [Regulation \(EC\) No 883/2004](#) on the coordination of social security systems, in particular Article 11(5).
- [Regulation \(EU\) 2019/1149](#) establishing a European Labour Authority.
- [Directive 96/71/EC](#) concerning the posting of workers, [Directive 2014/67/EU](#) on enforcement and [Directive \(EU\) 2018/957](#).
- [Regulation \(EC\) No 1008/2008](#) on common rules for the operation of air services in the Community.



- [Council Directive 2000/79/EC](#) concerning the European Agreement on the organisation of working time of mobile workers in civil aviation.
- [Council Directive 89/391/EEC](#) on measures to encourage improvements in the safety and health of workers at work.
- [Commission Regulation \(EU\) No 965/2012](#), as amended by [Commission Regulation \(EU\) No 83/2014](#), including Subpart FTL.
- [Commission Regulation \(EU\) No 1178/2011](#), Annex V (Part-CC).
- [Court of Justice of the European Union, Joined Cases C-168/16 and C-169/16, Nogueira and Others.](#)

**EurECCA represents, protects and develops the rights
and needs of all cabin crew all over Europe.**

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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