

Enforcement of labour mobility and social security coordination rules for aircrew members

July 2026



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Contents

- Abbreviations** **6**
- National authorities by Member State** **7**
- Executive summary** **9**
- Introduction** **11**
- Chapter 1. Aviation sector: workforce and EU legal framework** **13**
 - 1.1 Overview of workforce in the aircrew sector** **14**
 - 1.1.1 Sectoral employment 17
 - 1.1.2 Occupational shortages 19
 - 1.1.3 Availability of data on aircrew mobile workers 20
 - 1.2 Overview of EU-level labour mobility and social security coordination rules relevant for the CAT sector** **22**
 - 1.2.1 Free movement of workers rules 23
 - 1.2.2 Posting of workers rules 24
 - 1.2.3 Social security coordination rules 27
 - 1.2.4 Other aspects of EU law 29
 - 1.3 Key takeaways** **30**
- Chapter 2. Enforcement authorities and their competences** **33**
 - 2.1 Distribution of enforcement powers** **34**
 - 2.2 Overview by Member State** **40**
 - 2.2.1 Belgium 40
 - 2.2.2 Bulgaria 41
 - 2.2.3 Czechia 41
 - 2.2.4 Denmark 42
 - 2.2.5 Germany 43
 - 2.2.6 Estonia 43
 - 2.2.7 Ireland 44
 - 2.2.8 Greece 45
 - 2.2.9 Spain 46
 - 2.2.10 France 46
 - 2.2.11 Croatia 47
 - 2.2.12 Italy 48
 - 2.2.13 Cyprus 49
 - 2.2.14 Latvia 50
 - 2.2.15 Lithuania 50
 - 2.2.16 Luxembourg 51
 - 2.2.17 Hungary 52
 - 2.2.18 Malta 52
 - 2.2.19 The Netherlands 53
 - 2.2.20 Austria 54
 - 2.2.21 Poland 55
 - 2.2.22 Portugal 55
 - 2.2.23 Romania 56

2.2.24 Slovenia	56
2.2.25 Slovakia	57
2.2.26 Finland	58
2.2.27 Sweden	59
2.3 Key takeaways	60
Chapter 3. Enforcement practices and challenges	62
3.1 Applicable labour mobility and social security coordination rules and enforcement practice	64
3.2 Resources for enforcement in CAT sector	71
3.2.1 Institutional resources	71
3.2.1 Risk assessment and information resources	74
3.3 Field inspections and practical challenges	76
3.4 Types of infringements, liability and sanctions	88
3.5 Key takeaways	93
Chapter 4. Enforcement practices: case study analysis	95
4.1 Overview	95
4.2 Member State case studies	99
4.2.1 Belgium	99
4.2.2 Czechia	101
4.2.3 Ireland	103
4.2.4 Spain	105
4.2.5 France	107
4.2.6 Italy	109
4.2.7 Lithuania	112
4.2.8 The Netherlands	114
4.2.9 Poland	116
4.2.10 Finland	118
4.3 Key takeaways	120
Operational conclusions	121
References	123
Annex. Methodological approach	125
Task A: desk research	125
Task B: survey	125
Task C: Interviews	128

Figures

Figure 1. Contractual arrangements for aircrew observed by public authorities	16
Figure 2. Employment of aircrew, share over total employment, 2024	18
Figure 3. EU-27 employment of aircrew, 2019-2024	18
Figure 4. Employment of aircrew, shares on total employment, 2019 and 2024	19
Figure 5. Number of aircrew staff employed in their own citizenship country (thousand), 2024	19
Figure 6. Breakdown by sector of activity, postings/assignments (left) and posted workers (right), 2024	21
Figure 7. Number of PD A1 certificates issued to flight or cabin crew in EU27	21
Figure 8. Number of enforcement authorities with competence to enforce EU labour mobility or social security rules in the aviation sector per Member State	35
Figure 9. Enforcement authorities responsible for the application of EU rules related to labour mobility and social security coordination for aircrew in the CAT sector	36
Figure 10. Overview of the type of institution represented by survey respondents, by thematic focus	37
Figure 11. Typology of competences related to the enforcement of EU labour mobility and social coordination rules in the CAT sector per type of authority	38
Figure 12. Typology of enforcement approaches across Member States	39
Figure 13. Types of national authorities represented by respondents	63
Figure 14. Areas related to labour mobility and social security coordination where organisations enforce EU-level measures and regulations for aircrew members	63
Figure 15. EU-level labour mobility and social security coordination rules most likely to apply to the aviation sector	65
Figure 16. Share of institution's resources used for the enforcement of EU rules on labour mobility and social security coordination of the CAT sector	71
Figure 17. Perceived level of risk across the CAT sector	73
Figure 18. Extent to which internal resources pose a challenge during inspection according to survey respondents	73
Figure 19. Perception of enforcement capacity	74
Figure 20. Information sources used for risk assessment of the commercial air transport sector on a strategic level	74
Figure 21. Types of enforcement practices and tools used in relation to aircrew members	77
Figure 22. Main competences held by institutions to enforce EU labour mobility and social security rules in the CAT sector	78
Figure 23. Assessment of the enforcement of EU-level regulations on labour mobility and social security coordination in the CAT sector	79
Figure 24. Focus of checks when enforcing EU labour mobility and social security coordination rules in the CAT sector	80

Figure 25. Main challenges in cooperation and exchanging information in a national context according to survey respondents.....	82
Figure 26. Main challenges in cooperating and exchanging information in a cross-border context according to survey respondents.....	85
Figure 27. Main challenges for national authorities during an inspection.....	87
Figure 28. Main challenges when cooperating and exchanging information in a national and cross-border context.....	88
Figure 29. Types of infringements encountered by survey respondents.....	89
Figure 30. Type of outcomes observed by survey respondents.....	91
Figure 31. Job title/responsibilities.....	127
Figure 32. Institutions represented by survey respondents.....	127

Tables

Table 1. Member States reporting occupational shortage or surplus (count).....	20
Table 2. Labour shortages indicator (Business Survey, Directorate-General for Economic and Financial Affairs).....	20
Table 3. National derogations to the Posted Workers Directive and other exemptions in the CAT sector.....	26
Table 4. Contractual arrangements observed by organisations as being used for aircrew under their jurisdiction in the CAT sector.....	69
Table 5. Characteristics of Member States selected for case studies.....	96
Table 6. Overview of responses to the public authority survey.....	126
Table 7. List of interviewees by Member State.....	128

Abbreviations

Abbreviation	Meaning
AOC	air operator certificate
CAT	commercial air transport
CJEU	Court of Justice of the European Union
EASA	European Union Aviation Safety Agency
ECS	European Commission subgroup on social matters related to aircrews established under the Expert Group on Aviation Internal Market
EEA	European Economic Area
EESSI	electronic exchange of social security information
EFTA	European Free Trade Association
ELA	European Labour Authority
EU	European Union
EU-LFS	European Union Labour Force Survey
EurECCA	European Cabin Crew Association
EURES	European Employment Services
Gardaí	An Garda Síochána, the Irish police
GDP	gross domestic product
GDPR	General Data Protection Regulation
IMI	internal market information
NACE	nomenclature statistique des activités économiques dans la Communauté européenne
OSH	occupational safety and health
PD A1	Portable Document A1
PWD	Posted Workers Directive
SIOD	Social Information and Investigation Service

National authorities by Member State

Member State	Abbreviation	Name
Belgium	DGLV/DGTA	Directorate-General for Air Traffic – Federal Public Service Mobility and Transport
	NISSE	National Institute for Social Insurance of the Self-Employed
	NSSO	National Social Security Office
	SIIS	Social Information and Investigation Service
	TSW/CLS	Directorate-General for Supervision of Social Law in the Federal Public Service Employment, Labour and Social Dialogue
Bulgaria	DG CAA	Directorate-General for Civil Aviation Administration, Ministry of Transport and Communications
	NSSI	National Social Security Institute
Czechia	CSSA	Czech Social Security Administration
	SLIO	State Labour Inspection Office
Germany	DRV	German Pension Insurance Fund
	FKS	Financial Control of Undeclared Work Unit
Ireland	DSP	Department of Social Protection
	WRC	Workplace Relations Committee
Greece	e-EFKA	Electronic National Social Security Fund
	HCAA	Hellenic Civil Aviation Authority
	HLI	Hellenic Labour Inspectorate
Spain	AESA	State Aviation Safety Agency
	ITSS	Labour and Social Security Inspectorate
	TGSS	Social Security General Treasury
France	CLEISS	Centre for European and International Social Security Liaison
	CRPN	Pension Fund for Aircrew
	DGAC	Directorate-General for Civil Aviation
	DGT	Directorate-General for Labour
	DSS	Social Security Department in the Ministry of Health
	GTA	Air Transport Gendarmerie
	MICAF	Interministerial anti-fraud coordination mission
	URSSAF	Collection Union for Social Security Contributions and Family Allowances
Croatia	CCAA	Croatian Civil Aviation Agency
	DIRH	State Labour Inspectorate
	HZMO	Croatian Pension Insurance Institute
	HZZ	Croatian Employment Service

Member State	Abbreviation	Name
Italy	ENAC	National Civil Aviation Authority
	INPS	National Institute for Social Security
Cyprus	SIS	Social Insurance Services
Lithuania	Sodra	State Social Insurance Fund Board
Luxembourg	CCSS	Joint Social Security Centre
	DAC	Directorate of Civil Aviation
	ITM	Inspectorate of Labour and Mines
Netherlands	ILT	Human Environment and Transport Inspectorate
	SVB	Social Insurance Bank
Austria	LSDB	Competence Centre for Combatting Wage and Social Dumping
	ÖGK	Austrian Health Insurance Fund
	PLB	Department for Internal Audit
	SVS	Social Insurance Institution for the Self-Employed
	VAI	Department for Transport
	ZKO	Central Coordinating Agency
Poland	PIP	State Labour Inspection
	ULC	Civil Aviation Authority
	ZUS	Social Insurance Institution
Portugal	ACT	Authority for Working Conditions
	ISS	Social Security Institute
Romania	CNPP	National House of Public Pensions
	RCAA	Romanian Civil Aeronautical Authority
Slovenia	CAA	Civil Aviation Agency
	FURS	Financial Administration of the Republic of Slovenia
	IRSD	Labour Inspectorate of the Republic of Slovenia
	ZZZS	Health Insurance Institute of Slovenia
Slovakia	NIP	National Labour Inspectorate
	SIA	Social Insurance Agency
Finland	ETK	Centre for Pensions
	FSA	Finnish Supervisory Agency
	STM	Ministry of Social Affairs and Health

Executive summary

This report examines the enforcement of EU labour mobility and social security coordination rules as applied to aircrew – pilots and cabin crew – working in the commercial air transport (CAT) ⁽¹⁾ sector. The sector’s inherently mobile and transnational nature, combined with diverse and increasingly complex contractual arrangements and commercial structures, presents atypical operational, legal and institutional challenges for enforcement authorities across EU Member States. Drawing on desk research, a survey of EU national authorities shared with national level enforcement authorities in EU-27 ⁽²⁾ with responses obtained from 23 Member States, and in-depth case studies in 10 Member States, the report analyses the current enforcement landscape in this agile sector. The report identifies national enforcement authorities competent for the enforcement of EU labour mobility and social security coordination rules in the EU-27, analyses the level of enforcement of labour mobility and social security coordination rules and outlines opportunities for strengthening cross-border compliance.

Fragmented enforcement landscape

Enforcement in the CAT sector is structurally fragmented, both between Member States and within them. Across the EU, an average of four separate institutions per country hold partial or, in practice, overlapping or shared competences to enforce EU labour mobility and social security coordination rules. The institutional landscape includes labour inspectorates, social security institutions, tax authorities, civil aviation authorities and, sometimes, immigration services. Moreover, the territoriality of social and labour law enforcement means that each Member State tackles the situation within the borders of its own territory. This strict territoriality contrasts with the inherent cross-border nature of commercial activities in the sector.

The fragmentation can lead to variations in enforcement intensity and priorities, with some authorities conducting structured and planned inspections while others acting only reactively. There can be some gaps between institutional mandates and practice, where some national authorities possess relevant data (e.g. operational information) but not enforcement competences and the other way around. Some Member States such as France and Italy can be praised for being the frontrunners in enforcement in the CAT sector and for using data-driven approaches and sector-specific intelligence to identify high-risk operators. Other Member States typically rely more on inspector experience while having limited formal tools or guidance. Further fragmentation was reported during interviews and surveys in relation to inconsistent interpretation of key legal concepts, including home base, habitual place of work and operational base.

Cooperation is essential but underdeveloped

Effective enforcement in the CAT sector depends on cooperation between labour inspectorates, social security institutions, aviation safety authorities and, where relevant, immigration bodies. Yet, despite the sector’s inherent cross-border character, cooperation remains limited, uneven and mostly informal. Key cooperation constraints include:

- aviation safety authorities may have facilitated access to essential information (licensing, bases, flight operations) but are rarely integrated into enforcement activities of labour or social security coordination authorities.
- cross-border cooperation tools such as internal market information (IMI), exchange of social security information (EESSI) and ELA-coordinated (European Labour Authority) concerted and joint inspections could be used more actively in the CAT sector.

⁽¹⁾ Defined in Article 3 of [Regulation \(EU\) 2018/1139](#): “Commercial air transport” means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.’

⁽²⁾ The 27 Member States comprising the European Union since the departure of the United Kingdom on 31 January 2020.

- language barriers, inconsistent legal interpretations and data protection concerns hinder cooperation between Member States.
- national level cooperation varies widely, with only some Member States having formal channels for exchanging data or planning joint activities.

Improved collaboration with aviation safety authorities, who are uniquely positioned to verify operational realities in the information exchange and cooperation, would significantly strengthen national and EU-level enforcement. Similarly, structured collaboration between labour, social security coordination, immigration authorities and social partners would allow a more coherent view of aircrew mobility patterns and employment situations.

Enforcement authorities lack effective access to essential information

A limited or time-consuming process to access information is among the main barriers to effective enforcement in the highly mobile CAT sector. Labour mobility and social security enforcement authorities report difficulties in timely and efficient access to flight patterns, duty rosters and operational records, which are crucial to determine where or from where an aircrew member actually works, and therefore which rules apply. In some Member States, posting of aircrew members is exempt from prior declarations, limiting visibility for authorities. Accurate and timely data is essential to verify compliance with labour mobility and social security coordination rules. Information gaps might prevent inspectors from verifying the actual habitual place of work and limit the ability to detect bogus self-employment or incorrect Portable Document (PD) A1 issuance. These gaps may have the potential to undermine risk-based enforcement, forcing authorities to rely on complaints or incomplete datasets.

This report recommends several steps to facilitate and improve the enforcement of EU labour mobility and social security rules focusing on systemic improvements in coordination, capacity, and clarity.

- **Improving guidance for enforcement in the CAT sector.** EU-level definitions and case-law by the Court of Justice of the European Union (CJEU) related to notions of 'home base' and 'habitual place of work' are central to enforcement of labour mobility and social security coordination rules in the CAT sector, but challenging to interpret and apply in practice. Dedicated guidance and training materials should be developed, involving social partners where appropriate, to support the national enforcement authorities.
- **Enhancing the capacity of national enforcement authorities.** Increased investment in sector-specific training for the enforcement entities, particularly labour inspectorates and social security institutions is needed to make sure that the national enforcement authorities have the specialist knowledge needed to efficiently enforce EU labour mobility rules in the CAT sector.
- **Strengthening cross-border collaboration.** Promoting the systematic use of existing shared tools such as IMI and EESSI systems, along with concerted and joint inspections in the CAT sector and developing formal cooperation agreements between Member States for information exchange and joint enforcement activities, would strengthen cross-border collaboration.
- **Strengthening and supporting cross-border enforcement.** Increasing support for enforcement through dedicated enforcement campaigns, joint and concerted inspections, and organised large-scale data sharing would help to address possible under-enforcement in the CAT sector identified during the fieldwork for this report.
- **Raising awareness among aircrew and their employers.** With the involvement of European social partners, developing targeted awareness-raising campaigns accompanied by accessible information materials and tools would help to inform aircrew about their rights and available redress mechanisms, while also informing employers and airline operators about their compliance obligations. This would strengthen the preventive dimension of enforcement in the CAT sector.

Introduction

The CAT sector represents one of the most mobile and cross-border-intensive labour environments in the European Union. Aircrew – pilots and cabin crew – regularly operate across multiple jurisdictions within a single duty period, often beginning and ending their work in different Member States. This structural mobility, combined with some level of reliance on flexible and atypical employment arrangements, places aircrew at the centre of enforcement of EU labour mobility and social security coordination rules. Ensuring the correct application and effective enforcement of these rules is essential not only to safeguard the rights of workers and maintain fair competition but also to secure the integrity of the EU regulatory framework in a sector where rapid market developments and operational practices might be outpacing enforcement structures.

The presence of atypical employment arrangements can add another layer of difficulty to the enforcement of labour mobility and social security coordination rules in cross-border situations. In this regard, the CAT sector is in a similar situation to other highly mobile sectors such as road transport, inland waterways or maritime sector, where the intersection between a high level of mobility and atypical working arrangements can create complex enforcement situations. At the same time, other CAT-sector-specific contractual arrangements, such as wet leasing and regular or even frequent changes of operational bases, create an additional layer of sector-specific complexity not characteristic to other sectors and pose challenges to enforcement authorities in charge of determining the correct social security regime, identifying employers and determining the conditions in which posting rules apply.

Against this backdrop, this report seeks to analyse the enforcement landscape and situation concerning EU labour mobility and social security coordination rules in the EU-27. By examining the relevant legal frameworks, mapping enforcement competences and assessing operational practices and challenges faced by national inspectors, social security institutions and other authorities, the study contributes to a clearer understanding of existing gaps, inconsistent approaches and potential

avenues for improvement. The report aims to support more coherent, efficient and coordinated enforcement, thereby improving legal certainty for workers and employers and strengthening the capacity of national authorities to carry out their mandates effectively.

The report is structured into four chapters.

- Chapter 1 sets the scene. It summarises the main data available on the CAT workforce, including its size, mobility, employment patterns and shortages, to contextualise the enforcement challenges examined later in the report. The chapter also gives an overview of ELA's mandate in relation to EU labour mobility and social security coordination rules for aircrew and explains how key legal concepts, such as 'home base' and 'habitual place of work', shape the determination of applicable legislation. The first chapter also lists the national derogations within the scope of Directive 96/71/EC ^(?) (the Posted Workers Directive, or PWD) and introduces some contractual arrangements used in the CAT sector, setting the foundation for the enforcement analysis in subsequent chapters.
- Chapter 2 identifies the authorities involved in enforcement including labour inspectorates, social security institutions, tax bodies, civil aviation authorities and specialised anti-fraud entities, and examines their powers, mandates and levels of sector-specific expertise. The identification of the authorities served as the background for fieldwork and was used to determine relevant respondents for survey and interviews. The chapter highlights the fragmented division of competences, the limited CAT sector specialisation within most national authorities and the varying approaches to cooperation and information exchange.
- Chapter 3 analyses how national authorities enforce EU labour mobility and social security rules in practice, drawing on survey evidence and interviews. It outlines the standard enforcement tools used in this sector including desk audits, on-site inspections, interviews, risk-based targeting and document checks

^(?) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

and identifies the types of infringements most encountered, such as missing PD A1 certificates, misclassification and non-compliance with applicable labour or social security regimes. The chapter also highlights key challenges reported by enforcement authorities, including difficulties accessing airport premises, establishing applicable law, handling complex contractual chains and securing timely information from domestic or foreign authorities.

- Chapter 4 presents in-depth case studies illustrating how enforcement structures, practices and challenges manifest across 10 different Member States. It compares levels of enforcement activity, institutional cooperation, workforce characteristics and sector-specific risk factors and gives concrete examples on how authorities detect infringements, coordinate with domestic and cross-border partners and address contractual and operational complexities. The case studies highlight both good practices, such as joint inspections, structured data-sharing mechanisms and sector-specific expertise, and persistent gaps linked to limited resources, divergent national interpretations and obstacles to cross-border cooperation.

In line with the mandate ⁽⁴⁾ of ELA, the study focuses on the enforcement and application of EU labour mobility rules and social security coordination provisions as they apply to aircrew. While issues such as aviation safety, general labour law and taxation intersect with the enforcement landscape, these are examined only insofar as they affect the correct application of EU rules falling within ELA's remit.

Methodological approach ⁽⁵⁾

The analysis is based on methodology combining both qualitative and quantitative elements to ensure a robust and nuanced understanding of enforcement realities across the EU. First, an extensive desk research phase reviewed EU and national legislation, academic studies, previous analytical work, sectoral reports and relevant case-law. Second, the study incorporated a survey disseminated to national enforcement authorities responsible for labour mobility and social security coordination. The survey collected 60 responses from national enforcement authorities

in 23 Member States, ensuring representation of labour inspectorates, social security institutions, civil aviation authorities and other relevant bodies. The survey gathered qualitative data on enforcement competences, practices, risk assessment methodologies, perceived challenges and typical infringements encountered. Third, the research included semi-structured interviews with enforcement bodies and institutional stakeholders. A total of 28 interviews were conducted, enabling the collection of detailed insights on investigative practices, cooperation mechanisms, cross-border coordination, operational barriers and sector-specific challenges such as access to airport premises, and the verification of home base assignments. The interviews were conducted in 10 EU Member States selected for in-depth case studies; this included Belgium, Czechia, Ireland, Spain, France, Italy, Lithuania, the Netherlands, Poland and Finland. These were selected to reflect variation in enforcement intensity, geographic distribution, institutional configurations and sector characteristics such as flight volumes, number of aircrew or specific contractual practices. The case studies helped identify national specificities, innovative practices and recurring obstacles, and to triangulate findings from the survey and desk research.

The study relied on cooperation with national experts and ELA's national liaison officers, along with informal feedback loops with Member States to validate findings and ensure accuracy of institutional mappings. By combining legal analysis, institutional mapping, quantitative inputs and qualitative fieldwork, the report provides a comprehensive and evidence-based overview of the enforcement landscape in the CAT sector. It identifies the structural, operational, and regulatory challenges faced by national authorities and highlights opportunities for strengthening cooperation, improving access to information and fostering a more harmonised understanding of enforcement of EU rules relevant to aircrew.

⁽⁴⁾ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority (OJ L 186, 11.7.2019, p. 21, ELI: <http://data.europa.eu/eli/reg/2019/1149/oj>).

⁽⁵⁾ More detailed information on methodology can be found in Annex.

CHAPTER 1

Aviation sector: workforce and EU legal framework

Chapter in brief

- Aircrew make up 0.3 % of total EU employment, but they are central to the enforcement of labour mobility and social security rules due to the high mobility inherent in the sector. At the same time more granular data such as data on short-term mobility, such as posting of aircrew, is not available.
- Since 2021, employment levels have shown consistent growth following the recovery from the COVID-19 pandemic, with aircrew numbers reaching approximately 394 500 in 2024. Data on the sector's workforce suggests that most aircrew work in their country of citizenship with only a small number having the citizenship of a European Free Trade Association (EFTA) member state other than the one they were employed in. Occupational shortages, especially in technical roles, are moderate but rising and could be addressed by increasing mobility in the future.
- The work of aircrew can fall within the scope of multiple 'regimes' of EU law, including free movement of workers, posting of workers, social security coordination and aviation safety rules. These legal regimes sometimes interact through shared concepts such as 'home base' or tackle similar domains such as duty and working time, but they also differ in their underlying principles and enforcement approaches, potentially complicating compliance and enforcement landscape.
- Several Member States have introduced derogations from posting of workers rules that affect the CAT sector. Information on these exemptions and derogations is important to support cross-border enforcement and compliance and improve legal certainty for both enforcement authorities working on cross-border cases and also aircrew and operators and employers active in cross-border provision of services.
- In the CAT sector the labour and social enforcement authorities typically encounter standard employment contracts, but they also regularly come across atypical arrangements, such as work through various intermediaries, self-employment and leasing practices characteristic to the CAT sector. Enforcement in such settings requires sector-specific knowledge, cooperation and access to information (e.g. flight patterns). Therefore, inspectors require sufficient resources, tools and cooperation systems to effectively carry out their tasks.

The CAT sector is an inherently highly mobile sector insofar as aircrew is concerned. It is also characterised by cross-border commercial structures and situations that often trigger a necessity to comply with and correctly enforce labour mobility and social security coordination rules.

This chapter provides an overview of workforce structure and labour mobility flows in the CAT sector (section 1) and introduces the key aspects of the EU legal framework on labour mobility and social security coordination (section 2). The statistical overview includes an analysis of the available sectoral employment data (1.1), occupational shortages (1.2) and availability of data on aircrew mobile workers (1.3). The legal framework overview briefly explains the key aspects of free movement of workers rules (2.1), the rules on posting workers (2.2) and social security coordination regulations (2.3) relevant for mobility in the CAT sector and specifically activities carried out by aircrew. It explains how the concepts of 'home base' ⁽⁶⁾ and 'work in the territory of a Member State other than the State in which he [or she] normally works' ⁽⁷⁾ are central to determining the applicable legal framework. The chapter also gives an overview of national-level exemptions from the obligations under the Posted Workers Directive ⁽⁸⁾ that apply to aircrew, illustrating that some dedicated exemptions afford additional flexibility to employers, however, they might at the same time mean limited information about posting instances for national enforcement authorities.

1.1 Overview of workforce in the aircrew sector

The CAT sector represents an important and dynamic industry within the European Union, encompassing numerous air operators and a workforce providing services across the Member States and beyond. The aviation sector contributes

more than EUR 100 billion annually to the EU's gross domestic product (GDP) and directly employs at least 1.4 million people (European Commission, 2025). Jobs within the aviation sector range from aircrew (including pilots and cabin crew) to safety technicians, aircraft mechanics and repairers, along with air traffic controllers. Despite the wide range of jobs within the CAT sector and the high level of cross-border workforce mobility, aircrew represent only a very small share of the EU's overall working population. In 2024, in the EU there were 394.5 thousand ⁽⁹⁾ workers employed as aircrew, representing 0.3 % of total EU employment.

Historically, air carriers, mostly the so-called legacy ⁽¹⁰⁾ airlines, based both their fleets and aircrews in the same country in which they were headquartered. Operating under the hub-and-spoke model ⁽¹¹⁾, these carriers assigned aircrew to a relatively stable 'home base', typically the hub airport where duty periods began and ended. In such arrangements, the labour and social security law of the home base country generally applies. Nonetheless, the inherently mobile nature of the CAT sector has long created opportunities for 'rule shopping' whereby airlines seek regulatory regimes that are most favourable to their operations. The liberalisation of the CAT sector, which began in the late 1980s and culminated in the early 1990s, allowed new business models to emerge (Giemulla et al., 2011). Most notably, it facilitated the rise of low-cost carriers, which adopted a point-to-point model of operations, offering direct services between city pairs rather than routing traffic through a central hub.

These developments have had important implications for the national authorities responsible for implementing and enforcing social legislation, since, with point-to-point routes, more operations were taking place away from the country of establishment. Some research has indicated concerns over the related deterioration of employment structures, labour relations and organisational practices; some air carriers have also

⁽⁶⁾ The concept of 'home base' is defined in Annex III to Regulation (EEC) No 3922/91 and referenced in Article 11(5) of Regulation 883/2004. The 'home base' is the location nominated by the operator from where the crew member normally starts and ends a duty period, or a series of duty periods, and where, under normal conditions, the operator is not responsible for the accommodation of the crew member concerned.

⁽⁷⁾ Article 2(1) PWD.

⁽⁸⁾ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>). See also the consolidated version of the directive (<http://data.europa.eu/eli/dir/1996/71/2020-07-30>).

⁽⁹⁾ Eurostat Labour Force Survey data for NACE code 51, which corresponds to 'Passenger air transport' and 'Freight air transport'.

⁽¹⁰⁾ A full-service airline that established major routes prior to the deregulation of the airline industry, typically characterised by hub-and-spoke networks, complimentary in-flight amenities, multiple cabin classes and extensive international operations.

⁽¹¹⁾ A network where flights from smaller 'spoke' cities connect through a major 'hub' airport to reach other destinations.

expressed apprehension regarding the potential impact on maintaining a level playing field within the sector (European Commission et al., 2019; Jorens et al., 2025). In general, however, this approach allowed greater flexibility, such as adjusting capacity to seasonal demand and reducing travel times for passengers. Following the economic downturn of the late 2000s, Europe saw a consistent rise in flight numbers, driven in particular by the expansion of low-cost carriers and, to a lesser extent, traditional airlines (Eurofound, 2022). Eurocontrol estimates that flights from low-cost carriers grew by 61 % between 2007 and 2016 alone, accounting for almost half of the intra-EU market in terms of available seats (European Commission, 2019a). According to more recent data from 2025, the low-cost market segment remains the most active ⁽¹²⁾, showing a 6 % increase in number of daily flights over 2024, with the mainline segment close behind.

With this increase and competitive pressure arising in the sector, airlines had to adapt, particularly as the CAT sector remained highly cost-sensitive and is characterised by seasonal fluctuations in demand and exposure to external shocks such as financial crises and pandemics. With many costs beyond airlines' control, labour costs are an area in which airlines can take advantage of flexibilities to reduce overhead costs (Turnbull, 2020). In the European air transport sector, the increased numbers of flight movements and aircraft fleet have counterbalanced the trend of labour efficiency, such that the number of staff has remained largely stable over the past decade (Eurofound, 2022). However, airlines have increasingly deployed inventive business practices, both individually and through collaborative arrangements such as 'alliances' or employment via intermediaries. In addition to that, legal uncertainty allegations have been raised in the context of interpretation of key concepts, including 'home base,' 'secondary base,' and 'operational base' ⁽¹³⁾ (see Airline Coordination Platform et al., 2019; European Commission, 2015).

According to the European Cabin Crew Association (EurECCA) this context has had a corresponding impact on the labour conditions and rights that apply to aircrew (2023). Labour representatives have feared that increasing pressure to reduce costs for airlines and ground handling service providers would probably lead to a deterioration

of employment and working conditions, including tighter working schedules and atypical employment arrangements beyond the standard employment contract. In fact, various 'new' employment arrangements in the industry could be identified (European Commission, 2015), and, while the majority of aircrew have a direct, permanent contract with an airline, there have been certain concerns about a growing reliance on atypical contractual arrangements for aircrew that offer less predictable home base stability compared to the traditional hub-and-spoke model. Ricardo (2019) estimated that 82 % of pilots and 80 % of cabin crew have a permanent contract. A more recent survey of aircrew found that 86 % of pilots had direct employment with their airline, compared with 95 % of cabin crew (Jorens et al., 2025). These numbers suggest that while atypical contracts and arrangements are used, this might not be a growing trend in the industry.

The data from the fieldwork for this study aligns with findings from the two studies mentioned above (Ricardo, and Jorens et al.) and shows that the most common form of contractual arrangement observed in the CAT sector by the national enforcement authorities was a standard contract of employment (83 % of survey participants). This was followed by employment by a temporary work agency (45 %), self-employment (43 %), self-employment via an intermediary (40 %) and various forms of leases (including wet lease at 18 %). These types of contracts and contractual arrangements are relatively often encountered by enforcement authorities. Most of these arrangements can – and often do – take place in the cross-border context, which means that the national enforcement authorities must be equipped with the necessary tools and information to correctly enforce labour mobility and social security rules in such settings. The rate of how often national enforcement authorities encounter other types of arrangements characteristic for the CAT sector is displayed in Figure 1.

At the very least in situations encountered by national enforcement authorities interviewed and surveyed for the purpose of this study, the use of atypical employment practices is relatively common. Moreover, around 9 % of pilots are estimated to be self-employed, though some evidence suggests that the majority meet the

⁽¹²⁾ European Organisation for the Safety of Air Navigation, 'Eurocontrol Data Snapshot #57 on 2025 European aviation in numbers', Eurocontrol, 6 January 2026, <https://www.eurocontrol.int/publication/eurocontrol-data-snapshot-57-2025-european-aviation-numbers>. See in particular 'Top 5 busiest market segments'.

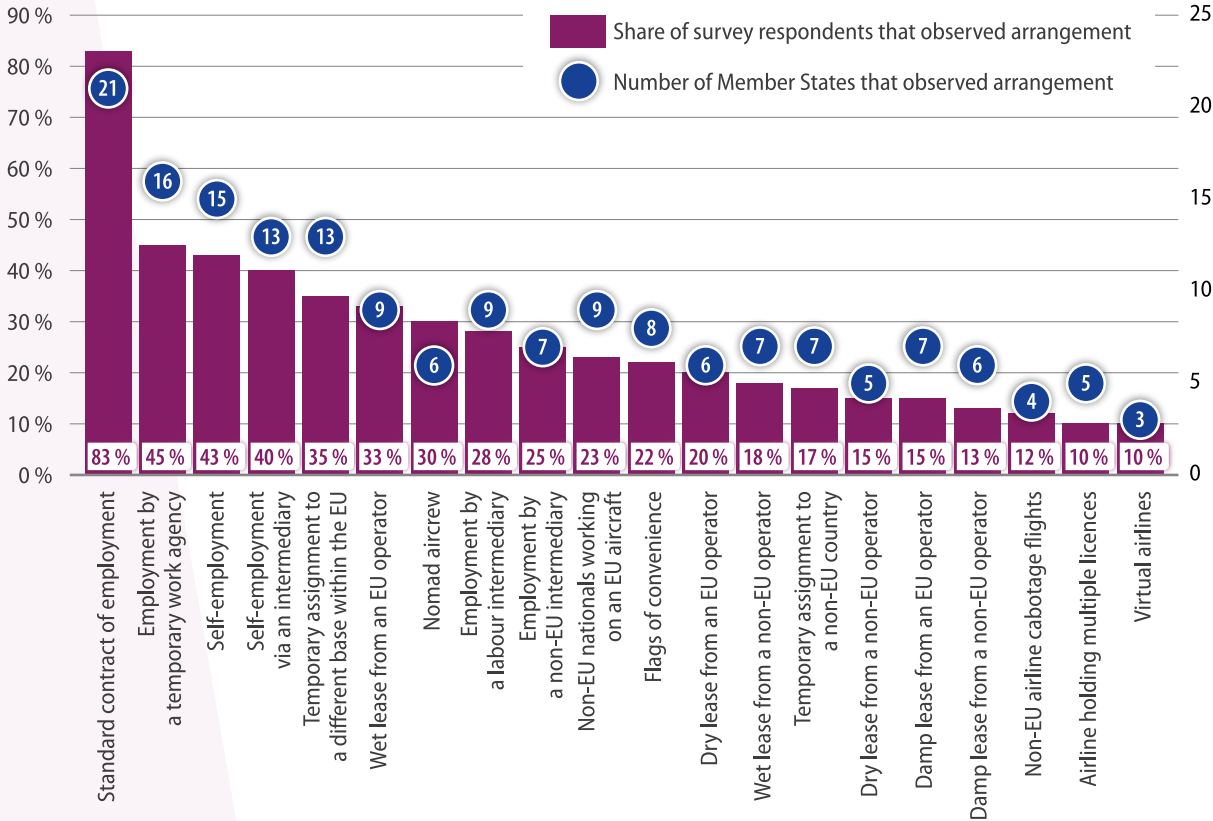
⁽¹³⁾ Recitals 4, 9 and 26 of Regulation (EC) No 1008/2008 refer to the concept of operational base as one of the (several) locations (airports) at which an air carrier bases its aircraft and crew and from where it operates routes, transports passengers, cargo or mail for an indefinite period.

conditions to be classified as employees (European Commission et al., 2019). According to previous research ⁽¹⁴⁾, some pilot trade unions regard the use of self-employment for pilots as bogus self-employment for the purpose of avoiding tax and social security obligations applicable to standard employment relationships. Moreover, atypical arrangements and working conditions in general might differ by sub-sector within the aviation sector ⁽¹⁵⁾ (Eurofound, 2022).

Beyond atypical employment structures such as employment via intermediary or situations in which employment arrangements interact with immigration dimension (non-EU nationals) (but concerning primarily the individual situation of the worker or self-employed), there are also other practices that might be relatively common or typical for aviation sector and in line with EU rules but could be considered as atypical from the perspective of enforcing EU labour mobility and social security

coordination rules. Commercial practices such as various leases (wet-, dry- and damp-lease) or cabotage operations can be considered an integral part of the operations in the CAT sector; however, they might be difficult to understand, tackle and monitor when linked with short term labour mobility or social security coordination oversight due to them being atypical in comparison to commercial practices in other, 'less mobile' sectors (e.g. construction or hospitality). Finally, other phenomena such as flags of convenience, virtual airlines, airlines with multiple air operator certificates were also selected for inclusion in the survey based on the consultation with the stakeholders prior to the launch of the fieldwork. As it turns out, national enforcement authorities do encounter all these types of situations and thus exploring how they can be tackled from the enforcement perspective is relevant.

Figure 1. Contractual arrangements for aircrew observed by public authorities



Source: Survey of public authorities, Q12: Which of the following contractual arrangements has your organisation observed being used for aircrew in the commercial air transport sector under your jurisdiction? Number of respondents (N)=60, multiple choices possible.

⁽¹⁴⁾ From sectoral information collected by the Network of Eurofound Correspondents.
⁽¹⁵⁾ According to a Eurofound report, while standard open-ended employment contracts can be considered predominant for pilots and cabin crew, ground staff are commonly confronted with shift and night work, irregular hours, high workloads and physically demanding manual labour.



These atypical and more complex legal situations are the ones where national enforcement authorities are often called to monitor and enforce legal obligations arising both from aviation safety and labour mobility and social security coordination rules. Therefore, good grasp on how to carry out monitoring and enforcement in such situations is indispensable for national enforcement authorities charged with competences in the CAT sector.

1.1.1 Sectoral employment

Among workers employed in the aviation sector, aircrew ⁽¹⁶⁾ are the most mobile. As such, they have the highest chance to fall within the scope of the rules governing labour mobility and social security

coordination. According to EU Labour Force Survey (EU-LFS) ⁽¹⁷⁾ data, in 2024 in the EU there were 394.5 thousand ⁽¹⁸⁾ workers employed as aircrew, representing 0.3 % of total EU employment, with the largest share in Germany (approximately 76 000), Spain (approximately 58 000) and France (approximately 62 000).

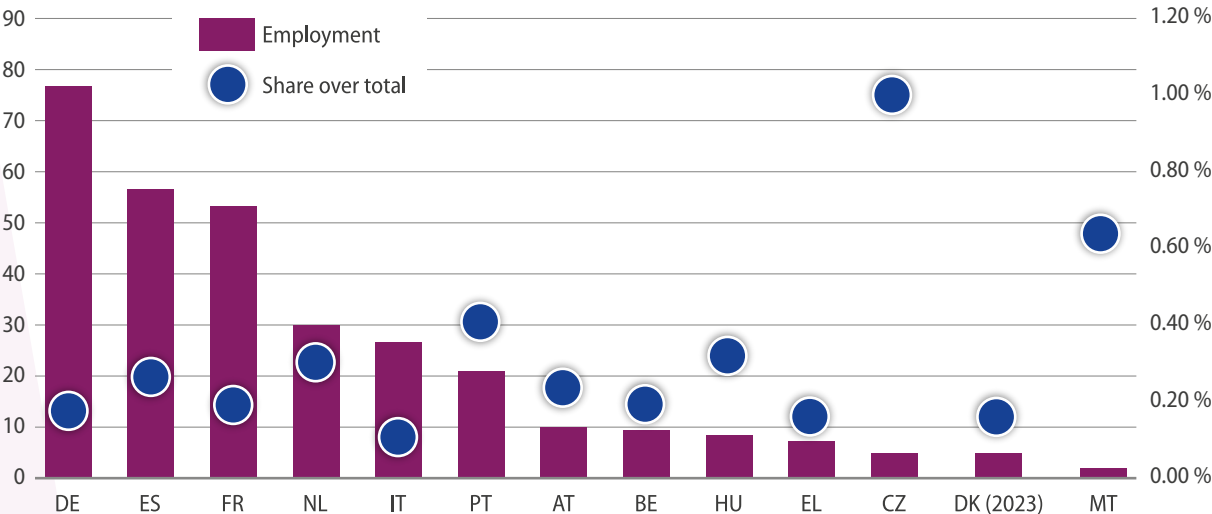
The largest share of aircrew employment against the overall Member State's employment can be found in Malta (0.6 %), followed by Portugal (0.41 %), the Netherlands (0.31 %) and Spain (0.26 %). While this may represent a small percentage of the workforce, the inherently mobile nature of this group of workforce places them at the very centre of interests for cross-border enforcement efforts, such as those supported by ELA.

⁽¹⁶⁾ NACE code 51, which corresponds to 'Passenger air transport' and 'Freight air transport'

⁽¹⁷⁾ The EU-LFS is an inquiry directed to households, designed to obtain information on the labour market and related issues through a series of personal interviews.

⁽¹⁸⁾ EU-LFS data for NACE code 51, which corresponds to 'Passenger air transport' and 'Freight air transport'.

Figure 2. Employment of aircrew, share over total employment, 2024

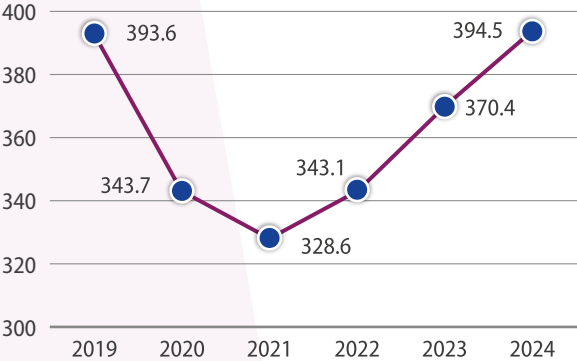


Source: ELA calculation based on EU-LFS data, Eurostat special extraction.

In most countries, the aircrew workforce size experienced a dip in 2020 to 2021, as a result of the COVID-19 pandemic and the associated containment measures that disrupted flight operations (Sobieralski, 2020). A 2021 global survey of pilots found that 30 % were unemployed in October 2020, while an additional 17 % were furloughed (GOOSE Recruitment et al., 2021).

For the EU-27, the 2024 employment levels suggest that the recovery to pre-pandemic levels has been completed (+ 0.2 %). Some Member States recorded significant increases, such as Belgium, Greece and Portugal. However, larger economies are still below their pre-COVID-19 levels, most notably France (- 31.7 %), followed by Hungary (- 20.8 %), Italy (- 10.9 %) and Germany (- 9.1 %).

Figure 3. EU-27 employment of aircrew (thousand), 2019-2024



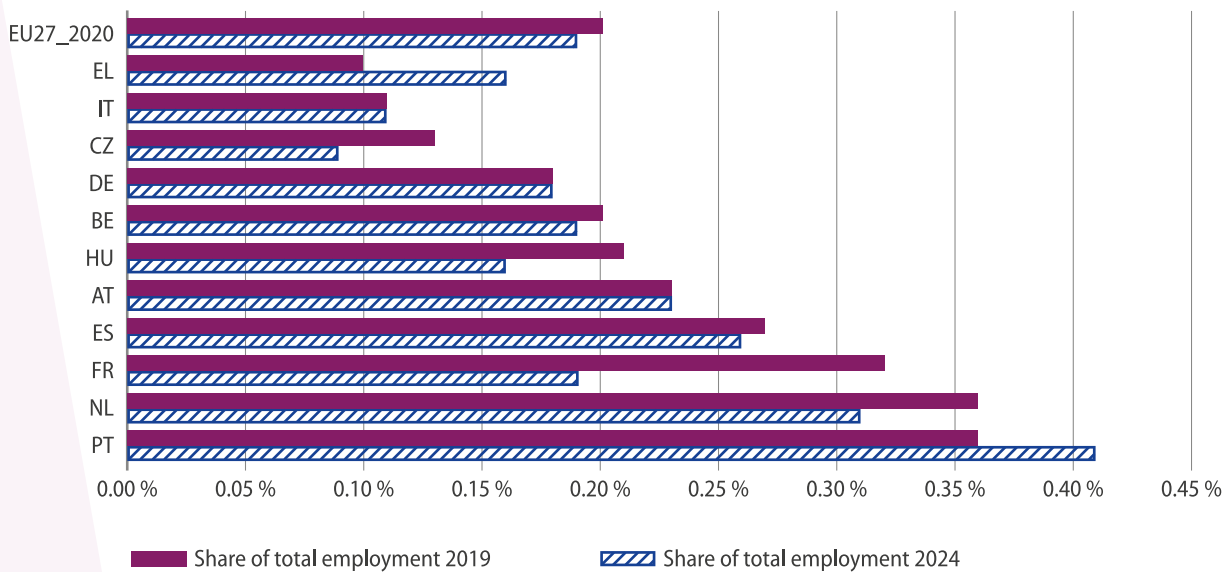
Source: ELA calculation based on EU-LFS data, Eurostat special extraction.

However, any increases were generally modest in comparison to the overall occupational growth. As shown in Figure 4, the share of aircrew employment over total employment recorded a decrease between 2019 and 2024 in most of the Member States for which data was available.

In 2024, 350 817 workers were employed in their country of citizenship, while 27 982 workers (representing 7.4 % of the aircrew employment, up from 5.5 % in 2019) had the citizenship of an EU-EFTA member state other than the one they were employed in

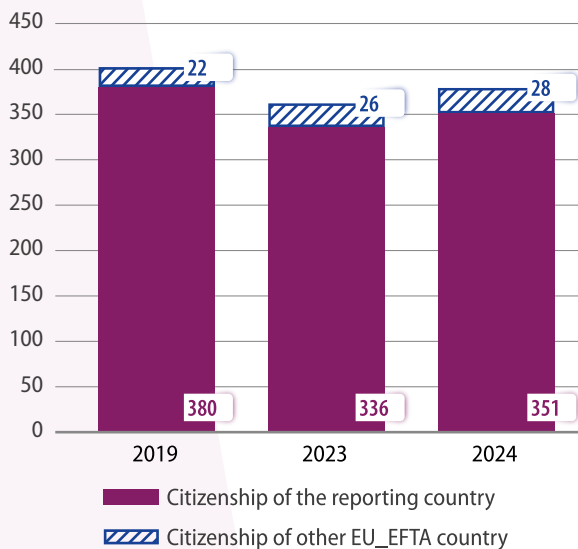
As shown in Figure 5, aircrew workers with a citizenship other than that of their country of employment (namely EFTA citizens) represent a minor portion of employment in the aircrew sector. This might also mean that most aircrew members typically work in their country of citizenship and likely pay their taxes and contributions there. At the same time, there is very limited data available about the short-term labour mobility in general. This, in turn, enhances the complexity of generating a clear picture of employment patterns within the sector, especially when focusing on mobile workers among aircrew.

Figure 4. Employment of aircrew, shares on total employment, 2019 and 2024



Source: ELA calculation based on EU-LFS data, Eurostat special extraction.

Figure 5. Number of aircrew staff employed in their own citizenship country (thousand), 2024



Source: ELA calculation based on EU-LFS data, Eurostat special extraction.

1.1.2 Occupational shortages

For the year 2025, detailed information on shortages by occupational categories⁽¹⁹⁾ is provided by European Employment Services (EURES)⁽²⁰⁾. For the aviation sector, five profiles (see Table 1) were taken into consideration, and a qualitative assessment about the state of shortages is elicited to specific stakeholders of the Member States⁽²¹⁾. Shortages for at least one occupational profile were reported by 10 Member States⁽²²⁾ and were more pervasive in Czechia, Denmark, Luxembourg and Italy. Table 1 summarises detailed available information on the five specific occupational types. Nine Member States⁽²³⁾ reported shortages for engine mechanics and repairers, and severe shortages could be identified in Germany, Latvia and Romania. Interestingly, shortages for Germany and Italy were quantitative (i.e. workforce-related) whereas for Czechia they were qualitative (i.e. skills-related).

⁽¹⁹⁾ International Standard Classification of Occupations, at 4 digits.

⁽²⁰⁾ https://employment-social-affairs.ec.europa.eu/european-employment-services-eures_en.

⁽²¹⁾ Complete information on all of the five profiles is only available for 12 of 23 Member States.

⁽²²⁾ Italy (4), Denmark (4), Luxembourg (3), Czechia (3), Romania (2), Greece (2), Latvia (1), Germany (1), Austria (1), Lithuania (1) and Belgium (1), where the number of occupational profiles are in brackets.

⁽²³⁾ Belgium, Czechia, Denmark, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Austria and Romania. Finland and Latvia stated that these profiles are in surplus.

Table 1. Member States reporting occupational shortage or surplus (count ⁽²⁴⁾)

Occupational title	Shortage	Balance	Surplus
3153. Aircraft pilots and related associate professionals	4	9	4
3154. Air traffic controllers	3	9	3
3155. Air traffic safety electronics technicians	3	8	5
5111. Travel attendants and travel stewards	4	12	4
7232. Aircraft engine mechanics and repairers	9	11	2
Total	23	49	18

Source: EURES 2025 data.

To check for consistency, we also report Directorate-General for Economic and Financial Affairs business survey data on labour shortages ⁽²⁵⁾. For the four countries reporting widespread occupational shortages, Table 2 suggests that Denmark is indeed experiencing strong shortages, while for Czechia and Italy both the levels and the dynamics point to a more nuanced picture.

Table 2. Labour shortages indicator (Business Survey, Directorate-General for Economic and Financial Affairs)

	2022	2023	2024	2025*
CZ	5	19.7	5.4	19.7
DK	28	15.8	52.1	69.5
IT	0	28.2	42.8	34.5
LU	–	–	–	–
EU27	27.6	13.7	19.8	–

*Provisional data. Entries marked with a ‘–’ are not available. Annual data is a simple average of quarterly data.

Overall, shortages in aviation are on the rise. However, according to EURES 2025, occupational shortages are generally not severe, except for the mechanics and engineers. This means that sector experiences shortages that might facilitate cross-border mobility; at the same time, long-term mobility seems to be very limited and focused on aircrew work in the country of their citizenship, for the most part. At the same time, data on short-term and temporary mobility in this sector is missing.

1.1.3 Availability of data on aircrew mobile workers

Due to the limited availability of data, accurately estimating the number of mobile aircrew workers in the EU is challenging. This is significant because pilots and cabin crew are among the most mobile workers in the aviation industry, and information on their mobility patterns and habits could be helpful to national enforcement authorities in charge of monitoring of compliance with labour mobility and social security coordination rules.

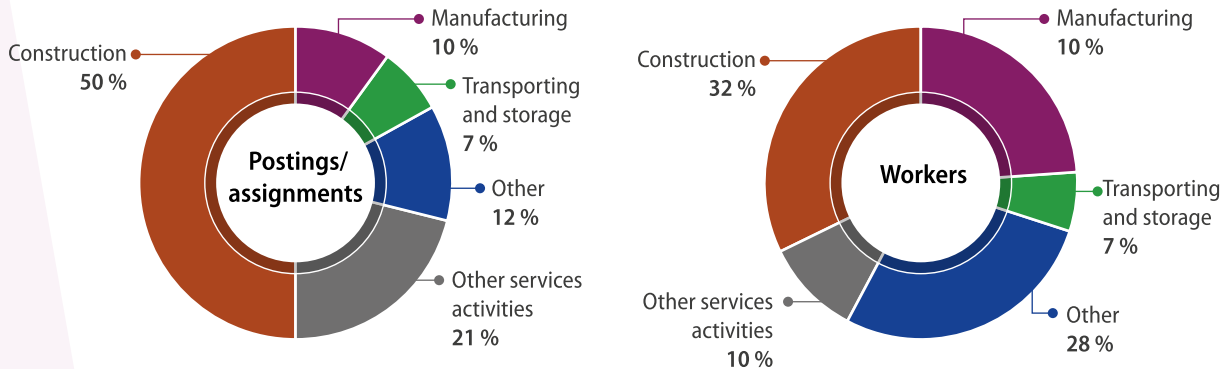
Data on specific mobile worker categories, such as posted workers, are collected via national prior declaration tools, with sector breakdowns available for transport and storage sector; however, there is no data on individual sub-sectors like air transport. This leads to difficulties in even estimating the number of postings and number of posted workers in the CAT sector more broadly, not only in relation to aircrew. As seen in the figure below, in 2023 for both postings and posted workers, the main sector of activity was the construction sector, with the transporting and storage sector representing a low percentage (approximately 10 %). Any estimation regarding postings or posted workers in air transport should also consider the fact that the transporting and storage sector includes land transport as a subdivision, which is the largest ⁽²⁶⁾ in terms of turnover and number of persons employed.

⁽²⁴⁾ Count: each cell displays the number of Member States reporting a specific modality (shortage, balance or surplus).

⁽²⁵⁾ The survey question is of the type ‘What main factors are currently limiting your production/business?’ and ‘shortage of labour force’ is one of the responses. Balances are the difference between positive and negative answering options, measured as percentage points of total answers. Time series are seasonally adjusted by the Directorate-General for Economic and Financial Affairs.

⁽²⁶⁾ European Statistical Office, ‘Businesses in the transportation and storage sector’, April 2025, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Businesses_in_the_transportation_and_storage_sector.

Figure 6. Breakdown by sector of activity, postings/assignments (left) and posted workers (right), 2024 ⁽²⁷⁾



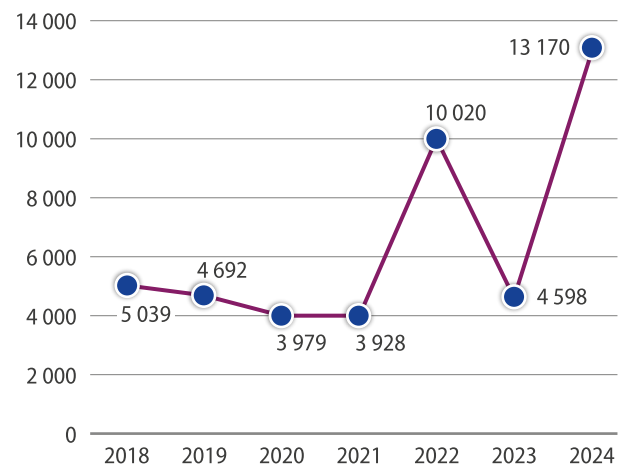
* * Postings/assignments*: based on data from 11 Member States (BG, DK, DE, FR, IT, AT, PT, SI, SK, FI, and SE); 'Workers': based on data from 15 Member States (BG, DK, IE, EL, FR, IT, CY, LV, LU, MT, NL, AT, SI, SK, and SE).

Source: European Commission: Directorate-General for Employment, Social Affairs and Inclusion, De Wispelaere, F. and De Smedt, L., Posting of workers - Collection of data from the prior declaration tools and the EU Portal for road transport posting declarations - Reference year 2024 (not yet published)

Additional sectoral data that may contribute to a comprehensive understanding of the CAT sector, along with enforcement challenges pertaining to EU labour mobility rules and social security coordination, could be sourced from tools such as the IMI and EESSI systems. There is limited available data concerning number of PD A1 issued to flight and cabin crew based on the data submitted by the Member States (Figure 7). However, the dynamic and comparison to the overall number of aircrew in the EU (Figure 3) suggests, that notifications and PD A1 certificates are obtained by a very small percentage of the aircrew members (<4% in 2024). Additionally, the IMI module on posting of workers' data on specific sectors of activity is not available, at least centrally.

As a result, it is challenging to estimate how much the IMI or EESSI systems are used in aviation, and in particular in relation to the mobility of aircrew. Overall, what this means is that it is not possible to estimate short-term mobility in the CAT sector and that of aircrew without access to national-level data. However, as explained in the following chapters, the data also seems limited at the national level and might not be available in part due to derogations from declaration obligations existing in some EU Member States.

Figure 7. Number of PD A1 certificates issued to flight or cabin crew in EU27



Source: PD A1 - Statistical database 2012-2024.

⁽²⁷⁾ European Commission: Directorate-General for Employment, Social Affairs and Inclusion, Posting of workers – Collection of data from the prior declaration tools – Reference year 2024 (not yet published)

1.2 Overview of EU-level labour mobility and social security coordination rules relevant for the CAT sector

The EU legal framework on labour mobility and social security coordination establishes common rules that ensure EU citizens' right to work and reside in any Member State and right to equal treatment in employment and working conditions. It is supported by Regulations (such as Regulation (EU) No 492/2011), Directives (such as Directive 2014/54/EU) and social security coordination rules (such as Regulation (EC) Nos 883/2004 and 987/2009) with the addition of dedicated rules for posted workers (Directives 96/71/EC and 2014/67/EU). These horizontal rules also apply to the CAT sector and due to its intrinsically transnational character play a perhaps more active role there than in other less 'highly mobile' sectors.

Airlines often operate across multiple Member States and maintain several operational bases, which can lead to complex employment and social security situations for aircrew when aircrew is assigned to work from those other bases on temporary assignments throughout the year. These situations might be difficult for employers from a compliance perspective and for enforcement authorities responsible for monitoring enforcement.

Three applicable regimes related to labour mobility including free movement rules for workers, social security coordination rules and legal framework on posting of workers fall within the mandate of ELA (Article 1(4) of the ELA Regulation ⁽²⁸⁾). However, the framework discussed here and in the following chapters consists mostly of the posting of workers directives ⁽²⁹⁾ and the rules on the coordination of social security systems ⁽³⁰⁾ since those are the key rules on short-term mobility. This framework is further complemented by general private international law instruments governing applicable law ⁽³¹⁾ and jurisdiction ⁽³²⁾ since these domains were identified by the national enforcement authorities as most relevant for their work in enforcing EU rules ⁽³³⁾.

The high mobility of workers and the complexity of commercial operations and mobility patterns in the CAT sector might make it difficult to assess whether a situation qualifies as posting of workers under posting directives or to identify whether the applicable social security regime has been correctly determined in line with Article 11(5) of the Basic Regulation ⁽³⁴⁾. Those are the key EU rules within ELA's mandate, the enforcement of which can be relatively complex in the CAT sector, and this complexity can hamper the prevention of possible abuse and fraud.

⁽²⁸⁾ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority (OJ L 186, 11.7.2019, p. 21, ELI: <http://data.europa.eu/eli/reg/2019/1149/oj>).

⁽²⁹⁾ Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16, ELI: <http://data.europa.eu/eli/dir/2018/957/oj>); Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11, ELI: <http://data.europa.eu/eli/dir/2014/67/oj>); Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

⁽³⁰⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/883/oj>); and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/987/oj>).

⁽³¹⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, ELI: <http://data.europa.eu/eli/reg/2008/593/oj>).

⁽³²⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (OJ L 351, 20.12.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1215/oj>).

⁽³³⁾ Question 16 in the survey.

⁽³⁴⁾ Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/883/oj>).

1.2.1 Free movement of workers rules

The general EU rules on the freedom of movement of workers, laid out in Article 45 of the Treaty on the Functioning of the European Union ⁽³⁵⁾ and further specified in Regulation (EU) No 492/2011 ⁽³⁶⁾, apply to aircrew members in the same way as to other mobile workers. Article 1 of Regulation (EU) No 492/2011 guarantees the right of nationals of a Member State to take up an activity as an employed person in another Member State, while Article 3 prohibits any discrimination based on nationality with respect to access to employment. Aircrew members enjoy the right to equal treatment concerning any conditions of employment and work, including remuneration, dismissal and reinstatement or re-employment, and the same social and tax advantages as national workers (Article 7(1) and 7(2) of Regulation (EU) No 492/2011) together with other equality rights granted in either Regulation (EU) No 492/2011 or Directive 2014/54/EU.

These provisions impose obligations on Member States and their enforcement authorities to ensure that rights under the Regulation are effectively safeguarded in practice. However, beyond the practical access to workplaces in case working conditions of aircrew members are checked, there is nothing CAT-sector-specific about the enforcement of free movement rules within ELA's mandate concerning aircrew members (Regulation (EU) No 492/2011 and Directive 2014/54/EU).

The enforcement obligations cut horizontally across a range of contractual arrangements used in the aviation sector, particularly those where a worker's cross-border situation may give rise to risks of unequal treatment, such as airline groups holding multiple operating licences, damp, dry and wet leases (whether intra-EU or involving a non-EU-country operator), cabotage operations and hiring through an intermediary. By contrast, Regulation (EU) No 492/2011 is not as relevant for arrangements such as the use of flags of

convenience, virtual airlines or cases of genuine self-employment and service provision, which fall under company law, freedom of establishment or contractual freedom.

However, where based on contractual arrangements between aircrew member and operator or where company work or service is carried out to disguise a genuine employment relationship, the enforcement authorities remain obliged to apply Regulation (EU) No 492/2011 to prevent the circumvention of free movement rights and to reclassify the situation accordingly. Any reclassification of the employment situation needs to be done in accordance with the applicable national law, which is determined by the Regulation (EC) No 593/2008 ⁽³⁷⁾ (the Rome I Regulation) on the law applicable to contractual obligations ⁽³⁸⁾.

More broadly, and as explained above, the Rome I Regulation and Regulation (EU) No 1215/2012 ⁽³⁹⁾ on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the Brussels I bis Regulation) are relevant for the aviation sector due to the inherently cross-border nature of aircrew work. These regulations aim to determine the law applicable to the employment relationship and the court with the closest connection to it. This is particularly important in aviation, where it is common for contracts to designate the law of the air carrier's or intermediary agency's seat rather than the country of the employee's home base or habitual place of work, which may not be consistent with EU labour mobility and social security coordination rules (European Commission et al., 2019). However, while those rules determine the applicable employment law, the applicable social security regime is determined by social security coordination rules ⁽⁴⁰⁾. In line with Article 8(2) of Rome I, the country where the work is habitually carried out does not change if a person is temporarily employed in another country. Instead, the posting of workers rules will usually apply in such a situation, and the worker will have access to certain rights based on the law

⁽³⁵⁾ Treaty on the Functioning of the European Union (OJ C 326, 26.10.2012, p. 47, ELI: http://data.europa.eu/eli/treaty/tfeu_2012/oj).

⁽³⁶⁾ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/492/oj>).

⁽³⁷⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6, ELI: <http://data.europa.eu/eli/reg/2008/593/oj>).

⁽³⁸⁾ Article 8 provides that the choice of law may not deprive the employee of the protection afforded by provisions that cannot be derogated from by agreement under the law that would otherwise apply.

⁽³⁹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1215/oj>).

⁽⁴⁰⁾ Social security coordination is excluded from the scope of Rome I and Brussels I bis, since they do not apply to administrative matters (Article 1(1) of Rome I and Article 1(1) of Brussels I bis).

of the host Member State, pursuant to Article 3(1) of the PWD. Importantly, however, Rome I and Brussels I bis can apply to situations that include third countries, whereas posting of workers rules do not.

1.2.2 Posting of workers rules

According to the European Commission subgroup on social matters related to aircrews established under the Expert Group on Aviation Internal Market (ECS), there are conflicting opinions on when and whether aircrew operations carried out in other Member States under the freedom to provide services should be considered as posting of workers falling within the scope of Directive 96/71/EC (ECS, 2023). The key questions, as in other highly mobile sectors, are whether the common yet very short-term mobility situation constitutes posting or not, and whether there is service provision or not when aircrew stays in the host state for a very limited time or purpose.

Posting of workers is a specific area of EU labour mobility, whereby companies can provide services across the single market by posting workers who normally perform their activity in the territory of a Member State ('sending state') to another state ('host state'). Posting is a fundamental tool for companies established in the EU or the European Economic Area (EEA) to provide their services not only in general but also specifically in the CAT sector⁽⁴¹⁾. Due to the temporary nature of the activity and the expectation of returning to the sending state, posted workers are not considered to be integrated into the host state's labour market⁽⁴²⁾. Nevertheless, the PWD requires that the core employment conditions in force in the host country are applied to them. These, among others, include rules on working time, remuneration, paid annual leave, health, safety and hygiene at work and non-discrimination (see Article 3(1)).

In principle, the PWD applies to three situations: a) a worker posted by their employer to carry out a service; b) a worker posted within a linked group of companies, and c) a worker posted by a temporary employment agency (Article 1(3)). While 'posting' is temporary in nature, its minimum length is not

explicitly set by the directive. The directive merely states that a posted worker is 'a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works' (Article 2(1)). It is not specified after what time period or when it occurs in highly mobile situations involving aircrew. In *Dobersberger*⁽⁴³⁾, a case that concerned the cross-border provision of railway services and on-board services for the passengers carried out by workers working on trains travelling between Hungary and Austria but beginning and ending their shifts in Hungary, the CJEU clarified that for the worker to be 'considered to be posted', the performance of their work has to have a sufficient connection with the territory of the Member States crossed by trains⁽⁴⁴⁾. Hence, such a sufficient link is also likely necessary in order to consider aircrew to be posted to another Member State under the same rules.

While day flights from one EU Member State to another even with crossing multiple Member States as part of the journey where the aircrew does not normally leave the airplane, may not constitute posting of workers, longer assignment and temporary change of operating or home base would fall within the scope of the PWD. Also, whether services carried out in an airport of another Member State – albeit shortly and in connection with ensuring smooth operation of flights (for example, checking boarding passes and similar) – constitutes 'sufficient link with territory' or are merely auxiliary to the main service has to be determined on a case-by-case basis, since *Dobersberger* concerned only catering services on-board of trains crossing the Member State.

Previous analytical work has concluded that in the aviation sector, with its complex contractual arrangements and practices involving multiple operational bases, it is not always easy to ascertain if and how the PWD should be applied (European Commission et al., 2019). Moreover, some Member States, either officially or in practice, might take the view that the PWD does not apply to aircrew. This interpretation appears to contradict the intention of the EU legislator and the directive itself (Van Olmen et al., 2020), which has a general scope for all productive sectors with the only exception of seafarers (ECS, 2023). The 2019 Ricardo study also

⁽⁴¹⁾ Subgroup on social matters related to aircrews. Working group on posting of workers: Paper on posting of workers in commercial air transport within the European Union, p. 3.

⁽⁴²⁾ Workers who are posted in order to carry out a service other than the loan of manpower do not purport to gain access to that market (Judgment of the Court of Justice of 20 June 2024, *SN and Others*, C-540/22, ECLI:EU:C:2024:530, paragraph 80).

⁽⁴³⁾ Judgment of the Court of Justice of 19 December 2019, *Dobersberger*, C-16/18, ECLI:EU:C:2019:1110, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0016>.)

⁽⁴⁴⁾ See footnote 46, in particular paragraph 33.



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found that the PWD is rarely applied in the aviation sector (European Commission et al., 2019).

If the aircrew are continuously on the move and between flights they are only staying at a given location for a short period of time, then they may not fulfil the requirements of Article 4(3)(d) of the Enforcement Directive which stipulates that the posted worker returns to or is expected to resume working in the Member State from which he or she is posted. These workers are particularly vulnerable to the challenge of home base being defined mainly for the purpose of saving costs on labour and social security contributions rather than as a location from which aircrew genuinely start and end their duty periods⁽⁴⁵⁾. And the full reliable and easily accessible data on the worker's mobility patterns (past and planned) can help determine whether the situation constitutes posting.

The PWD allows the Member States to exempt employers from the obligation to ensure that remuneration is paid in line with the rules of host state where the work is carried out during intra-group and 'normal' posting (but not in the case of posting by temporary employment undertaking or placement agency) and where the duration does not exceed one month (Article 3(3))⁽⁴⁶⁾. Member States can also allow similar exemptions in one or more sectors of activity for postings lasting less

than one month by means of collective agreement (Article 3(4)). The length of posting in such cases has to be calculated based on a reference period of one year from the beginning of posting (Article 3(6)), therefore, multiple postings to one and the same Member State lasting in total more than one month cannot be exempted. In addition, Member States can also provide for exemptions from maximum work and minimum rest periods and minimum paid annual leave in situations where the amount of work to be done is not significant (Article 3(5)). Once again, such exemptions cannot be applied to posting by a temporary work agency (Article 1(3)(c)).

Some Member States have indeed introduced such specific exemptions from the PWD. The Member States that apply certain exemptions for aircrew are listed in Table 3. Member States which have limited or excluded the application of the PWD to aircrew or aviation specific posting often cite several factors, such as the unique nature of aircrew employment as mobile workers, conflicts with EU aviation law such as Regulation (EC) No 1008/2008 on air services, and with the social security rules under Regulation (EC) No 883/2004. The Member States not mentioned below either apply the posting of workers rules in full or do not have formal exemptions related to the CAT sector⁽⁴⁷⁾.

⁽⁴⁵⁾ Please see the legal definition of 'home base' included in Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amended by Commission Regulation (EU) No 83/2014 of 29 January 2014. Pursuant to Annex II ORO.FTL.105 point 14 "Home base" means the location, assigned by the operator to the crew member, from where the crew member normally starts and ends a duty period or a series of duty periods and where, under normal circumstances, the operator is not responsible for the accommodation of the crew member concerned'.

⁽⁴⁶⁾ Such exemptions can be adopted only after consulting national social partners.

⁽⁴⁷⁾ A previous study found that the Cyprus and Hungary authorities for example did not consider aircrew as posted workers, though this was unofficial and not formalised by law (Busschaert et al., 2019).

Table 3. National derogations to the Posted Workers Directive and other exemptions ⁽⁴⁸⁾ in the CAT sector

Member State	Overview of exemptions from the PWD
Belgium	<p>Posting rules do not apply to aircrew flying internationally, except when engaging in cabotage ⁽⁴⁹⁾ activities within the country. However, cabotage operations where foreign transport companies perform domestic transport services within Belgium are not exempt. (Programme Law of 27 December 2006, Article 140; Royal Decree of 20 March 2007, amended by Royal Decree of 20 September 2017).</p> <p>Employees in the international transport for passengers and goods are exempted from the mandatory posting declaration (Limosa) (Limosa – Working in Belgium)</p>
Bulgaria	<p>Bulgarian legislation excludes pilots and cabin crew members from the category of seconded workers when they operate flights within the territory of Bulgaria (see Article 6, paragraph 1, of the Ordinance on Domestic Postings (Наредба за командировките в страната)), as this follows from the nature of their work, which does not allow for the determination of a precise place of work.</p> <p>However, the Ordinance on Business Trips and Specialisations Abroad (Наредба за служебните командировки и специализации в чужбина) grants the right to business trip allowances to these persons when they perform their official duties outside the territory of Bulgaria (Article 31, paragraph 2). The Ordinance on the terms and conditions for the secondment and posting of workers and employees within the framework of the provision of services (Наредбата за условията и реда за командироване и изпращане на работници и служители в рамките на предоставяне на услуги) transposing Directive 96/71/EC, does not devote particular attention to pilots and cabin crew, but it is generally applicable to them, since the only ones excluded from the scope of Directive 96/71/EC are the merchant fleet enterprises.</p> <p>Thus, while pilots and cabin crew are not usually considered as posted workers according to Bulgarian legal provisions, there are exceptions. This is why, it is decided on case-by-case basis whether the cabin crew can be treated as posted workers (e.g. cabin crew and pilots, who are a part of wet lease can be considered as posted workers).</p>
Germany	<p>Posting rules do not apply when the posting is exclusively for the purposes of the worker's training; in this case, work on German territory must not exceed 14 days consecutively or 30 days per year (Arbeitnehmer-Entsendegesetz, Division 9, Section 35)</p>
France	<p>In France, the aviation sector falls within the scope of the national rules implementing the PWD, as set out in Articles L.1261-1 et seq. and R. 1261-1 et seq. of the French Labour Code (Code du travail).</p> <p>However, French law limits the use of posting arrangements in situations where an employer's activity is carried out in France in a stable, usual, and continuous manner, in which case the company must comply with French labour law applicable to undertakings established in France (Article L. 1262-3 Code du travail). In the aviation sector, this principle is clarified by Article R. 330-2-1 of the French Civil Aviation Code (Code de l'aviation civile), which provides that air transport companies cannot rely on posted-worker provisions for employees assigned to an 'operating base' located in France, defined as facilities from which the airline conducts air transport activities on a stable and continuous basis and where employees have the effective centre of their professional activity (i.e. where they habitually work or where they start and end their service).</p> <p>Consequently, aircrew assigned to such a base are subject to the full application of French labour law, even if their employer is established in another Member State ⁽⁵⁰⁾.</p>

⁽⁴⁸⁾ Concerning exemptions to the obligation to submit posting declarations for aircrew.

⁽⁴⁹⁾ In aviation, 'cabotage' refers to transporting passengers or cargo between two points within the same country by a foreign-registered aircraft. For EU-based airlines, cabotage services are permitted based on Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community.

⁽⁵⁰⁾ Additional information is included in the mentioned legal codes and in Busschaert et al. (2019) 'The application of the EU posting rules to aircrew'.

Member State	Overview of exemptions from the PWD
Lithuania	Provisions related to remuneration for work, including extra pay for overtime, night work and work on days off and public holidays shall not be applicable if the duration of the posting does not exceed 30 days. (Labour Code of the Republic of Lithuania Section 2, Articles 108 and 109).
Netherlands	Pursuant to Article 10(1)(e) of Besluit arbeidsvoorwaarden gedetacheerde werknemers in de Europese Unie , employers posting workers in the air transport sector (code 51) from another Member State, EEA country or Switzerland to the Netherlands are exempted from filing a posting declaration.
Austria	Posting rules do not apply in the following cases: posting within a group of undertakings up to two months for defined purposes; posting exclusively for purposes of the worker's training; transport workers without habitual work location in Austria and present exclusively for transit purposes; workers with a monthly income beyond 120 % of the maximum amount taken into account for social security (see the law on combatting wage and social dumping Lohn- und Sozialdumping Bekämpfungsgesetz , Part 1, Section 1 (5–9)).
Slovenia	Aircrew are not considered posted workers in national law. The Cross-Border Provision of Services Act does not apply to aircrew and cabin crew. (Zakon o čezmejnem izvajanju storitev – ZČMIS-1 , Article 1(3)).

Source: Author's own analysis, 2025.

Only eight EU Member States have introduced specific derogations from posting rules that are applicable to aircrew. There is no single derogation model. Some Member States exclude aircrew from posted-worker status in most cross-border situations, typically justifying this by the highly mobile nature of work of aircrew and the difficulty of identifying a fixed place of work. Others rely on more specific carve-outs such as short duration, training purposes and transit-only presence. Up-to-date and clear information on these derogations is essential for facilitating legal certainty in compliance.

1.2.3 Social security coordination rules

The free movement of workers⁽⁵¹⁾ requires equal treatment of European workers regarding access to employment, working conditions and social and

tax advantages. The free movement of workers is further facilitated by the Basic Regulation. Article 11(5) of the Basic Regulation contains a special rule for determining the legislation applicable to flight or cabin crew members. It states that the air passenger or freight service activity performed by flight or cabin crew member is deemed to be pursued in the Member State where the 'home base' – as defined in Annex III to Regulation (EEC) No 3922/91 – is located. The concept of 'home base' is used in several EU legal standards. It was first defined in the Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation and the legal requirement that 'an operator shall nominate a home base for each crew member' was introduced under OPS.1.1090 (3.1)⁽⁵²⁾.

Currently, the definition of 'home base' is included in Regulation (EU) No 965/2012, as amended by Regulation (EU) No 83/2014⁽⁵³⁾ (Annex II, ORO.

⁽⁵¹⁾ Article 1 of Regulation (EU) No 492/2011 on free movement for workers.

⁽⁵²⁾ Council of the European Union, Annex III EU-OPS (European Union's air-operations regulations): Commercial Air Transportation (Aeroplanes), OPS 1.1090. The EU-OPS came into force via Regulation (EC) No 1899/2006, including the legal requirement for operators to nominate a home base for each crew member. Currently Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, pp. 1-148), Annex III, Section 2 on Commercial Air Transport Operators, ORO.FTL.200 'Home base'.

⁽⁵³⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, pp. 1, ELI: <http://data.europa.eu/eli/reg/2012/965/oj>); Commission Regulation (EU) No 83/2014 of 29 January 2014 amending Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 28, 31.1.2014, p. 17, ELI: <http://data.europa.eu/eli/reg/2014/83/oj>). The definition of 'home base' is laid down in point 14 of ORO.FTL.105, in Subpart FTL. For social security purposes, the term 'home base' is defined by referring to Annex III to the old Council Regulation (EEC) No 3922/91 of 16 December 1991, which had almost the same wording.

FTL.105 Definitions) and means the location, assigned by the operator, from where the crew member normally starts and ends a duty period or a series of duty periods and where, under normal circumstances, the operator is not responsible for the accommodation of the crew member concerned. The designation of home base is mandatory under the aviation safety rules. In line with the requirements of the Regulation (EU) No 965/2012, 'an operator shall assign a home base to each crew member' (ORO.FTL.200 Home base). As such, the social security coordination rules for aircrew members are intrinsically linked to the aviation safety rules, since they have used this notion of home base to create a legal fiction for the purpose of simplifying the determination of applicable legislation for flying personnel⁽⁵⁴⁾. For this rule to apply, it also does not matter whether the aircrew member is in an employment relationship or is self-employed, since Article 11(5) of the Basic Regulation is not restricted to employment relationships. Accordingly, also for self-employed workers, the applicable social security regime has to be determined by using the 'home base' rule. In the same way, for the issuance of PD A1 certificates, in accordance with Article 19(1) of Regulation (EC) No 987/2009, the applicable legislation shall be determined and the PD A1 issued by the Member State where the 'home base' is located.

It is still, however, exceptionally possible that where aircrew members have two or more home bases in different Member States, for example when working for two or more operators, the designated institution of the Member State of residence has to determine the applicable regime on the basis of the conflict of law rules in Article 13 of Regulation 883/2004 (pursuit of activities in two or more Member States)⁽⁵⁵⁾. But even in such situations, the Article 14(5a) of Regulation (EC) No 987/2009 states that an employed flight crew or cabin crew member normally pursuing air passenger or freight services in two or more Member States is subject to the legislation of the Member State where the home base is located. The home base will usually be the location where the person is physically located and has a strong connection with as it is the location where they normally start and end their duty period. Thus, where the aircrew member works simultaneously for more than

one operator, the other conflict of laws rules in Article 13 could be used and the applicable regime will be that of the residence of the person or the country of establishment of the operator or airline company⁽⁵⁶⁾. At the same time, this is a highly theoretical scenario and would almost never arise and typically, only Article 11(5) is relevant for the work of aircrew.

Another key element in determining the applicable social security regime is the principle of stability – the applicable regime should remain relatively stable within the period of 12 calendar months. Hence, any short-term change in the home base should not trigger an automatic change in the applicable regime (Article 14(10) of Regulation (EC) No 987/2009), and instead the regime should remain stable despite frequent changes of home base.

In any case, from the perspective of the national enforcement authorities, what could be difficult is the initial determination of the applicable regime, especially if they lack comprehensive information about the assigned home bases or such information or documentation is difficult to access. In addition, further difficulties might arise when checking whether the home base assigned by the operator corresponds to the real work patterns of the aircrew and deciding whether the applicable social security regime should be changed. In any case close cooperation with civil aviation safety authorities of the country in which the operator is based is might be needed, since it might help to access the necessary information available in line with aviation safety rules already mentioned above.

Since the 'home base' is a concept defined by specific EU legislation, its application and use are constrained to the territory of the EU. The concept cannot be applied if a member of aircrew, whether an EU national or not, has their home base outside of the EU. If the aircrew member flies in and out of the EU from a non-EU country and no special dedicated bilateral or multilateral instrument exists, the general conflict of laws rules will apply. If an EU national resides in a non-EU country but works as an aircrew member from a home base located in a Member State, that Member State's legislation will apply and will cover all their activities within the EU. A non-EU country national who is legally resident in an EU Member State and who is working as a flight or cabin crew member from a home base located

⁽⁵⁴⁾ Social security guide, p. 31.

⁽⁵⁵⁾ Article 13(1) states that if person works substantially in the country of residence, then that country's legislation applies; if not, then the regime of the place of registration of the employer applies; for self-employed according to Article 13(2), if person works substantially in the country of residence, then that country's legislation applies; if not, then the regime of the Member State where the main business interests are located.

⁽⁵⁶⁾ The procedure for applying Article 13 is laid down in Article 16 of Regulation (EC) No 987/2009.

in another Member State falls under the material scope of Article 1 of Regulation (EU) No 1231/2010. Consequently, the legislation of the Member State where the home base is located will apply based on Article 11(5) of Regulation (EC) No 883/2004.

Finally, aircrew members are not exempt from the obligation to notify the responsible social security in the Member State of residence about working normally in two or more Member States under Article 16 of Regulation (EC) No 987/2009. In such a case the person concerned will need a PD A1 certificate to demonstrate which Member State's social security system applies to them. This data is essential for the national enforcement authorities to monitor the mobility situation in the sector.

1.2.4 Other aspects of EU law

It is important to note that the PWD can be considered to create a sort of exception in comparison to Rome I, meaning that it takes precedence as a specific instrument governing particular aspects of conflict of law rules in relation to cross-border provision of services⁽⁵⁷⁾. In addition, Rome I does not apply to administrative matters such as social security coordination; instead Regulations (EC) Nos 883/2004 and 987/2009⁽⁵⁸⁾ (the Social Security Regulations) or dedicated bilateral or multilateral agreements (e.g. with third countries) determine the applicable social security regime. These instruments set out the conditions for employment and remuneration of posted workers and determine the applicable legislation, including the criteria for deciding the Member State responsible for social security contributions. Only when the specific provisions of the PWD do

not resolve the question of the applicable law to contractual obligations does Rome I⁽⁵⁹⁾ apply.

Additionally, if a situation of employment of aircrew does not fall within the scope of the PWD, then they will be protected by the national legal system determined in accordance with the provisions of Rome I (Busschaert et al., 2020). Rome I governs the general rules on determining the law applicable to contractual obligations in cross-border cases. The general principle in Articles 3 and 8 is the freedom to choose the applicable law; however, such a choice cannot deprive the worker of the protection afforded by the law of the place where they actually carry out the work or from which they perform it ('habitual place of work'), if that law is more favourable than the law chosen in the contract (Article 8(1)). This approach is particularly relevant in the aviation sector, where it is common that the law applicable under the employment contract is that of the seat of the air carrier or intermediary agency rather than the country of the employee's 'home base' or 'habitual place of work'. In such cases, the compliance of such practices with the rules on posting of workers and social security coordination should be assessed first before considering Rome I (European Commission et al., 2019).

The 'home base' that is crucial for determining the applicable regime of social security, has, through CJEU case-law⁽⁶⁰⁾, also become the leading criterion driving the determination of the 'habitual place of work' under Rome I. The habitual place of work⁽⁶¹⁾ is a key legal concept not only for the determination of jurisdiction in an employee–employer dispute, but also for the determination of the applicable law under Rome I (Babuder, 2021). In the Ryanair and Crewlink joined cases⁽⁶²⁾ the CJEU ruled that the home base, within the

⁽⁵⁷⁾ See Article 23 of Rome I, which provides that the Regulation 'shall not prejudice the application of provisions of Community law which, in relation to particular matters, lay down conflict-of-law rules relating to contractual obligations

⁽⁵⁸⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/883/oj>); Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/987/oj>).

⁽⁵⁹⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6, ELI: <http://data.europa.eu/eli/reg/2008/593/oj>).

⁽⁶⁰⁾ Judgment of the Court of 19 May 2022, C-33/21, INAIL and INPS, C-33/21, ECLI:EU:C:2022:402, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62021CJ0033>. For more previous landmark rulings on 'habitual place of work' see judgment of the Court of 15 March 2011, Koelzsch, C-29/10, ECLI:EU:2011:151, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62010CJ0029>; judgment of the Court of 15 December 2011, Voogsgeerd, C-384/10, ECLI:EU:C:2011:842, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A62010CJ0384>; judgment of the Court of 12 September 2013, Schlecker, C-64/12, ECLI:EU:C:2013:551, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62012CJ0064>.

⁽⁶¹⁾ Judgment of the Court of 11 December 2025, Locatrans, C-485/24, ECLI:EU:C:2025:955, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62024CJ0485>.

⁽⁶²⁾ Judgment of the Court of 14 September 2017, Nogueira and Others, Joined Cases C-168/16 and C-169/16, ECLI:EU:C:2017:688, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0168>.

meaning of Annex III to Regulation No 3922/91⁽⁶³⁾, does not automatically determine the concept of 'place where the employee habitually carries out his work'. Nevertheless, the concept of 'home base' constitutes a significant indicator for the purposes of determining the 'place where the employee habitually carries out his work'⁽⁶⁴⁾. This has the practical effect of making the 'place of habitual employment' of an airline worker presumed to be the 'home base', unless such presumption can be rebutted.

The outcomes of the judgments were far-reaching, as employment schemes adopted by some operators that subjected the entire workforce to a single employment contract, irrespective of where workers were actually based, were essentially ruled non-compliant with European labour law. While this ruling was welcomed by airline employees, there remains criticism from social partners and some national authorities around the concept of 'home base' as being too susceptible to different interpretations, leading to legal ambiguities which could be exploited (Babuder, 2021).

For most aircrew, the 'home base' designated by the air carrier coincides with the Member State in which they normally work, as referred to in Article 2(1) of the PWD, and with the habitual place of work used in Article 8 of Rome I⁽⁶⁵⁾ and Article 21 of Brussels I bis⁽⁶⁶⁾. If the nominated 'home base' does not coincide with the crew member's actual habitual place of work national courts are required to assess, on a case-by-case basis, the factual circumstances of the employment relationship to determine the worker's genuine place of work and the applicable law (Busschaert et al., 2020).

If workers are assigned on a permanent basis, this will include a change in the aircrew's 'home base', which, according to the definition of the home base, in principle should reflect their place of habitual work (Van Olmen et al., 2020). The permanent – or at least long-term change – of home base, through its implications on the change of habitual place of work, can have effect on the application of Rome I depending on the factual

pattern of the case. In contrast, if the change of 'home base' is temporary and workers are there on a temporary basis, then the PWD applies, meaning that the core working conditions of the host country must be applied to the posted workers (ECS, 2023). In addition to this, change in 'home base' would normally also affect the applicable social security regime; however, for the sake of stability of the social security regime, temporary changes under 12 months should not always result in changing social security regime. This means that the choice of applicable law does not always align with social security and labour mobility regimes, and it also partly depends on the level of 'temporariness' or 'permanence' in the change of home base.

1.3 Key takeaways

CAT sector is by definition a highly mobile sector, which makes cross-border monitoring and enforcement highly relevant.

The aviation sector employs over 1.4 million people and contributes more than EUR €100 billion to EU GDP⁶⁷. Aircrew (pilots and cabin crew) represent the most mobile category of workers representing 0.3 % of total EU employment. Their work routinely spans multiple jurisdictions, often starting and ending duty periods in different Member States. This mobility places aircrew at the centre of enforcement challenges: determining which country's labour law and working conditions apply, which social security system covers them, and whether their rights, such as equal treatment and remuneration, in case of posting, are respected. The complexity intensifies when airlines maintain secondary bases or rotate staff seasonally, making enforcement authorities' role critical in preventing gaps or abuses in protection.

Aircrew employment in the CAT sector is on steady rise, yet it still accounts for a small percentage of the overall workforce and moderate shortages suggest potential for

⁽⁶³⁾ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4, ELI: <http://data.europa.eu/eli/reg/1991/3922/oj>).

⁽⁶⁴⁾ Judgment of the Court of 2 April 2020, CRPNPAC and Vueling Airlines, Joined Cases C-370/17 and C-37/18, EU:C:2020:260, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CJ0370>

⁽⁶⁵⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6, ELI: <http://data.europa.eu/eli/reg/2008/593/oj>).

⁽⁶⁶⁾ Similarly to Rome I, Brussels I bis includes protections for employees based on their 'habitual place of work', rather than what is stipulated in their contractual arrangement, providing employees greater choice in the jurisdiction of their case: Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).

⁽⁶⁷⁾ https://transport.ec.europa.eu/transport-modes/air/internal-market_en

greater workforce mobility. Even though aircrew are typically highly mobile workers, there are significant gaps in the labour mobility data of this group.

The CAT sector has recovered from the COVID-19 downturn, with aircrew employment rising steadily and reaching 394 500 workers in the EU in 2024. Despite this growth, the available workforce data shows that most workers are employed in their country of citizenship. Additional data could clarify mobility patterns. The occupational shortages, though generally moderate, except for the rise in technical occupations, could encourage mobility.

Centralised data on mobile or short-term assignments is largely unavailable. Existing EU tools such as IMI and EESSI, together with more detailed data obtained from national level, if available, could provide additional insights, thus contributing to better assessment of mobility patterns or enforcement challenges in aviation. The lack of harmonised, sector-specific data constrains a full understanding of labour mobility in the CAT sector.

Workforce structures mix standards and atypical contracts with some sources indicating increase in atypical employment.

While direct, permanent employment remains the dominant model (86 % of pilots and 95 % of cabin crew according to recent surveys (Jorens et al., 2025)), some recent research indicates that atypical arrangements are no longer marginal in the CAT sector. National authorities report that they relatively frequently encounter the use of temporary work agencies (45 %), self-employment (43 %) and self-employment via intermediaries (40 %), alongside leasing practices such as wet leases (18 %) and even virtual airlines (10 %). Some of these practices constitute a normal part of the labour market and are characteristic also in other sectors, while others are specific to the CAT sector. To a certain extent, they might complicate the enforcement of EU rules on posting of workers and social security coordination since enforcement authorities tend to be involved and enforcement efforts are often triggered in non-standard settings. Inspectors need to have the necessary resources and tools to tackle such situations, including expertise, access to data and information, and cooperation mechanisms.



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Three horizontal EU regimes frame mobility in the CAT sector in addition to private international law: social security coordination rules, labour mobility rules (posting of workers and free movement rules) and aviation safety rules.

Depending on the situation all main 'domains' of mobility rules within ELA's mandate are relevant for aircrew mobility: free movement of workers' legal framework (Article 45 of the Treaty on the Functioning of the European Union; Regulation (EU) No 492/2011), social security coordination rules (Regulations (EC) Nos 883/2004 and 987/2009), posting of workers directives (Directive 96/71/EC and Directives 2014/67/EU, and 2018/957/EU) at certain points interact with aviation safety rules.

The relative stability of 'home base' in contrast to short-term assignments to another base can lead to divergence between applicable social security regime and working conditions, at least concerning 'core conditions' under Article 3(1) PWD. Finally, because aircrew often operate across borders including EU external borders, Rome I and Brussels I bis regulations can also matter for determining applicable law and jurisdiction. All dimensions of rules applicable to aircrew members intersect at times via common notions and application criteria (e.g. 'home base') but are also characterised by different approaches and underlying principles, thus, complicating the overall enforcement landscape.

Posting of aircrew members in CAT sector is nuanced and derogations introduced by some Member States matter for enforcement efforts.

Not every cross-border flight counts as a posting. Short rotations where crew never leave the aircraft or remain only briefly in another country depending on circumstances might fall outside the scope of posting rules or fall under partial exemptions. By contrast, temporary reassignment to a secondary base, such as a pilot moved from Lisbon to Paris for three months, would normally trigger posting obligations, including requiring compliance with host-state rules on pay, working time and annual leave. In addition to the need to determine on a case-by-case basis whether a situation constitutes posting of workers, several Member States have introduced derogations from posting of workers obligations. For example, Belgium exempts aircrew flying internationally from posting rules except for cabotage operations, and Austria waives obligations for intra-group postings under two months. These variations mean inspectors must assess factors such as duration, purpose and operational and 'home base' before deciding if and which posting rules apply. Similar derogations, however, do not exist concerning social security coordination and notifications of cross-border mobility (PD A1 certificates). Information on derogations is relevant for employers and aircrew working in the sector to understand their obligations and facilitate compliance. In addition, derogations and exemptions from declaration obligations can also result in limited data availability for enforcement authorities, so alternative means of obtaining and sharing reliable information among enforcement authorities should be identified.

CHAPTER 2

Enforcement authorities and their competences

Chapter in brief

- Identification and comparative analysis of national authorities responsible for enforcement of labour mobility and social security coordination rules in the EU-27 in CAT sector reveals a highly fragmented institutional enforcement landscape. There are, on average, four responsible authorities per Member State (ranging from two to eight).
- Enforcement approaches show that enforcement competences differ widely among Member States: some have a single authority responsible for enforcement of labour mobility and social security coordination rules (centralised enforcement), some have multiple authorities with overlapping roles (shared enforcement) and some have multiple authorities with relatively strictly delineated powers (separate enforcement). Collaboration tends to be higher in the Member States with shared responsibilities.
- Authorities competent for enforcing labour mobility and social security rules in the CAT sector generally lack sector-specific specialisation, while civil aviation authorities are not responsible and have little knowledge about general oversight on labour and social matters. The variation is significant not only in competences but also enforcement powers, with labour inspectorates focussing more on workplace checks and social security authorities relying more on desk audits and similar approaches. This means that cooperation among authorities is indispensable to tackle irregularities in this sector.
- There is asymmetry in the information access, with civil aviation authorities having easier access to sector-specific data and flight patterns (including data on movement of aircrew) and labour and social authorities having competence for monitoring and enforcement of labour mobility and social security rules. This underscores the need for stronger cooperation, since data and information exchange are essential for effective enforcement.

A comprehensive mapping exercise was conducted across all Member States to identify the authorities responsible for monitoring and enforcing compliance with labour mobility and social security coordination rules for aircrew in the CAT sector. This included an overview of the division of enforcement and inspection competences at the national level, along with any sector-specific limits or privileges in enforcement powers.

This chapter presents the results of the mapping exercise conducted to identify the competent authorities for the monitoring and enforcement of labour mobility and social security rules for aircrew in the CAT sector in EU-27. In most Member States, there are multiple entities that have either complementary or even overlapping competences related to the enforcement of EU labour mobility and social security rules in the CAT sector. According to our findings, labour inspectorates play a key role in the enforcement of EU labour mobility rules. Social security authorities are most often responsible for the enforcement and compliance with EU social security coordination rules, including the issuance of PD A1 certificates; however, they largely do not have the same enforcement powers as labour inspectorates. The typology of enforcement powers and competences significantly varies between these two types of actors. In addition, these authorities do not have a specific focus on the CAT sector but rather include this sector in their general remit. This means limited specialisation and possible gaps in sector-specific knowledge, in addition to difficulties in tackling areas where aviation safety rules form part or overlap with the competence of these authorities (e.g. concerning flight time limitations). Finally, civil aviation authorities have a specialised role with a clear focus on aviation safety; however, they rarely hold competence to directly enforce labour mobility or social security rules while possessing relevant specialist and technical knowledge about the sector.

During the identification exercise, two types of authorities were excluded. First, authorities responsible for occupational health and safety (OSH) enforcement were included only insofar as they have been tasked with enforcing labour mobility and social security rules, including those overseeing working conditions and aviation safety, as OSH is encompassed within these categories. Second, the analysis focused only on public authorities, hence, social partners and other actors active in enforcement were also beyond its remit. The analysis for this part of the study was conducted by using desk research and validated through interviews with national enforcement authorities and feedback from ELA's national liaison officers.

The chapter is structured into two sections: overview and analysis of enforcement powers (Section 1) and overview of enforcement authorities by Member State (Section 2).

2.1 Distribution of enforcement powers

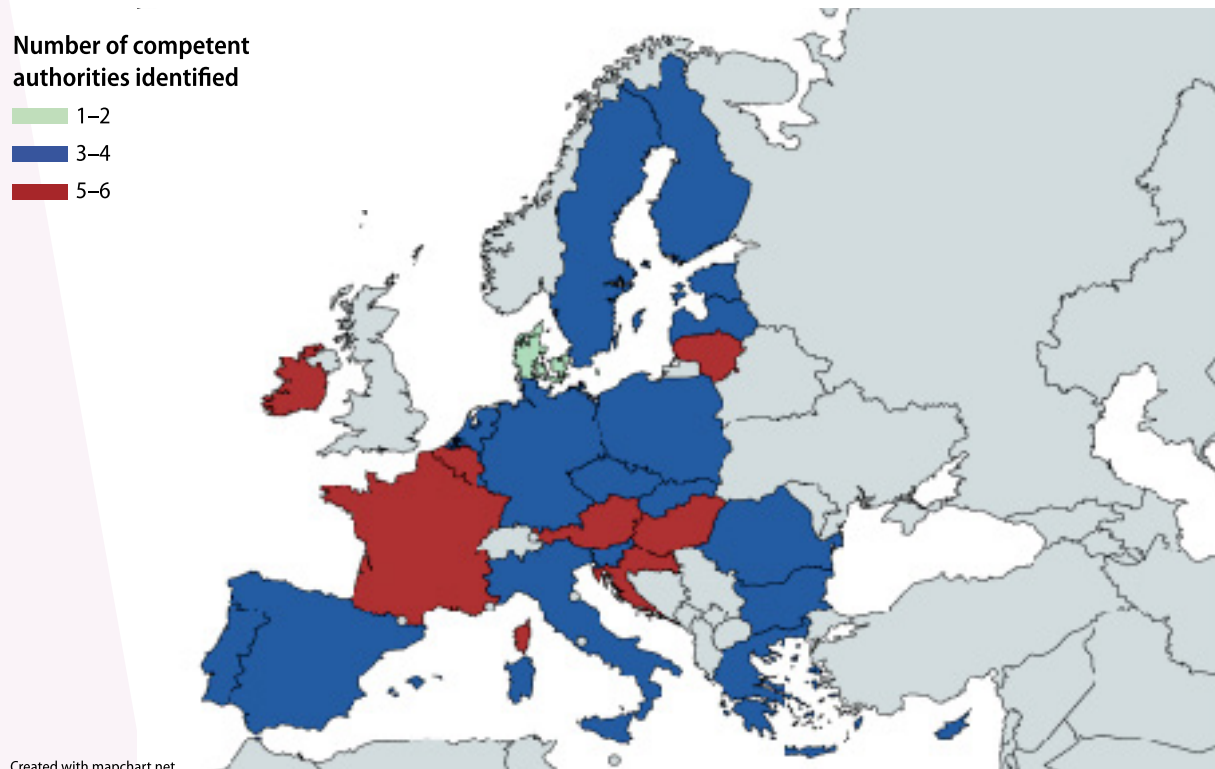
Enforcement of EU labour mobility and social security coordination rules is shared among several authorities in most Member States.

On average, four entities have competences related to labour mobility and social security coordination in the CAT sector per Member State, although this varies between two to eight entities per country. Labour inspectorates are the primary authorities responsible for the enforcement of EU labour mobility rules, with this arrangement identified in 23 Member States⁽⁶⁸⁾. In some Member States, the Ministry of Labour also holds certain competences for the application of labour mobility rules; however, it typically has responsibilities at the strategic level, focusing on informing and making policy decisions⁽⁶⁹⁾.

⁽⁶⁸⁾ Belgium, Bulgaria, Czechia, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia and Slovakia.

⁽⁶⁹⁾ Cyprus, Croatia, Italy, Lithuania and Portugal.

Figure 8. Number of enforcement authorities with competence to enforce EU labour mobility or social security rules in the aviation sector per Member State



Created with mapchart.net

Source: ELA

Social security authorities are most often responsible for the enforcement of EU social security rules, with this arrangement identified in 21 Member States ⁽⁷⁰⁾. For example, social security authorities are largely responsible for the issuing of PD A1 certificates that are related to the identification of the home base, and where a worker must pay social security contributions. In some Member States, the tax authorities or public insurance providers ⁽⁷¹⁾ also have competences related to the application of these rules.

National enforcement authorities entrusted with responsibility for the enforcement of EU labour mobility and social security rules typically.

The competences of labour inspectorates, social security authorities and tax authorities typically are cross-sectoral. In addition to labour and social security authorities, civil aviation authorities were occasionally identified as playing a role in enforcement in the CAT sector, though, they largely focus on issues related to aviation safety, rather than those related to labour mobility and social security. Aviation authorities also can have competences related to working conditions, which are covered under the PWD ⁽⁷²⁾, specifically related to working time, health, safety and hygiene at work and annual leave, since aspects of these areas are also regulated in EU level aviation safety

⁽⁷⁰⁾ Belgium, Czechia, Denmark, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Finland and Sweden.

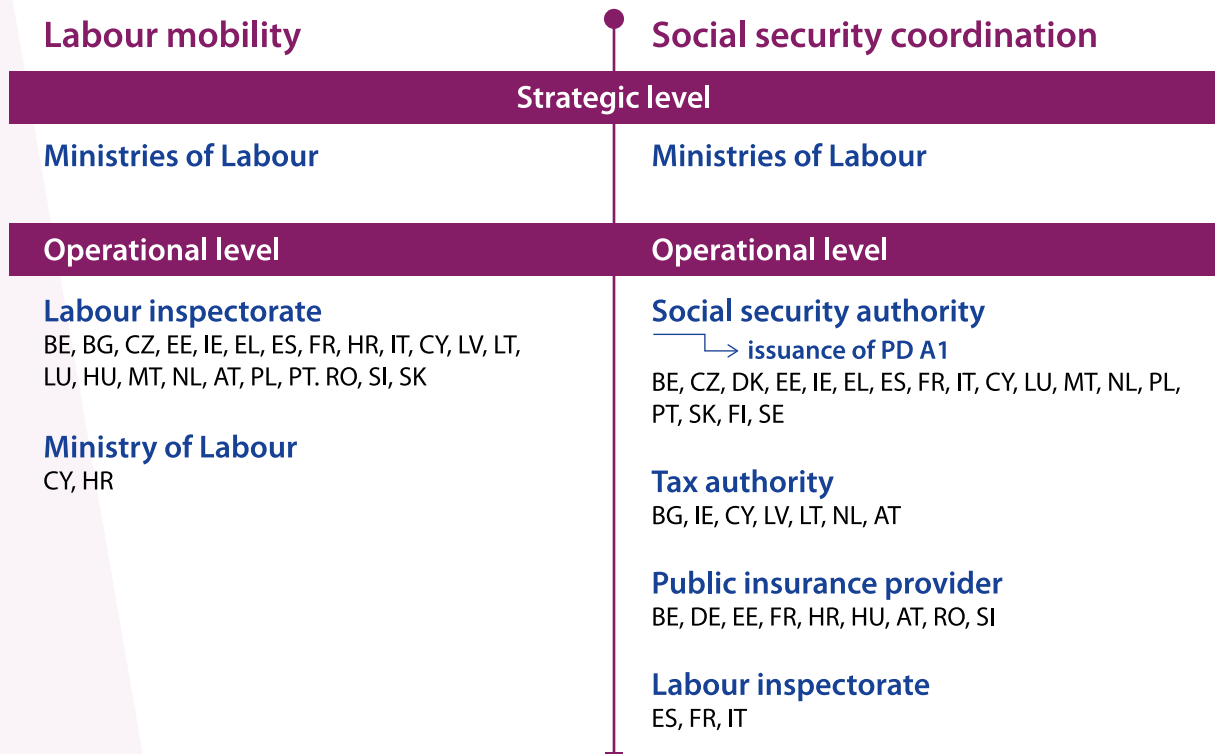
⁽⁷¹⁾ Belgium, Bulgaria, Germany, Estonia, France, Croatia, Cyprus, Latvia, Lithuania, Austria, Romania and Slovenia.

⁽⁷²⁾ Article 3(1) PWD.

rules ⁽⁷³⁾. In addition, civil aviation authorities can play an important role in supporting social security compliance checks, as they collect information on licensing, leasing and other contractual

arrangements ⁽⁷⁴⁾. Exceptionally, France, Norway and Ireland incorporate labour competences within their civil aviation authorities, allowing for sector-specific enforcement of labour rules (ECS, 2021).

Figure 9. Enforcement authorities responsible for the application of EU rules related to labour mobility and social security coordination for aircrew in the CAT sector



Source: Authors' calculations based on results of mapping exercise

The results from the ELA survey and literature review support these findings. Of the 60 responses received in the survey of public authorities responsible for the enforcement of EU labour mobility or social security rules in the CAT sector, national or regional labour inspectorates (22 respondents) and public authorities with competence in social security coordination (17 respondents) were the most common respondent types. In addition to these categories the literature review also highlighted the importance of civil courts and Ministries

of Justice (European Commission, 2019b; ECS, 2020b). The latter have been excluded from the competence identification exercise due to lack of direct involvement in administrative enforcement and a decision to leave judicial enforcement beyond the scope of this study.

The division of powers and competences between national authorities is largely consistent across Member States.

Labour inspectorates have competences related to the enforcement of EU labour mobility rules,

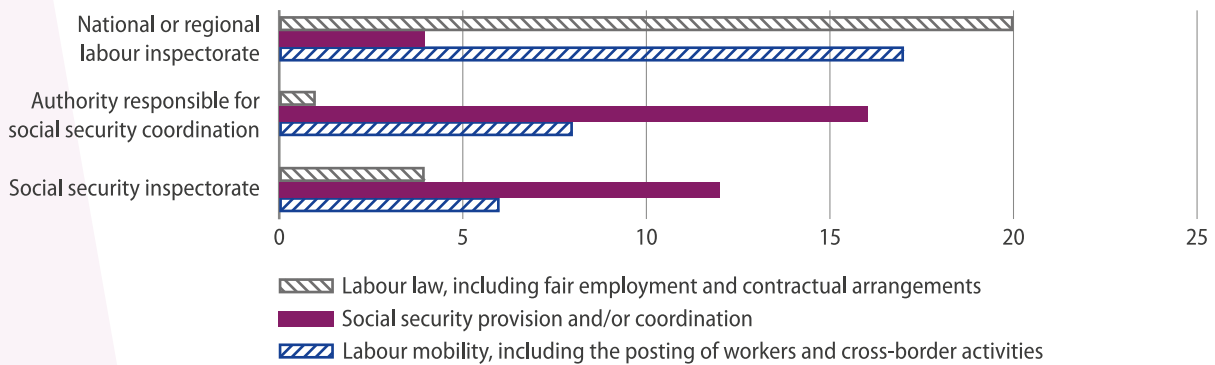
⁽⁷³⁾ The European Commission adopts aviation safety rules based on technical opinions issued by the [European Union Aviation Safety Agency \(EASA\)](https://www.easa.europa.eu/en/domains/aircrew-and-medical). The rules adopted by the Commission further develop and implement the essential requirements laid down in Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency (OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>): aircrew and flight time limitations (<https://www.easa.europa.eu/en/domains/aircrew-and-medical>) and air traffic management and air navigation services (<https://www.easa.europa.eu/en/domains/air-traffic-management>).

⁽⁷⁴⁾ Belgium, Bulgaria, Czechia, Denmark, Estonia, Ireland, Spain, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Slovenia, Slovakia, Finland and Sweden.

alongside labour law and working conditions. In some cases, labour inspectorates also have competences related to the enforcement of social security rules ⁽⁷⁵⁾. In most countries, social security authorities have the competence to enforce the EU social security coordination rules. The labour

inspectorate and social security authorities of many Member States indicated on their website that they share information with each other where issues of labour mobility and social security coordination intersect. This is in line with the results of the survey.

Figure 10. Overview of the type of institution represented by survey respondents, by thematic focus



Source: Survey of public authorities, N=60, multiple choices possible for Q3 and Q5.

The majority of labour inspectorates have the right to free investigation and powers of injunction, while social security authorities typically have more administrative and oversight competences such as the issuance of PD A1 certificates and desk-based reviews.

According to the analysis of enforcement competences, all 22 labour inspectorates with powers of enforcement of EU labour mobility rules in the CAT sector have the right to free investigation of workplaces. Of these, 18 labour inspectorates have powers of injunction allowing them to fine an employer or temporarily suspend their operations while remedial actions are taken in case of infringement, though the specific powers vary by country ⁽⁷⁶⁾. Many of the labour inspectorates can directly impose fines or sanctions in cases of fraud or abuse, but transfer the investigation to another authority for criminal proceedings, most often the police or the Ministry of Justice. Labour inspectorates commonly have the right of free entry into the workplace,

the power to share information with other relevant bodies and the power to seize or inspect documents.

Social security authorities were the body most often identified as responsible for the issuing of PD A1 certificates. This was the case in 21 Member States ⁽⁷⁷⁾, while PD A1 certificates are issued by public insurance authorities in four Member States ⁽⁷⁸⁾. Social security authorities tend not to have the same investigative powers as labour inspectorates. Compared to labour inspectorates in 22 Member States, only in 12 Member States does the social security authority have the right to free investigation ⁽⁷⁹⁾, while only 7 have powers of injunction ⁽⁸⁰⁾. The survey findings also support this analysis, as a higher number of authorities working on enforcement of rules related to labour law and labour mobility (49 respondents) reported having the power to conduct inspections, compared to authorities responsible for social security (17 respondents).

⁽⁷⁵⁾ Spain, France and Italy.

⁽⁷⁶⁾ Belgium, Czechia, Estonia, Greece, Spain, France, Croatia, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia and Slovakia.

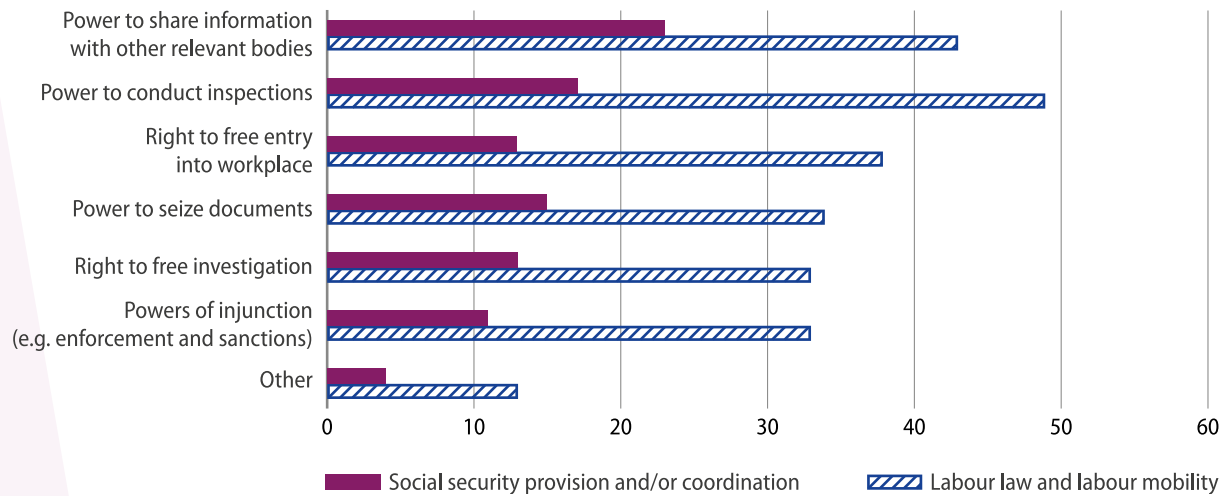
⁽⁷⁷⁾ Belgium, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Finland and Sweden.

⁽⁷⁸⁾ Belgium, Hungary, Austria and Slovenia.

⁽⁷⁹⁾ Belgium, Bulgaria, Germany, Estonia, Ireland, France, Italy, Lithuania, Malta, Austria, Portugal and Slovakia.

⁽⁸⁰⁾ Denmark, Estonia, Greece, Spain, Italy, Lithuania and Portugal.

Figure 11. Typology of competences related to the enforcement of EU labour mobility and social coordination rules in the CAT sector per type of authority



Source: ELA survey. Q13: 'What are the main competences held by your institution to enforce EU labour mobility and social security rules in the commercial air transport sector?' N=60, multiple choices possible.

Other bodies with competences related to the enforcement of EU labour mobility or social security rules include tax authorities (five Member States)⁽⁸¹⁾, Ministries of Labour (four Member States)⁽⁸²⁾ and civil aviation authorities (four Member States)⁽⁸³⁾. In addition, some Member States have other bodies that have related competences, such as customs authorities (Germany), or specific bodies that target fraud in the workplace, such as the Competence Centre for Combatting Wage and Social Dumping in Austria, the Social Information and Investigation Service in Belgium, and the National Delegation Against Fraud in France (Jorens et al., 2015).

The enforcement of labour mobility and social security coordination can be centralised, shared or divided (separated) among different authorities.

In broad terms, the national enforcement approaches concerning division of competences among authorities can be classified into three groups, with some authorities being represented in two categories: centralised, shared or separated.

- ▶ **Centralised enforcement.** Member States with a single entity responsible for enforcement of labour mobility and social security rules. This includes three Member States (Estonia, Hungary and Luxembourg) that are 'in

practice' centralised. They have multiple relevant authorities, however, the majority of enforcement in practice is undertaken by a single entity. These three countries are also represented in the following two categories.

- ▶ **Shared responsibilities.** Countries with multiple authorities that have overlapping competences (e.g., more than one entity is responsible for enforcing social security coordination rules).
- ▶ **Separate competences.** Countries with multiple authorities that each have their own competences that largely do not overlap.

The division of Member States in these three groups (Figure 12) was based on national country analysis prepared by national experts⁽⁸⁴⁾. The countries were grouped under centralised enforcement when one authority is responsible for the enforcement of labour mobility and social security coordination rules (according to the legal framework or in practice). In cases where specific collaboration instances among authorities were identified, the Member States were grouped within the group of 'shared responsibilities'. Where there is collaboration across entities, the countries are indicated with an asterisk (*).

⁽⁸¹⁾ Bulgaria, Ireland, Lithuania, Austria and Netherlands.

⁽⁸²⁾ Croatia, Cyprus, Lithuania and Portugal.

⁽⁸³⁾ Czechia, Denmark, Ireland and France.

⁽⁸⁴⁾ EU-27 country fiches – enforcement in the air transport sector.



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Figure 12. Typology of enforcement approaches across Member States



Source: Authors' own analysis based on results of mapping exercise.
 * Indicates Member States with collaboration across enforcement authorities ⁽⁸⁵⁾.

The excerpt below from the interview with the representative of the labour inspectorate from Ireland illustrates cooperation at national level for a Member State with shared responsibilities across entities.

The Workplace Relations Commission do[es] not encounter challenges when cooperating with other enforcement authorities at local level, as they have good relations with them, including very regular meetings. There is national legislation specifically for the sharing of information between these bodies, which structures their relationship efficiently.

As the bodies all deal with criminal offences, they are also structured by a lot of GDPR ⁽⁸⁶⁾ legislation.

Interviewee from the labour inspectorate, Ireland.

As can be seen from Figure 12, the Member States with shared responsibilities tend to have a higher level of collaboration across entities, which is logical given their overlapping competences. Countries where most of the enforcement is centralised in practice or with competences neatly divided across authorities have less collaboration overall.

⁽⁸⁵⁾ This figure is derived from the mapping exercise conducted by national experts, based on the identification of concrete examples of cooperation. When instances of collaboration between entities were specifically indicated, the corresponding country was included in the 'shared' column.
⁽⁸⁶⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

2.2 Overview by Member State

This section presents a summary of the identification of national enforcement authorities, triangulated against the findings from the desk research, survey, and interviews conducted for this study.

National authorities responsible for issuing

PD A1 certificates were also incorporated into the identification exercise, as their involvement is essential for ensuring compliance with social security coordination regulations.



2.2.1 Belgium

National authorities responsible for enforcement

Directorate-General for Supervision of Social Law in the Federal Public Service Employment, Labour and Social Dialogue (TSW/CLS)

Algemene Directie Toezicht op de Sociale Wetten / Direction générale Contrôle des lois sociales

National Social Security Office (NSSO)

Rijksdienst voor Sociale Zekerheid / Office National de Sécurité Sociale

Inspection Department – National Institute for Social Insurance of the Self-Employed (NISSE)

Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen / Institut national d'assurances sociales pour travailleurs indépendants

Directorate-General for Air Traffic – Federal Public Service Mobility and Transport (DGLV/DGTA)

Directoraat-generaal Luchtvaart (DGLV) van de FOD Mobiliteit en Vervoer / La direction générale du Transport aérien (DGTA) du Service public fédéral Mobilité et Transports

Social Information and Investigation Service (SIIS)

Sociale Inlichtingen en Opsporingsdiensten (SIOD) / Service d'Information et de Recherche Sociale (SIRS)

Overview of division of competences

In Belgium, several enforcement entities focus on enforcing social security rules or play a role in social security coordination through investigation, coordination or monitoring of compliance. The NSSO and the NISSE oversee the issuing of PD A1 certificates: the NSSO issues PD A1 certificates for employees, while the NISSE provides PD A1 certificates to the self-employed. Both also review PD A1 certificates to ensure compliance. The TSW/CLS also has responsibilities for verifying PD A1 certificates, with enforcement of the CAT sector carried out by their regional directorates. The DGLV/DGTA and the SIIS are also key stakeholders but do not have enforcement powers related to labour mobility. The SIIS provides strategic coordination and support, as outlined in its 2025–2026 fight against social fraud action plan, which prioritises combating fraud and social dumping in the CAT sector. The power of the non-enforcing entities, the SIIS and the DGLV, is limited to the gathering of information through monitoring, coordination and supporting inspections and enforcement carried out by other entities. The SIIS organises training for key stakeholders and defines strategic plans for enforcement, sets the enforcement policy followed by the enforcement entities and coordinates joint inspections. All three enforcement entities (the TSW/CLS, the NSSO and the NISSE) have the right to free investigation, entry into workplaces and sanctioning powers limited to imposing special or preventive measures or drafting reports that will lead to criminal or administrative proceedings. These entities carry out inspections under the competences provided for by the Belgian Social Criminal Code, and can conduct on-site inspections and interview employees and gather and share information with other relevant bodies. Joint inspections are possible between the TSW/CLS, the NSSO and the NISSE, with enforcement powers and responsibilities generally divided based on each authority's individual areas of competence and limits of their jurisdiction.



2.2.2 Bulgaria

National authorities responsible for enforcement

General Labour Inspectorate

Главна инспекция по труда

National Social Security Institute (NSSI)

Национален осигурителен институт

National Revenue Agency

Национална агенция за приходите

Directorate-General for Civil Aviation Administration, Ministry of Transport and Communications (DG CAA)

Главна дирекция 'Гражданска въздухоплавателна администрация', ГД ГВА

Overview of division of competences

The enforcement entities in Bulgaria focus on ensuring compliance with labour legislation and social security coordination or taxation. The General Labour Inspectorate controls compliance with labour legislation, including the Health and Safety at Work Act, as along with the rights and obligations of the parties related to the employment relationship. It also gives advice to employers and employees on compliance matters. The National Revenue Agency and the NSSI work on national and international social security legislation, with the National Revenue Agency determining applicable social security legislation and issuing PD A1 certificates. The NSSI coordinates the application of EU social security coordination rules and administers social security cash benefits under Bulgarian legislation, including in cross-border situations. DG CAA is also a key stakeholder but does not have enforcement powers in this area and focuses primarily on working conditions and safety of aircrew in line with aviation safety rules.

The General Labour Inspectorate conducts inspections to ensure safe labour conditions and has the authority to conduct inspections only on Bulgarian territory. The NSSI carries out control activities related to the detection of irregularities and potential fraud in the field of social security, including in cross-border situations, within its statutory competences. Such activities may be initiated ex officio or in response to requests from competent institutions. The General Labour Inspectorate, the NSSI and the National Revenue Agency cooperate on matters related to social security coordination and labour-related issues, each within its respective legal mandate, including the exchange of information where permitted by applicable legislation. In addition, according to signed bilateral instructions, the General Labour Inspectorate, the NSSI and the National Revenue Agency perform data exchange on a constant basis and carry out joint actions where necessary.



2.2.3 Czechia

National authorities responsible for enforcement

Ministry of Labour and Social Affairs of the Czech Republic

Ministerstvo práce a sociálních věcí České republiky

State Labour Inspection Office (SLIO)

Státní úřad inspekce práce

Civil Aviation Authority of the Czech Republic

Úřad pro civilní letectví

Czech Social Security Administration (CSSA)

Česká správa sociálního zabezpečení

Overview of division of competences

The SLIO is responsible for enforcement of labour law and working conditions, as along with enforcement of EU labour rules. The Civil Aviation Authority focuses on air safety and regulatory compliance in aviation, supervision of compliance with rules on flight time limitations and rest periods by approving the operator's safety flight standard and deviations from the operator's safety flight standard for individual flights, by keeping records of aviation personnel, issuing aviation personnel licenses and recognising the validity of aviation personnel licenses issued by other Member States, suspending or revoking aviation personnel licenses, ordering and conducting verification of their professional and flight competence, verifying the professional competence or reviewing the medical fitness of flight crew members, and restricting or prohibiting activities for which flight crew members are authorised. It is the competent authority for issuing trade licenses to executive pilots, i.e. pilots working in commercial air transport as self-employed persons, which enable cross-border work and services in the commercial air transport sector.

The CSSA is responsible for issuing PD A1 certificates, as along with social security provision and coordination. The CSSA's work in the CAT sector is supported by the EESSI, which facilitates effective coordination with EU counterparts. The Ministry of Labour and Social Affairs of the Czech Republic has one access point to the IMI system and may receive requests from other Member States related to posting. Requests received in the IMI module for posting of workers are usually forwarded to the SLIO to be resolved.

The SLIO has the right to investigation and desk audits, and has powers of injunction, including the ability to impose sanctions on employers. The Civil Aviation Authority also has the right to investigation and desk audits, as along with the right to freely enter any workplace; however, it does not have powers of injunction. The CSSA conducts desk audits to verify social security coverage and ensure compliance with social security legislation and can impose sanctions on employers in cases of fraud. The SLIO and the CSSA collaborate to ensure compliance with social security legislation, including the verification of PD A1 certificates.



2.2.4 Denmark

National authorities responsible for enforcement

Udbetaling Danmark

Udbetaling Danmark

Danish Civil Aviation and Railway Authority

Trafikstyrelsen

Overview of division of competences

Udbetaling Danmark is the national authority responsible for social security coordination. It covers all contractual arrangements and carries out administration of social security benefits and collaborates with other Member States. Udbetaling Danmark is responsible for both issuing and verifying PD A1 certificates. The Danish Civil Aviation and Railway Authority focuses on transport safety, OSH and working conditions and is responsible for monitoring compliance with safety standards. Although its core mandate does not specifically include the enforcement of EU labour mobility and social security coordination rules, its regulatory activities in the transport sector, particularly as regards working conditions, have indirect implications for those areas.

Udbetaling Danmark does not have physical inspection powers. It uses automated fraud detection, predictive analytics, exchange of information with other national and international bodies and citizen reporting mechanisms to identify potential fraud and error. The Danish Civil Aviation and Railway Authority has the right to inspection and powers of injunction, including the ability to issue fines and suspend operations.



2.2.5 Germany

National authorities responsible for enforcement

The German Pension Insurance Fund (DRV)

Deutsche Rentenversicherung

Financial Control of Undeclared Work Unit (Finanzkontrolle Schwarzarbeit, FKS)

Generalzolldirektion VII – Finanzkontrolle Schwarzarbeit

The Federal Employment Agency

Bundesagentur für Arbeit

Overview of division of competences

The DRV is responsible for enforcing social security rules and issuing PD A1 certificates. The FKS is responsible for checking company compliance with labour law, taxes and social security contributions and migration law. The Federal Employment Agency operates at the strategic and tactical levels, without its own investigation and enforcement authorities. However, it does receive the required notifications and information that companies must submit when employing non-EU nationals in Germany, so it has some oversight on contractual arrangements involving non-EU nationals.

The DRV and the FKS have the right to request documents, impose fines and conduct routine on-site visits as part of their enforcement. In addition to this, the FKS has the right to freely enter any workplace and can impose coercive measures in cases of obstruction of inspection. Joint inspections between the entities are not common, and instead enforcement powers are divided based on the division of competences.



2.2.6 Estonia

National authorities responsible for enforcement

Social Insurance Board of the Republic of Estonia

Sotsiaalkindlustusamet

Transport Administration of the Republic of Estonia

Transpordiamet

Labour Inspectorate of the Republic of Estonia

Tööinspektsioon

Estonian Unemployment Insurance Fund

Töötukassa

Overview of division of competences

The Social Insurance Board of the Republic of Estonia is the national authority in charge of social security coordination in general and is responsible for issuing PD A1 certificates. The Unemployment Insurance Fund is responsible for social security coordination related to the provision of unemployment benefits. The Transport Administration is the national aviation authority. While it has no direct role in enforcing EU labour mobility and social security rules, it issues aviation licences and is responsible for monitoring those and ensuring compliance with working time legislation. The Labour Inspectorate is responsible for the enforcement of legislation related to working conditions and labour mobility. The Labour Inspectorate also holds and verifies registrations for posted workers.

The Social Insurance Board and the Unemployment Insurance Fund have the right to investigate and take appropriate administrative decisions, and has powers of injunction. The Board generally does not conduct on-site visits but conducts desk audits instead. The Transport Authority has the right to conduct inspections and conducts routine, emergency or requested visits. This includes checking whether all air operator certificate requirements have been fulfilled. The Labour Inspectorate has the right to carry out investigations and inspections, and has powers of injunction. The Labour Inspectorate conducts both on-site and desk audits.



2.2.7 Ireland

National authorities responsible for enforcement

The Irish Aviation Authority

Údarás Eitlíochta na hÉireann

The International Postings Section in the Department of Social Protection (DSP)

An Rannóg Postálacha Idirnáisiúnta, An Roinn Coimirce Sóisialaí

The Inspection and Enforcement Service Division in the Workplace Relations Commission (WRC)

An Roinn Seirbhíse Cigireachta agus Forfheidhmithe, An Choimisiúin um Chaidreamh san Áit Oibre

Revenue, Irish Tax and Customs

Cáin Agus Custaim na hÉireann

The Irish Human Rights and Equality Commission

Coimisiún na hÉireann um Chearta an Duine agus Comhionannas

Overview of division of competences

The enforcement entities of Ireland generally have focus on either social security or working conditions and labour mobility. The DSP and Revenue, Irish Tax and Customs are responsible for overseeing social security contributions and taxation, with the DSP responsible for issuing and verifying PD A1 certificates. The WRC is responsible for monitoring working conditions, labour mobility, and the application of labour law. The Irish Human Rights and Equality Commission is the main body for human rights and equality in Ireland with competences in giving policy advice, sharing knowledge, and working with civil society. The Irish Aviation Authority does not have a specific labour focus, but instead functions in an operational capacity and is responsible for licensing Ireland-based air carriers.

The DSP and Revenue Irish Tax and Customs – the authorities with social security competences –

both have the right to carry out investigations and power to share information with other relevant bodies, with the DSP having additional powers, including the right to enter a workplace and power to remove records. Among authorities with competence related to labour mobility and working conditions, the WRC has the right of entry, the power to remove records and the right to investigation, while the Irish Human Rights and Equality Commission has the right to request documentation and is involved in promoting awareness on rights and obligations. There is collaboration between the different enforcement entities of Ireland, with division of work being based on respective competences.



2.2.8 Greece

National authorities responsible for enforcement

The Hellenic Labour Inspectorate (HLI)

Επιθεώρηση Εργασίας

The General Directorate of Inspections – Electronic National Social Security Fund (e-EFKA)

Ηλεκτρονικός Εθνικός Φορέας Κοινωνικής Ασφάλισης

The Hellenic Civil Aviation Authority (HCAA)

Υπηρεσία Πολιτικής Αεροπορίας

Overview of division of competences

The enforcement entities of Greece each have specific areas of focus within the enforcement of labour mobility and social security coordination. The HLI tackles compliance with labour mobility rules and labour law, while the HCAA focuses on compliance with aviation safety rules. e-EFKA is responsible for social security coordination, including issuing and verifying PD A1 certificates.

Both the HLI and e-EFKA have the right to seize documents, the right to freely enter any workplace, the right to conduct inspection and powers of injunction. Additionally, e-EFKA has the ability to impose sanctions such as fines and penalties. e-EFKA does not have the power to conduct emergency inspections, but in such cases may flag these to the HLI. In addition to having a right of entry, the HLI can undertake unannounced inspections, inspections on request, inspections following a complaint and routine inspections. All entities have a right to share information with other relevant bodies where their thematic remit overlaps or relevant information is discovered. For instance, the HLI may work with e-EFKA in cases of suspected undeclared or misclassified workers, and with the HCAA on aircraft safety issues which intersect with labour conditions. The HCAA does not have any additional enforcement powers beyond aviation safety and operation compliance, but in the field of aviation it has the right to conduct investigations and the power of injunction.



2.2.9 Spain

National authorities responsible for enforcement

The Labour and Social Security Inspectorate (ITSS)

Inspección de Trabajo y Seguridad Social

The Social Security General Treasury (TGSS)

Tesorería General de la Seguridad Social

The State Aviation Safety Agency (AESA)

Agencia Estatal de Seguridad Aérea

Overview of division of competences

The ITSS ensures compliance with labour laws, working conditions and social security coordination, including cross-border posting of workers. The AESA also has responsibility for monitoring and enforcing working conditions and safety standards, but specifically the standards applicable to aircrew. The TGSS is the national authority for social security coordination and is responsible for issuing PD A1 certificates.

The ITSS has full authority to carry out inspections on labour law compliance, to conduct document verification, audits and on-site visits, and to impose sanctions. The TGSS has the authority to perform data checks, audits and registration verifications related to the enforcement of social security obligations, while inspections are carried out by the ITSS. The AESA can conduct inspections on flight-time limitations and sector-specific standards. The ITSS and the TGSS cooperate to ensure compliance with social security contributions.



2.2.10 France

National authorities responsible for enforcement

Collection Union for Social Security Contributions and Family Allowances (URSSAF)

Union de Recouvrement des Cotisations de Sécurité Sociale et d'Allocations Familiales

Labour Inspectorate

Inspection du Travail

Centre for European and International Social Security Liaison (CLEISS)

Centre des Liaisons Européennes et Internationales de Sécurité Sociale

Pension Fund for Aircrew (CRPN)

Caisse de retraite du personnel navigant

Social Security Department (DSS) in the Ministry of Health

Direction de la Sécurité Sociale

Directorate-General for Civil Aviation in the Ministry of Transport (DGAC)

Ministère chargé des transports – Direction générale de l'aviation civile

Interministerial anti-fraud coordination mission (MICAF)

Mission interministérielle de coordination anti-fraude (MICAF)

Overview of division of competences

URSSAF is the main body responsible for national social security coordination, while CLEISS is responsible for cross-border social security coordination and the DSS is responsible for ensuring social security compliance amongst healthcare beneficiaries. URSSAF is responsible for issuing PD A1 certificates. The Labour Inspectorate addresses disputes over social security coverage, working conditions and other issues related to labour mobility of workers. It also ensures conformity with posting rules – particularly relevant for cross-border workers under EU law and other social coordination measures. The CPRN coordinates pension contributions and rights for aircrew working on EU aircrafts and has the power to conduct audits and investigations. The DGAC is the civil aviation authority and has regulatory oversight to ensure safety and security and to minimise the environmental impact of aviation. MICAF is the national authority on anti-fraud measures and has the authority to investigate and combat illegal work and fraud by monitoring and ensuring compliance with anti-fraud measures for aircrew across contractual arrangements.

URSSAF has the right to carry out investigations, desk audits, routine compliance checks and investigations triggered by alerts for all companies that are operating in France. The Labour Inspectorate has the right to carry out investigations, the right to freely enter any workplace and powers of injunction. It carries out routine inspections, targeted visits, emergency visits and inspections upon request and engages in collaborative actions. The DGAC performs regular checks on aviation operators and facilities compliance with safety standards. MICAF carries out regular inspections of companies and individuals to detect and prevent fraud based on both reports of suspected fraud and internal insights of enforcement needs. MICAF can issue penalties and coordinate with law enforcement agencies.



2.2.11 Croatia

National authorities responsible for enforcement

Sector for Collective Labour Relations and Sector for Collective Labour Relations and International Cooperation in the field of Labour – Ministry of Labour, Pension System, Family and Social Policy

Ministarstvo rada, mirovinskoga sustava, obitelji i socijalne politike

State Labour Inspectorate (DIRH)

Državni inspektorat

Sector for Labour Market and Employment Policies – Croatian Employment Service (HZZ)

Hrvatski zavod za zapošljavanje

Croatian Civil Aviation Agency (CCAA)

Hrvatska agencija za civilno zrakoplovstvo

Department for Internal Audit – Ministry of Foreign and European Affairs

Ministarstvo vanjskih i europskih poslova

Ministry of the Sea, Transport, and Infrastructure

Ministarstvo mora, prometa i infrastrukture

Croatian Pension Insurance Institute (HZMO)

Hrvatski zavod za mirovinsko osiguranje

Overview of division of competences

Most enforcement entities in Croatia focus on ensuring compliance with labour legislation. The DIRH and the Ministry of Labour are responsible for the application of labour law, including labour mobility, social security, working conditions and employment contracts, including cross-border employment arrangements. The CCAA is the competent authority, independent and non-profit legal entity which conducts activities in the interest of the Republic of Croatia within the scope defined in the Air Traffic Act and Statute of the Agency. The CCAA is responsible for safety oversight which among other things includes certification and supervision of aircraft, operators, and personnel to ensure compliance with EU and national regulations. In relation to air crew members and in accordance with the applicable aviation regulatory framework, the CCAA is also responsible for oversight of compliance with flight and duty time limitations and rest requirements, oversight of home base assignment and related FTL records from the perspective of aviation safety and operational compliance. The HZMO is responsible for issuing PD A1 certificates and carries out administrative compliance checks. The HZZ, the Ministry of the Sea, Transport and Infrastructure, and the Department for Internal Audit operate more as strategic bodies. The HZZ is involved in decision-making about employment regulations and labour market enforcement strategies, the Ministry of the Sea, Transport and Infrastructure is the competent ministry for the civil aviation sector in Croatia and is responsible for the policy and legislative framework of the sector and the Department for Internal Audit deals with EU labour mobility compliance. The DIRH has the right to freely enter a workplace, the right to conduct investigations and powers of injunction. The Ministry of Labour also has the right to freely enter a workplace, the right to carry out investigations and powers of injunction. It also shares information with other relevant bodies. The HZMO does not have enforcement or investigative powers and instead refers infringement cases over to other agencies. Joint controls are not usually carried out among these entities.



2.2.12 Italy

National authorities responsible for enforcement

The National Labour Inspectorate

Ispettorato Nazionale del Lavoro

The National Institute for Social Security (INPS)

Istituto Nazionale della Previdenza Sociale

The Department for Labour, Social Security, Insurance and Health and Safety Policies in the Workplace in the Ministry of Labour and Social Policies

Ministero del Lavoro e delle Politiche Sociali

National Civil Aviation Authority (ENAC)

Ente Nazionale per l'Aviazione Civile

Overview of division of competences

All four enforcement entities in Italy have responsibilities related to social security coordination or provision. The National Labour Inspectorate is responsible for the supervision in matters of labour, social security contributions, compulsory insurance and social legislation, including supervision relating to the protection of health and safety in the workplace. The INPS is responsible for social security coordination, for the issuance of PD A1 certificates and has enforcement competences for social security matters.

The National Labour Inspectorate and the Ministry of Labour and Social Policies also have oversight on social security coordination; however, their primary focus is on labour law, including labour mobility and fair working conditions. The National Labour Inspectorate is responsible for the enforcement of labour law, while the Ministry of Labour and Social Policies focuses more on the strategic level, including agenda setting and policymaking. The National Civil Aviation Authority supports labour mobility and social security coordination within the CAT sector, but has a primary focus on safety and security in aviation.

The INPS has the right to carry out investigations, the right to seize documents, the right to freely enter any workplace and powers of injunction on matters confined to social security. The National Labour Inspectorate also has the same enforcement powers, except for any powers of injunction. The authorities conduct both routine and targeted inspections. The National Civil Aviation Authority has the right to investigation on aviation operations and compliance with safety standards. The authorities work together by sharing relevant information uncovered during investigations.



2.2.13 Cyprus

National authorities responsible for enforcement

Social Insurance Services (SIS)

Υπηρεσίες Κοινωνικών Ασφαλίσεων

Department of Labour Inspection

Υπηρεσία Επιθεώρησης Εργασίας

Department of Civil Aviation

Τμήμα Πολιτικής Αεροπορίας

Tax Department

Τμήμα Φορολογίας

Overview of division of competences

Each entity covers a different area of competence. Each entity covers a different area of competence. The SIS focuses on social security coordination and is responsible for issuing PD A1 certificates. The Department of Labour Inspection has oversight competence concerning labour law, working conditions, and OSH. The Department of Civil Aviation deals primarily with aviation safety but supports the Department of Labour Inspection where laws on aviation safety intersect with labour law (e.g. working time). The Tax Authority collaborates with the Department of Labour Inspection and the SIS to support identifying undeclared work and payroll fraud, particularly where there are cross-border elements to contractual arrangements.

The SIS has the right to carry out investigations, inspections, and the right to seize documents; however, it does not have the right to enter workplaces and thus relies upon coordination with other authorities for such visits. The Department of Labour Inspection does have the right to enter freely any workplace, carry out investigation, seize documents (including PD A1 certificates) or share information with other bodies. The Department of Civil Aviation holds the power to conduct inspections and does these on a routine basis. The SIS, the Department of Labour Inspection and the Tax Authority all have powers of injunction, including the issuance of fines or compliance orders. Collaboration between the entities appears to be common, with entities sharing key information based on their areas of competence.



2.2.14 Latvia

National authorities responsible for enforcement

The State Labour Inspectorate

Valsts darba inspekcija

The State Revenue Service

Valsts ieņēmumu dienests

Civil Aviation Agency

Civilās aviācijas aģentūra

The State Social Insurance Agency

Valsts sociālās apdrošināšanas aģentūra

Overview of division of competences

The four entities of Latvia each have their own areas of focus and function on a largely operational basis. The State Labour Inspectorate maintains a focus on working conditions, labour law and labour mobility. The State Social Insurance Agency is responsible for social security coordination and issuance of PD A1 certificates, while the State Revenue Service is responsible for enforcing the social security rules as regards social insurance contributions and all related taxes. The Civil Aviation Authority focuses primarily on aviation safety, rather than working conditions and labour laws, and its primary role is to enact national aviation policy, conduct inspections at airports and monitor flight safety.

The State Labour Inspectorate has extensive enforcement competences, holding the right to freely enter any workplace, the right to request information, the right to question employees/ employers, powers of injunction and the power to share information with other relevant bodies. The State Revenue Service has the right to conduct investigations, request information, conduct on-site visits and impose sanctions in pursuit of preventing and detecting criminal offences in the field of social security payments.



2.2.15 Lithuania

National authorities responsible for enforcement

The International Cooperation Unit and Labour Law Group in the Ministry of Social Security and Labour

Socialinės apsaugos ir darbo ministerija

The Labour Law Division and Illegal Activities Monitoring Division in the State Labour Inspectorate

Valstybinė darbo inspekcija

The State Social Insurance Fund Board (Sodra)

Valstybinio Socialinio draudimo fondo valdyba

The Control Department in the State Tax Inspectorate

Valstybinė mokesčių inspekcija

The Department of Civil Aviation – Transport competence agency

Transporto kompetencijų agentūra

Overview of division of competences

The Ministry of Social Security and Labour operates at the strategic level on labour mobility, working conditions, social security provision and labour law, but is not involved in the enforcement of these rules. The Department of Civil Aviation also has oversight on labour mobility, working conditions and social security provision in the CAT sector; however, it is not significantly involved in the enforcement of these rules. The State Labour Inspectorate focuses on the enforcement of rules on working conditions and labour law through both routine and targeted inspections, while the State Tax Inspectorate is responsible for enforcement of social security rules. The State Social Insurance Fund also focuses on social security and is responsible for the issuance of the PD A1 certificates.

The State Labour Inspectorate and the State Tax Inspectorate have the right to carry out investigations, the power to share information with other relevant bodies and powers of injunction. Both conduct routine visits of companies active in the sector and carry out visits by request and emergency visits. Cooperation between institutions also takes place through information exchange, joint inspections (where necessary) and participation in national inter-institutional cooperation mechanisms. The Department of Civil Aviation has the right to investigation, but no major competences beyond this..



2.2.16 Luxembourg

National authorities responsible for enforcement

The Inspectorate of Labour and Mines (ITM)

Inspection du travail et des mines

The Joint Social Security Centre (CCSS)

Centre commun de la sécurité sociale

The Directorate of Civil Aviation (DAC)

La Direction de l'Aviation Civile

Overview of division of competences

The ITM has competences that cover both labour mobility and social security coordination, alongside other areas related to working conditions, labour law and occupational safety and health. While the ITM is responsible for the enforcement of social security rules, the CCSS issues PD A1 certificates and is responsible for provision of social security. The DAC focuses primarily on aviation safety and security and does not have enforcement powers in the areas of labour mobility and social security.

The ITM is the authority in Luxembourg with the main enforcement powers. The ITM has full rights to carry out investigations and inspections, including powers of injunction. The ITM performs PD A1 checks, provides guidance and information on rights and obligations, conducts both routine and targeted inspections and responds to complaints and disputes. There is collaboration between the CCSS and the ITM on investigations related to social security provision.



2.2.17 Hungary

National authorities responsible for enforcement

Department of Labour Inspection within the Ministry for National Economy

Nemzetgazdasági Minisztérium

Government offices

Kormányhivatalok

The Ministry of Interior

Belügyminisztérium

The Ministry of Construction and Transport

Építési és Közlekedési Minisztérium

Overview of division of competences

The enforcement entities of Hungary each have specific areas of focus within the enforcement of labour mobility and social security coordination. The Employment Supervision Authority is responsible for the enforcement of labour law relating to working conditions and labour mobility, while the Health Insurance Department of the County / Metropolitan Governmental Offices is responsible for social security, including the issuance and verification of PD A1 certificates. Hungary also has three national ministries that address labour mobility and social security rules: the Ministry for National Economy, the Ministry of Interior and the Ministry of Construction and Transport. Each of these ministries have specific focuses; however, their competences are limited to policymaking, and in some cases the professional guidance of the territorial enforcement authorities. The majority of the enforcement powers within Hungary are held by the Employment Supervision Authority, which has the right to freely enter any workplace, the right to seize documents, the right to perform identity checks, the power of injunction and the right to determine the employer based on presumption. It can both undertake desk audits and carry out unannounced visits. The Health Insurance Department does not have any enforcement powers.



2.2.18 Malta

National authorities responsible for enforcement

The Civil Aviation Directorate in Transport Malta

Direttorat tal-Avjazzjoni Ċivili Awtorità għat-Trasport f'Malta

The Department of Social Security in the Ministry for Social Policy and Children's Rights

Dipartiment tas-Sigurtà Soċjali Ministeru għall-Politika Soċjali u d-Drittijiet tat-Tfal

The Department for Industrial and Employment Relations

Dipartiment tar-Relazzjonijiet Industrijali u tal-Impieg

Overview of division of competences

The Department of Social Security is the national authority with the primary responsibility for social security provision and coordination. The Department is responsible for issuing PD A1 certificates. The Department for Industrial and Employment Relations is the national labour inspectorate in Malta, covering working conditions and labour law. It reports to the Office of the Prime Minister within the Equality, Reforms and Social Dialogue section. Transport Malta focuses

primarily on aviation safety and security, holding the responsibility of licensing aircraft and aircrew.

The Department for Industrial and Employment Relations has the right to carry out investigation when undertaking enforcement activities and can undertake inspections and visits on request. The Department for Social Security does not undertake inspections, with its responsibilities generally limited to social security matters. Criminal proceedings against employers found to be in breach of the law are initiated before the Court of Criminal Justice.



2.2.19 The Netherlands

National authorities responsible for enforcement

The Social Insurance Bank (SVB)

Sociale Verzekeringsbank

The Human Environment and Transport Inspectorate (ILT)

De Inspectie Leefomgeving en Transport

The Tax and Customs Administration

Belastingdienst

Directorate-General for Civil Aviation and Maritime Affairs – Ministry of Infrastructure and Water Management

Directoraat-generaal Luchtvaart en Maritieme zaken – Infrastructuur en Waterstaat

Overview of division of competences

The SVB focuses on social security and has strategic, tactical, and operational responsibilities. It is responsible for issuing and checking PD A1 certificates, assessing social security coverage, and social security provision. The ILT mainly focuses on occupational safety and working conditions and conducts PD A1 checks. The Tax and Customs Administration focuses on tax-related issues but can also request and review the PD A1 certificates. The Directorate-General for Civil Aviation and Maritime Affairs within the Ministry of Infrastructure and Water Management is also a key stakeholder, although it does not have the power to enforce labour mobility and social security rules.

The Tax and Customs Administration has the power to conduct investigations directly, with the aim of reducing fraud and non-compliance, as well as powers of injunction and fines. The ILT also holds the power of injunction and, like the Tax and Customs Administration, uses on-site inspections, document checks and audits as its enforcement practices. Unlike the other two entities directly involved in enforcement, the SVB holds no direct inspection powers; rather it reports suspected violations to the ILT and the Tax and Customs Administration for further investigation. The ILT collaborates with both the SVB and the Tax and Customs Administration to monitor the social security status of posted workers.



2.2.20 Austria

National authorities responsible for enforcement

The Department for Transport (VAI) in the National Labour Inspectorate

Arbeitsinspektion, Verkehrs-Arbeitsinspektorat

The Department for Internal Audit within the Service for Payroll Levies and Contributions (PLB)

Prüfdienst für Lohnabgaben und Beiträge

The Central Co-ordinating Agency of the Federal Ministry of Finance (ZKO)

Zentrale Koordinationsstelle

The Competence Centre for Combatting Wage-related and Social Dumping (LSDB)

Kompetenzzentrum Lohn- und Sozialdumping-Bekämpfung; Kompetenzzentrum

Austrian Health Insurance Fund (ÖGK)

Österreichische Gesundheitskasse

Social Insurance Institution for the Self-Employed (SVS)

Sozialversicherungsanstalt der Selbständigen

Financial Police, part of the Ministry of Finance's Anti-Fraud Office

Finanzpolizei

Division on Aviation Legal Affairs – Supreme Civil Aviation Authority

Abteilung IV/L 2 Luftfahrt-Rechtsangelegenheiten – Oberste Zivilluftfahrtbehörde

Overview of division of competences

Most of the enforcement entities identified as responsible are involved in enforcing social security rules or play a role in social security coordination. The Austrian Health Insurance Fund, for example, oversees the issuance of PD A1 certificates for employees, while the Social Insurance Institution for the self-employed issues PD A1 certificates to self-employed cabin crew. The Competence Centre for Combatting Wage-related and Social Dumping is the primary agency responsible for ensuring compliance with wage and social security laws by reviewing relevant records, and it often collaborates with the Financial Police for this. The Supreme Civil Aviation Authority's Division on Aviation Legal Affairs is also a key stakeholder, though it does not have the power to enforce labour mobility and social security rules.

The Labour Inspectorate, Service for Payroll Levies and Contributions audit department, auditors of the ÖGK and the Financial Police have the right to free investigation. They can inspect documents and interview employees, and have the right to enter workplaces and conduct on-site inspections. The Labour Inspectorate can impose temporary injunctions requiring an employer to remedy a violation by a set deadline. The Financial Police can arrest individuals. The Service for Payroll Levies and Contributions audit department has no coercive powers. In the event of violations, these enforcement authorities do not impose fines themselves but must instead refer cases of infringement to the competent administrative or judicial authorities for penalties. This is also the case for bodies with no investigative powers such as the Federal Ministry of Finance and the LSDB, which rely on information gathered during investigations by the other authorities to identify potential infringements and refer such cases to the administrative authorities. Joint inspections between the Labour Inspectorate, the Service for Payroll Levies and Contributions audit department and the Financial Police are not necessary, with enforcement powers and responsibilities generally divided based on each authority's individual areas of competence.



2.2.21 Poland

National authorities responsible for enforcement

The State Labour Inspection (PIP)

Państwowa Inspekcja Pracy

The Social Insurance Institution (ZUS)

Zakład Ubezpieczeń Społecznych

The Civil Aviation Authority (ULC)

Urząd Lotnictwa Cywilnego

Overview of division of competences

Each of the enforcement entities in Poland focuses on a different area of labour mobility and social security coordination enforcement. The PIP focuses on the enforcement of labour law and occupational health and safety, including inspection of documentation related to posted workers (PD A1 certificates, working conditions, etc.). The ZUS focuses on social security, including the provision of PD A1 certificates and verification of social security status for posted workers. The ULC focuses on compliance with aviation safety regulations.

The PIP also has the right to conduct visits without notice, to carry out investigation and to impose sanctions for misdemeanours. The ZUS also has the right, with notice, to conduct on-site visits. Both carry out inspections and use their other enforcement powers independently from each other, focusing on their specific areas of competence. The ULC has no direct coercive powers; rather, its direct responsibility is flight crew licensing and record-keeping. However, although the ULC is not the main enforcer of EU labour mobility rules in Poland, its certification activities may have an impact on these issues and the entity provides a starting point for other institutions to follow up on its activities.



2.2.22 Portugal

National authorities responsible for enforcement

The Authority for Working Conditions (ACT)

Autoridade para as Condições do Trabalho

The Social Security Institute (ISS)

Instituto da Segurança Social

Overview of division of competences

The two entities share competences on enforcement of labour mobility and social security coordination. The ACT is the national labour inspectorate and is responsible for enforcing working conditions, monitoring compliance with labour regulations and health and safety legislation, and promoting policies to prevent occupational risks. The ISS is the national authority responsible for social security coordination, including the issuance of PD A1 certificates and has independent authority for audits and enforcement of social security rules.

Both the ACT and the ISS have the right to carry out investigations and powers of injunction and can share information with the relevant authorities. The ACT focuses on labour-related issues, and the ISS focuses on social security matters. In carrying out its enforcement responsibilities, the ACT closely collaborates with the ISS on labour conditions social security compliance for aircrew members, but rely on the civil aviation authority for aviation-specific enforcement.



2.2.23 Romania

National authorities responsible for enforcement

The Labour Inspectorate

Inspekția Muncii

The National House of Public Pensions (CNPP)

Casa Națională de Pensii Publice

The Romanian Civil Aeronautical Authority (RCAA)

Autoritatea Aeronautică Civilă Română

Overview of division of competencies

The Labour Inspectorate covers the enforcement of labour law, occupational health and safety and undeclared work (including the verification of working conditions) and rest arrangements (including in cross-border situations). The CNPP is responsible for social security provision and coordination, including the issuance and withdrawal of PD A1 certificates. The RCAA is primarily responsible for safety and security in civil aviation and provides certification of aircrew.

The Labour Inspectorate has the authority to conduct unannounced on-site inspections and on-demand visits, following referrals or complaints, in non-restricted areas only. The CNPP conducts desk audits to verify the compliance with social security coordination rules. The RCAA collaborates with various national and international institutions to ensure compliance with safety and security standards in civil aviation, but has no direct competences in terms of crew workforce mobility and coordination of social security systems.



2.2.24 Slovenia

National authorities responsible for enforcement

The Civil Aviation Agency (CAA) of the Republic of Slovenia

Javna agencija za civilno letalstvo Republike Slovenije

Ministry of Infrastructure

Ministrstvo za infrastrukturo

The Labour Inspectorate of the Republic of Slovenia (IRSD)

Inšpektorat RS za delo

The Health Insurance Institute of Slovenia (ZZZS)

Zavod za zdravstveno zavarovanje Slovenije

The Financial Administration of the Republic of Slovenia (FURS)

Finančna uprava RS

Overview of division of competences

In Slovenia, civil aviation supervision is primarily carried out by the CAA and the Ministry of Infrastructure. The CAA is the central supervisory authority responsible for the safety of flight operations, issuing licenses to pilots and aviation personnel, certifying aviation organisations and airports, supervising aircraft maintenance and implementing and monitoring EU aviation regulations.

The Ministry of Infrastructure prepares legislation and aviation policy and oversees the CAA's operations. The Service for the Investigation of Air, Maritime, and Rail Accidents and Incidents is responsible for investigating aviation accidents and serious incidents in Slovenia. This service operates under the Ministry of Infrastructure but remains independent from regulators and operators during investigations. The IRSD also plays an important supervisory role, ensuring compliance with legislation on employment relations and occupational health and safety.

The ZZS is responsible for social security coordination, including the issuance, withdrawal and verification of PD A1 certificates. The ZZS does not have any enforcement powers, and inspections related to social security fall outside its authority. The FURS is a government authority responsible for collecting taxes and supervising financial obligations in Slovenia. Together with other institutions, such as the IRSD, the FURS carries out supervision of employers to prevent undeclared work or illegal employment. It is also responsible for collecting social security contributions.



2.2.25 Slovakia

National authorities responsible for enforcement

The National Labour Inspectorate (NIP) within the Department of Labour Relations

Národný inšpektorát práce

The Social Insurance Agency (SIA)

Sociálna poisťovňa

The Transport Authority within the Civil Aviation Division

Dopravný úrad

Overview of division of competences

Each of the enforcement entities in Slovakia focuses on a different area of EU-level labour mobility and social security coordination enforcement. The NIP focuses on the enforcement of labour law, working conditions and occupational health and safety through routine visits, document checks and inspections. The SIA is the national authority responsible for social security provision and coordination, and both issues and reviews PD A1 certificates. The Transport Authority is responsible for air safety and regulatory compliance in aviation and is not involved directly in labour mobility or social security.

The NIP has the right to carry out investigations, the right to request and review documentation (e.g. employment contracts) and powers of injunction, including the ability to impose fines. The SIA also has the right to investigation and to request and review documentation; however, it does not have any powers of injunction or the ability to impose sanctions. The Transport Authority has the right to investigation and powers of injunction, but focuses on compliance with safety-related aspects of labour law. The entities collaborate where there is overlap in their competences, for example between the NIP and SIA on social security enforcement and between the NIP and the Transport Authority where there is labour-related noncompliance.



2.2.26 Finland

National authorities responsible for enforcement

Department for Insurance and Social Security, Unit for Planning and International Social Security in the Ministry of Social Affairs and Health (STM)

Sosiaali- ja terveystieteiden ministeriö

International affairs, research unit in the Centre for Pensions (ETK)

Eläketurvakeskus

Occupational Safety and Health Department at the Finnish Supervisory Agency (FSA)

Lupa- ja Valvontavirasto (LVV)

Finnish Transport and Communications Agency

Traficom

Overview of division of competences

The STM operates at the strategic level and is responsible for coordination and policymaking related to social security; however, it does not carry out inspections or other operational level activities itself. The ETK is responsible for issuing PD A1 certificates and monitoring social security payments of employers. The FSA deals with regional administration of social services and occupational safety and health. Traficom is the national aviation authority, and is responsible for regulating permits, licences and certifications for operators and aircrafts. It also oversees different aspects of flight safety and operational standards, training and safety standards of aircrew and non-EU-country operators.

The FSA is responsible for carrying out PD A1 checks, has the right to carry out investigations and the right to enter freely any workplace. It carries out inspections and desk audits and issues binding recommendations. It cooperates with the ETK in relation to clarifying the lawfulness of aircrew conditions in cross-border situations. It also cooperates with the FSA at the workplace level on the implementation of working conditions and occupational inspections, including social security rules. Traficom carries out audits and inspections of training centres and airlines and investigates aviation incidents.

In the coming years, the regional administrative structure in Finland will be changed. Fifteen regional vitality and licencing agencies will be established and monitoring and controlling social security rules will then come under the remit of this new agency. Thus, there are some upcoming institutional reforms on the horizon.



2.2.27 Sweden

National authorities responsible for enforcement

Swedish Work Environment Authority

Sv. Arbetsmiljöverket

The Swedish Transport Agency

Transportstyrelsen

The Swedish Tax Agency

Skatteverket

The Swedish Social Insurance Agency

Försäkringskassan

Overview of division of competences

In Sweden, compliance with labour law regulations is mainly supervised by the social partners. There are four public authorities with responsibilities in the areas of EU-level labour mobility and social security coordination. However, each entity has a different primary focus. The Swedish Work Environment Authority is responsible for compliance with posting of workers rules. The Swedish Transport Agency is responsible for issuing air operator certificates and exercising supervision within aviation safety and related regulations. However, it does not have an explicit mandate to impose requirements or examine the application of social insurance according to the EU coordination rules, which is within the area of responsibility of the Swedish Social Insurance Agency. The Swedish Transport Agency also does not have a general or independent supervisory responsibility regarding compliance with labour law in relation to commercial aviation and its permits. The Swedish Tax Agency is responsible for the national tax collection and manages the population register, which forms the basis for determining tax eligibility. The Swedish Social Insurance Agency is responsible for the issuing of PD A1 certificates. In conducting inspections at workplaces there is cooperation between the Swedish Work Environment Authority and the Swedish Tax Agency.

2.3 Key takeaways

There is significant variation across Member States regarding the division of labour mobility and social security enforcement competences.

There is a nearly even division between Member States that have shared competences across authorities concerning either labour mobility or social security coordination (such as Luxembourg) and those that delineate, as much as possible, the competences among authorities between the three domains – labour mobility, social security and aviation safety (for example, Latvia). In a very small number of Member States the enforcement of labour mobility and social security coordination is more centralised, and enforcement authorities can take a more holistic approach to investigations involving both these aspects. For example, in Spain all the responsible authorities identified can tackle aspects of social security coordination and labour mobility.

Enforcement of EU labour mobility and social security coordination rules remains fragmented among different national authorities. In none of the Member States is a single authority responsible for enforcing all the rules within ELA's mandate in the CAT sector.

Responsibilities are typically divided among labour inspectorates, social security institutions and civil aviation authorities, with additional involvement from tax authorities and anti-fraud bodies in Member States. On average, four entities per Member State have competence in enforcing labour mobility or social security coordination rules and they typically vary and include ministries of labour at the strategic level and labour inspectorates, social security authorities, tax authorities and public insurance providers. The most widespread proliferation of responsible authorities can be seen in social security coordination, with one authority typically being responsible for PD A1 and related coordination and another one for contributions or tax and social fraud-related enforcement. Belgium, France, Italy, Latvia and Austria all have multiple social security authorities potentially involved in the enforcement of social security coordination rights.

Having multiple authorities responsible for enforcement of labour law and working conditions is rarer, although typically the civil aviation authorities do exercise certain

enforcement powers in relation to working time matters, in addition to labour inspectorates. Multiple authorities are responsible for monitoring compliance with working conditions and labour law in relation to labour mobility in Hungary, Portugal, Spain and Sweden.

There is certain variation also within the types of enforcement powers that authorities hold.

In Belgium, Greece, France, Italy and Finland, social security authorities carry out full inspections and enjoy broad investigative powers. By contrast, in Czechia, Denmark, the Netherlands and Slovenia, the powers of authorities responsible for social security coordination are more limited. In these countries, enforcement relies mainly on desk audits and information analysis, without the possibility of conducting on-site inspections. This can be a significant constraint in a sector characterised by high worker mobility and an urgent need to obtain information, where there is often insufficient time to rely on cooperation with other authorities, such as labour inspectorates, to carry out premises inspections.

The primary focus of civil aviation authorities is squarely on aviation safety, but some play meaningful role either as enforcers or facilitators of access to information also in relation to labour mobility.

Civil aviation authorities stand on the sidelines of the enforcement of labour mobility and social security rules. They are key institutional actors with the technical know-how and access to various sources of information that might be and is useful for investigations of labour mobility and social security coordination investigations in the CAT sector, but beyond the working time rules in relation to flight time limitations and some other OSH-related aspects of aviation safety, enforcement in these areas typically falls completely outside of their competence.

This is squarely the case in Estonia, Ireland, Cyprus, Luxembourg, Romania and Slovakia. At the same time, exceptionally, in Czechia and Hungary (in relation to social security), Denmark (partly in relation to labour mobility) and Italy (in support to other authorities), they seem to play a more significant role in checking compliance with labour standards.

There also appear to be two broad approaches governing the relationship between civil aviation authorities and labour and social security authorities. In some Member States the two sides regularly cooperate, even in investigations, or at least in exchanging information (Italy, among others), while in others, authorities act on their own and within their own remit in general but cooperate only when required (Germany, Austria).

Apart from the limited extent to which civil aviation authorities are involved in the enforcement of labour mobility rules, there is almost complete absence of institutional specialisation within the enforcement landscape.

The civil aviation authorities are typically the sole specialised authorities focusing specifically on the aviation sector. The authorities directly competent for monitoring compliance with labour mobility and social security rules in the CAT sector typically do not have institutional or departmental specialisation. There are two exceptions to this rule. In a few Member States the transport authority is involved in enforcement, and this means certain specialisation towards transport-specific issues. Second, in some Member States the survey findings and interviews indicated a level of specialisation among inspectors involved in enforcement. Moreover, in some very rare Member States there are dedicated or specialised departments within national authorities dealing with matters in CAT sector (for example, the DSP in Ireland and the ZUS in Poland). This specialisation can be extremely helpful in such legally and technically complex and highly mobile sector as CAT as seen by the fieldwork results discussed in the following chapter.

Overall, the lack of specialisation further emphasises the need for the authorities to cooperate with each other including with civil aviation authorities to better understand and tackle sector-specific aspects of labour mobility landscape and unique enforcement challenges the CAT sector represents.

Due to the fragmented institutional landscape of labour mobility and social security coordination enforcement, cooperation among authorities and data and information exchange seems pivotal to ensure overall efficiency.

To achieve a holistic approach to the enforcement of labour mobility and social security coordination rules in the CAT sector, cooperation among national-level authorities is necessary. While joint inspections and checks are common in Belgium, Czechia and Cyprus and dedicated working groups and information exchanges among authorities are organised in Bulgaria, Ireland, Greece, Spain, Luxembourg (social-security related) and Portugal, these good practices are not routine and widespread in all Member States. In fact, overall close cooperation and joint enforcement activities are the exception rather than the rule in the majority of EU Member States. As already discussed in the first chapter, there is significant fragmentation in the legal domain, with separate areas of law regulating some aspects of the working life of aircrew and having linkages between via common terms used such as 'home base'. The fragmentation seems further strengthened via the institutional framework in place and division of enforcement competences in this sector at the national level. Previous analytical work illustrates that the aviation sector is also characterised by fragmented representation structures (Eurofound, 2022), which somehow mirrors the fragmented enforcement and institutional environment. Collaboration and cooperation are essential in bridging the gaps potentially created by the high level of fragmentation.

CHAPTER 3

Enforcement practices and challenges

Chapter in brief

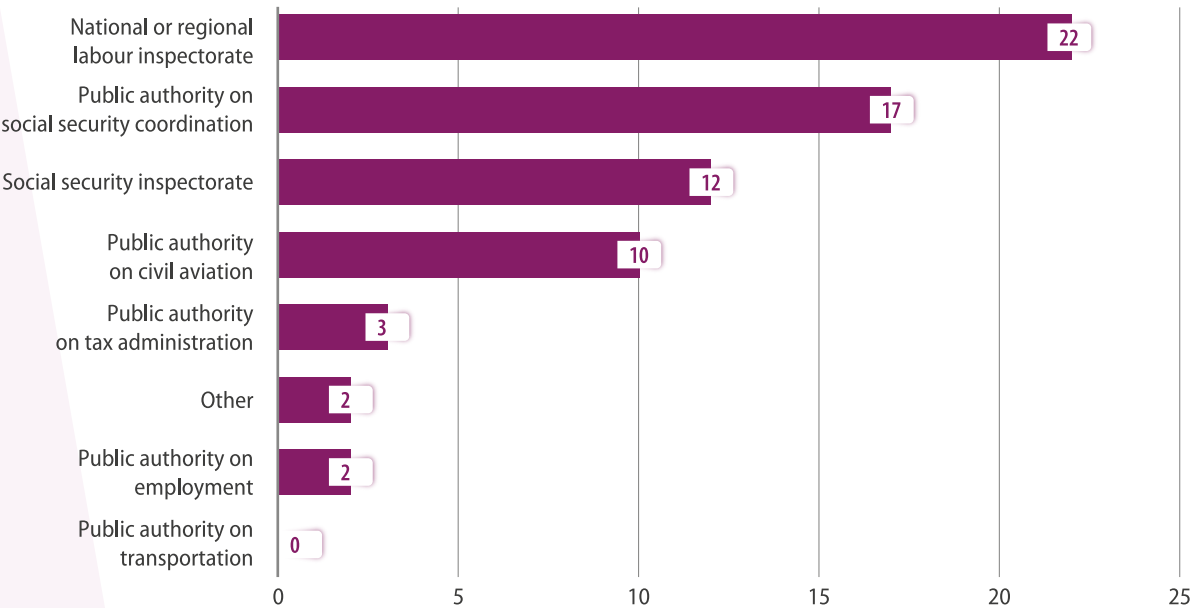
- The national authorities responsible for enforcement of labour mobility and social security rules in the CAT sector generally perceive the aviation sector as high risk for compliance.
- Despite the high-risk perception, enforcement is largely complaint driven and attracts only a small share of institutional resources in most Member States. A significant number of authorities raise the need for increased enforcement capacity, additional resources, sector-specific guidance and specialised training.
- Difficulties reported by the national enforcement authorities include difficulties with accessing airport premises and obtaining complete information on working conditions and employment relationships, among other matters. The practice of diverse and complex contractual arrangements within the sector makes it difficult to determine the applicable labour law, social security regime and the actual employer.
- While many Member States report active national-level cooperation between labour inspectorates and social security entities, along with some cooperation between civil aviation and tax authorities, cross-border cooperation is not widespread. The CAT sector could benefit from improved cooperation, clearer guidance, better use of EU-level tools such as the IMI and the EESSI, and enhanced capacity building to strengthen the ability of authorities to address the sector's complex cross-border practices.

In this section, we provide an overview of the enforcement practices by Member States when enforcing EU labour mobility and social security rules and related challenges. This chapter is based on the self-assessment by the competent national authorities (see Chapter 2) and interview ⁽⁸⁷⁾ and survey findings.

The survey received 60 responses in total from 23 Member States. No responses were received from Greece, Cyprus, Luxembourg or Slovenia. Amongst respondents, the majority were either national or regional labour inspectorates (22 respondents) or public authorities on social security coordination (17 respondents), followed by social security inspectorates (12 respondents) and public authorities on civil aviation (10 respondents).

⁽⁸⁷⁾ A total of 28 interviews were conducted with representatives of national enforcement authorities in 10 Member States; please see Annex I for further details.

Figure 13. Types of national authorities represented by respondents

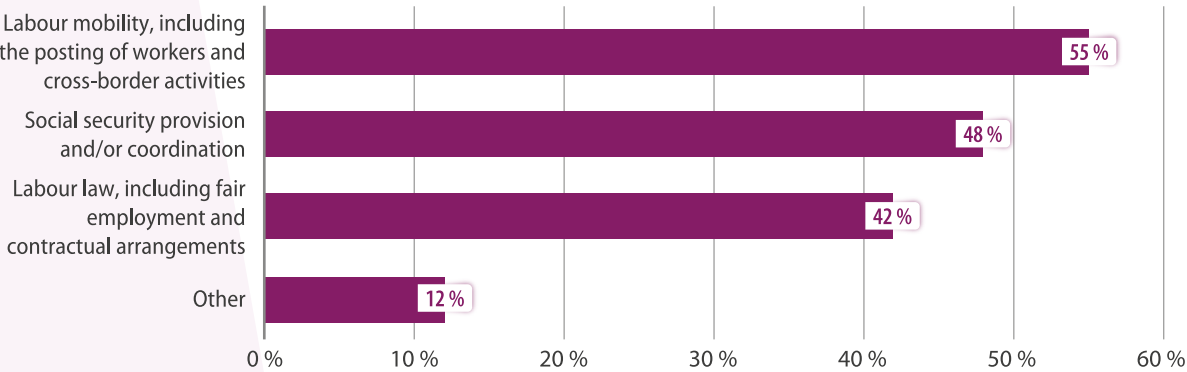


Source: Survey of public authorities, Q3: 'What type of institution are you representing?' N=60, multiple choices possible.

There was a roughly even split between respondents that enforced EU-level measures and regulations for aircrew members in the area of labour mobility, including the posting of workers and cross-border activities (33 respondents) and social security provision or coordination (29 respondents). This suggests that there is a good balance of perspectives in the survey responses between authorities

focusing on labour mobility and authorities focused on social security coordination. Another 25 respondents indicated enforcing labour law, including fair employment and contractual arrangements. The 'Other' responses included four respondents responsible for enforcement of working hours, and two respondents responsible for aviation safety.

Figure 14. Areas related to labour mobility and social security coordination where organisations enforce EU-level measures and regulations for aircrew members



Source: Survey of public authorities, Q5: 'In which areas related to labour mobility and social security coordination does your organisation enforce EU-level measures and regulations for aircrew members?' N=60, multiple choices possible.



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Most respondents were responsible for the enforcement of EU rules and regulation at the operational level (e.g. involvement in investigations, inspections or enforcement of specific sites/companies) (83 %; 50 respondents). For the remaining levels, 32 % of respondents (19) reported being responsible for the tactical level (e.g. involvement in deciding on approaches to enforcement and investigations, or sector-specific analytical work) and 27 % of respondents (16) reported being responsible for the strategic level (e.g. involvement in informing and making policy decisions). The average number of years of experience respondents personally had in activities dealing with the commercial air transport sector was 9.3 years, suggesting that the majority of respondents had sufficient experience with the sector to provide insightful responses to the survey.

In this chapter we present the findings from the fieldwork starting with information on the general legal and EU framework within the mandate of ELA (Section 1), followed by the analysis of fieldwork data in the order of general timeline according to how inquiries/investigations typically take place: Section 2: Beginning of investigation (necessary resources, risk assessment, challenges identified by enforcement authorities); Section 3: Field inspections/checks (investigation activities and related challenges); Section 4: Types of infringements, establishment of liability and sanctions. Finally, we identify the key takeaways from the fieldwork (Section 5)

3.1 Applicable labour mobility and social security coordination rules and enforcement practice

The fieldwork revealed three distinct points regarding the applicable rules on labour mobility and social security coordination and enforcement practice. First, EU rules in general and social security coordination rules in particular were evaluated by the national enforcement authorities as being most relevant for their work. Second, some respondents flagged the lack of specialised rules and comprehensive collective agreements protecting workers in the CAT sector at the national level as a challenge for improving the situation of aircrew. Finally, national authorities reported that complicated contractual arrangements characteristic of this sector create an added layer of complexity for effective monitoring and enforcement.

Enforcement authorities regard the EU rules on the coordination of social security systems as the most relevant legal framework.

Concerning the applicable EU rules driving enforcement, national enforcement authorities highlighted Regulation (EC) No 883/2004 and its corresponding implementing Regulation (EC) No 987/2009 as the most relevant to their work (slightly more than half of survey respondents). This was followed by the revised PWD and its enforcement directive, Directive 2014/67/EU (slightly below half of survey respondents).

Figure 15. EU-level labour mobility and social security coordination rules most likely to apply to the aviation sector



Source: Survey of public authorities, Q6: 'Which EU-level labour mobility and social security coordination rules governing the aviation sector are most likely to apply to your work?' N=60, multiple choices possible.

The assessment by the survey respondents corresponds with the data from the interviews carried out for this research.

The Social Insurance Institution (ZUS) is the competent authority in Poland responsible for implementing tasks related to the coordination of social security systems within the European Union, in accordance with Regulations (EC) No 883/2004 and 987/2009. Within the ZUS, there are specialised organizational units dedicated to interpreting and applying the provisions concerning the mobility of workers, including those employed in international transport – particularly in the aviation sector.

Interviewee from the social security authority, Poland.

Regulation (EC) No 883/2004 is the key rule we apply.

Interviewee from the social security authority, the Netherlands.

According to survey respondents, the level of risk across the CAT sector is perceived as similarly high when it comes to compliance with social security coordination (61 %), the enforcement of posting of worker rules (62 %) and fair contractual arrangements for aircrew (58 %). By contrast, the sector is viewed as less high-risk when it comes to occupational safety and health-related infringements (40 %) ⁽⁸⁸⁾.

Since the survey and interviews targeted specifically national authorities with competence in the areas of labour mobility and social security coordination, the overall relevance afforded to social security coordination and posting of workers rules is perhaps not unexpected. However, one would have expected a more even distribution of the perception of relevance and in terms of

⁽⁸⁸⁾ Survey of public authorities, Q29: 'Indicate to what extent you agree with the following statements related to the risks in the commercial air transport sector.' N=58.

risk ⁽⁸⁹⁾. Very few national enforcement authorities disagreed with the assessment of CAT sector being 'high-risk', illustrating that this sector should be a priority for monitoring and enforcement of compliance with labour mobility rules.

Difficulties encountered in determining the applicable regime for both working conditions and social security, a lack of dedicated protective rules for posted aircrew and clarity concerning derogations have been identified as challenging.

Previous analytical work has referred to the cross-border environment in aviation and the difficulties in determining the labour and social security legislation applicable to aircrew, which can, at times, lead to potential inconsistencies between the officially designated 'home base' – the country in which social security contributions are paid – and the country of the applicable labour law (Jorens et al., 2025). Additional, previously flagged challenges and risk factors also include the lack of specific provisions for posting of aircrew, to varying interpretations and implementations across Member States, along with a significant lack of awareness among air carriers and aircrew (Busschaert et al., 2019). Some respondents interviewed for this report also flagged similar challenges:

The current rules on applicable legislation need development to be relevant to new forms of work [...]. They would need to include provisions for specific groups, such as self-employed individuals and highly mobile workers, who frequently operate across multiple Member States. Short-term and part-time employment across borders can cause intermittent social security coverage, creating administrative burden and legal uncertainty for citizens as they switch frequently from one social security system to another.

Interviewee from the social security authority, the Netherlands.

Along the same lines, an interviewee in Spain noted that the lack of sector-specific rules limits the effectiveness of enforcement measures. They further noted that the absence of collective agreements in the CAT sector can also negatively impact on working conditions.

Without such [collective] agreements, incoming foreign workers in Spain are only entitled to the minimum wage, regardless of experience or role.

Interviewee from the labour inspectorate, Spain.

Finally, how the rules are applied to the CAT sector can vary significantly across Member States, especially rules related to posted workers, temporary agency workers and self-employed workers. One example of this are the national derogations that apply to aircrew in some Member States already discussed in Chapter 1 ⁽⁹⁰⁾. In practice, derogations or exceptions can mean the need for enforcement authorities to resort to other approaches to obtain information necessary for their checks. In the absence of posting declarations, the information social security authorities have including PD A1 applications can become key.

We conduct investigations based on tips we receive, for example from colleagues in implementation who deal with the handling of PD A1 applications and chain partners such as the tax authorities, labour inspectorate or a foreign sister agency.

Interviewee, social security coordinator, the Netherlands.

Other possible difficulties have also been raised. For example, according to the ECS, there is no agreement across Member States as to whether aircrew can be considered posted workers, what information should be shared and whether there should be exceptions to notifications for postings

⁽⁸⁹⁾ For instance, the 2023 ELA strategic analysis 'Construction sector: Issues in information provision, enforcement of labour mobility law, social security coordination regulations, and cooperation between Member States' flags undeclared work as highly prevalent in the construction sector, p. 52, https://www.ela.europa.eu/sites/default/files/2023-09/ELA_construction-sector-report-2023.pdf. The 2025 ELA strategic analysis 'Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues – Insights from case studies' discusses key challenges in monitoring posting and enforcement of labour law, p. 66, https://www.ela.europa.eu/sites/default/files/2025-06/Third_country_nationals_report.pdf. The 2024 ELA strategic analysis 'Accommodation and food service activities: issues and challenges related to labour mobility' discusses challenges in enforcement related to the unique characteristics and operational schedules of the hospitality sector, such as the difficulty of verifying the reliability of working hours records, p. 84, <https://www.ela.europa.eu/sites/default/files/2024-10/horeca-report-ela.pdf>.

⁽⁹⁰⁾ Chapter 1, section 2.2, Table 3: National derogations to the Posted Workers Directive.

Good practice example: France

In France, the mandatory affiliation of aircrew to the *caisse de retraite du personnel navigant* (CRPN), the pension scheme for aircrew, allows inspectors to easily identify one of the most critical elements when determining applicable social security rules: the identification of the ‘base of attachment’, where most of the aircrew’s activity takes place.

Moreover, French national rules go beyond EU requirements to develop a robust liability structure.

In France, there is an obligation of vigilance for the order giver, which means that the chain of responsibility is extensive. This includes not only the operator but also the entity that chartered the airline. This broad responsibility chain is more comprehensive than the European concept, ensuring that all parties involved are held accountable.

Interviewee from the pension authority, France.

Through this approach, all relevant parties are held liable for the correct application of the law.

under a certain length of time (ECS, 2023). This means that more information and guidance on when aircrew mobility constitutes posting and when not might be useful too. Differences can also be seen when comparing the rules that apply to self-employed workers in the Member States targeted by the study. For example, labour law in Belgium, the Netherlands and Finland include specific articles that aim to address and prevent bogus self-employment (Turnbull, 2020), and national case law in France has asserted the impossibility of self-employment in CAT among aircrew (ECS, 2023).

The CAT sector rarely features among the priority sectors for enforcement of labour mobility and social security coordination rules

The survey of stakeholders showed that more than half of respondents said that enforcement of EU rules in the CAT sector made up only a small share of their institution’s resources. This is despite the fact that representatives from 7 out of the 10 focus countries where interviews took place considered the CAT sector is a high-risk sector ⁽⁹¹⁾, and 75 % of survey respondents (45 out of 60) indicated that the sector to be high risk in at least one labour-mobility- or social-security-related area ⁽⁹²⁾. Against the overall approach to CAT sector as a non-priority for enforcement activities, France is an exception.

⁽⁹¹⁾ Belgium, Czechia, Ireland, Spain, France, Italy and Lithuania.

⁽⁹²⁾ Q29: ‘Indicate to what extent you agree with the following statements related to the risks in the commercial air transport sector: a) the sector is a high-risk sector when it comes to fair contractual arrangements for aircrew; b) the sector is a high-risk sector when it comes to enforcement of posting of workers rules; c) the sector is a high-risk sector when it comes to compliance with social security coordination; and d) the sector is a high-risk sector when it comes to occupational safety and health related infringements.’

Given the limited national sector-specific rules, limited feedback was provided on whether the rules were sufficient. In France, a stakeholder noted:

While the rule [holding the order giver accountable] is helpful, it is not sufficient, and there is a desire to make it even more stringent in the aviation sector.

Interviewee from the pension authority, France.

Still, another French stakeholder expressed that the rules allowed them to address challenges effectively, though they acknowledged that companies operating in the CAT sector could and did find ways to circumvent these.

The rules are sufficient based on my experience, but companies in the CAT sector can be very creative in finding ways to circumvent regulations.

Interviewee from the social security authority, France.

In such cases, amending the rules themselves was not necessarily viewed as the solution. Instead, stakeholders highlighted the importance of continuous monitoring from enforcement



authorities. Moreover, during the interviews another respondent highlighted the sufficiency of national rules while pointing to other significant challenges.

[The] national rules are generally sufficient for enforcing social security coordination and labour mobility regulations in the CAT sector. However, there are some challenges, such as cooperation with foreign authorities and the complexity of cross-border arrangements.

Interviewee from the labour inspectorate, Italy.

Hence while attitude towards the legal framework in place at national level varies, there is a widespread opinion that the complexity of sectoral practices poses a certain challenge for national enforcement authorities.

The sector's wide range of contractual practices adds to the complexity of the CAT environment and makes enforcement more challenging, particularly for aircrew, who may struggle to determine which rules apply to their situation.

To an extent, this challenge has been highlighted in previous studies (see Busschaert et al., 2020; Jorens et al., 2015). However, so far there has not been comprehensive information identifying exactly which types of contractual practices characteristic to the CAT sector, national enforcement authorities responsible for enforcing labour mobility and social security coordination rules encounter in practice and consider complex. In the survey, diversity in contractual status was a challenge highlighted by 58 % of respondents ⁽⁹³⁾.

⁽⁹³⁾ Survey of public authorities, Q24: 'In your view, to what extent do the following pose a challenge for national authorities during any phase of an inspection?'

Table 4. Contractual arrangements ⁽⁹⁴⁾ observed by organisations as being used for aircrew under their jurisdiction in the CAT sector

Contractual arrangement	Count	Share (N=60)	Member States reporting
Standard, indefinite contract of employment	50	83 %	21
Employment by a temporary work agency	27	45 %	16
Self-employment and service provision directly to the operator	26	43 %	15
Self-employment via an intermediary	24	40 %	13
Temporary assignment of aircrew member to a different base within the EU	21	35 %	13
Wet lease from an EU operator	20	33 %	9
Aircrew without a designated base (nomad aircrew)	18	30 %	6
Employment by a labour intermediary (other than temporary work agency)	17	28 %	9
Employment by a labour intermediary based in a non-EU country	15	25 %	7
Aircrew member (either employed or self-employed) from non-EU countries working on an EU-registered aircraft	14	23 %	9
Registration of aircraft in a different country for the purpose of avoiding financial charges or regulations (flags of convenience)	13	22 %	8
Dry lease, an aircraft leased without operational aspects (crew, maintenance, or insurance), from an EU operator	12	20 %	6
Wet lease from a non-EU operator	11	18 %	7
Temporary assignment of aircrew member to a different base in a non-EU country	10	17 %	7
Dry lease from a non-EU operator	9	15 %	5
Damp lease from an EU operator	9	15 %	7
Pay-to-fly schemes, where pilots pay airlines for the flight hours	8	13 %	6
Damp lease from a non-EU operator	8	13 %	6
Non-EU-country airline providing cabotage flights connecting two or more cities within the EU	7	12 %	4
Airline holding multiple operating licences and/or multiple Air operator's certificates allowing for 'crew interoperability'	6	10 %	5
Airlines that have outsourced significant portions of operational and business functions (virtual airlines)	6	10 %	3
Other	4	7 %	4

Source: Survey of public authorities, Q12: 'Which of the following contractual arrangements has your organisation observed being used for aircrew in the commercial air transport sector under your jurisdiction?' N=60, multiple choices possible.

⁽⁹⁴⁾ Contractual practices were selected for the inclusion in the survey based on desk research, prior consultations with various ELA's stakeholders and input from interviews.

Among the national enforcement authorities, most respondents reported observing standard, indefinite contracts of employment for aircrew (83 % of total number of respondents; 50 respondents from 21 Member States). Amongst non-standard contractual arrangements, the most commonly observed were employment by a temporary work agency (45 %; 27 respondents from 16 Member States), self-employment and service provision directly to the operator (43 %; 26 respondents from 15 Member States), self-employment via an intermediary (40 %; 24 respondents from 13 Member States) and temporary assignment of aircrew member to a different base within the EU (35 %; 21 respondents from 13 Member States).

The distribution of the practices that the enforcement authorities have come across is relatively balanced, with none of the pre-identified practices listed in the survey found as not encountered by the enforcement authorities. Instances of observing aircrew without designated base, changes in the designated base, self-employment, employment and service provision via intermediaries (including from non-EU countries) and wet lease are comparatively frequent and exceed the number of respondents from civil aviation authorities that would be expected to confront these contractual practices more routinely.

Indeed, a recurring difficulty reported by several countries, including Spain, France, Italy, and Poland, is the diversity in contractual arrangements. This reality complicates the assessment of employment relationships and the determination of applicable legislation. The misrepresentation of facts by employers or workers is another widespread issue, making it harder for inspectors to verify working conditions and contractual compliance.

The complexity of cross-border contractual arrangements, such as wet lease, dry lease and other types of contracts, can create challenges for [our institution] in determining the applicable social security legislation and ensuring compliance.

Interviewee from the social security authority, Italy.

In general, the data obtained suggests the need to build and support the knowledge-based resources and capacity of national enforcement authorities active in labour mobility and social security coordination in the CAT sector to strengthen the resources and awareness of enforcers. Given that most responsible enforcement authorities have horizontal competences cross-cutting all sectors, dedicated information, guidance and training might be useful to make sure inspectors are well equipped to tackle complex situations involving such contractual and non-contractual practices in relation to the enforcement of aircrew social and labour mobility rights ⁽⁹⁵⁾.

For example, a stakeholder in France pointed to how the involvement of intermediaries and temporary work agencies in CAT sector complicates enforcement, a sentiment also confirmed by Polish interviewees, who noted the challenges involved in determining the employer of a given aircrew. Irish and Polish interviewees further emphasised how uncertainties over national competence when companies operate internationally acted as a barrier to effective enforcement.

During numerous inspections, fictitious self-employment was primarily revealed. There were also situations where [an airline] used a cascading organisational structure, which made it impossible to determine which entity was the actual employer.

Interviewee from the labour inspectorate, Poland.

One of the key challenges already identified beforehand is an overall lack of information on employment practices within the sectors, the airlines with operating bases in a country, how many workers these bases employ and under what type of contract they are employed (Jorens et al., 2015). This lack of information and data together with limited awareness and knowledge of sector-specific challenges and practices could contribute to a lack of or difficulties with enforcement.

⁽⁹⁵⁾ ELA produced a guide for enforcing labour mobility and social security coordination rules for aircrew members (2025, not yet published). It provides a comprehensive overview of how EU rules on labour mobility and social security across the most prevalent types of contractual arrangements in the CAT sector. It aims to act as a practical guide, with a checklist of questions that inspectors can use to carry out their duties and to assist them in enforcing EU rules.

I don't think there is currently a real awareness of the particularities of the aviation sector. Perhaps this will come to the table someday.

Interviewee from the social security authority, Belgium.

Some Member States have suggested imposing an obligation for air carriers to inform either local authorities or an EU platform about operational bases that are established in other Member States (ECS, 2021). Overall, national enforcement authorities tend to encounter practices that are complicated to tackle. Some are challenging not only in CAT sector, such as labour intermediation, sub-contracting and possible bogus self-employment, while others are specifically characteristic to the CAT sector, such as various leases, high mobility, change in home or operating bases for aircrew members or lack of such designated basis. This, together with a certain ambivalence in terms of how national legal regimes approach posting of workers and high mobility in this sector more generally (including via derogations or lack of dedicated national level labour rules), suggests that more information and guidance is needed to facilitate fast and efficient enforcement of EU labour mobility and social security coordination rules that have been identified as highly relevant for the work of national enforcement authorities via both the survey and interviews carried out in the context of this report.

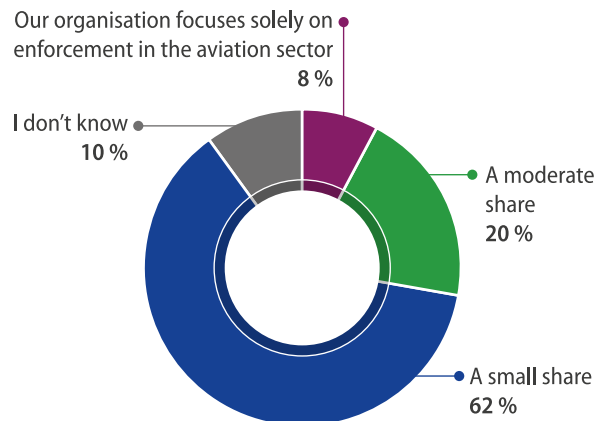
3.2 Resources for enforcement in CAT sector

3.2.1 Institutional resources

While the enforcement of labour mobility and social security coordination rules in the CAT sector is seen as relevant from the perspective of survey respondents and interviewees, this does not necessarily translate into the allocation of sufficient and necessary resources for this highly complex sector. 57 % of respondents to the survey indicated that Regulation (EC) No 883/2004 and its corresponding Implementing Regulation (EC) No 987/2009 were likely to apply to their work (57 %, 34 respondents) and 47 % (28) indicated the PWD is relevant for their day-to-day work; this does not necessarily correspond to landscape of institutional priorities at the national level.

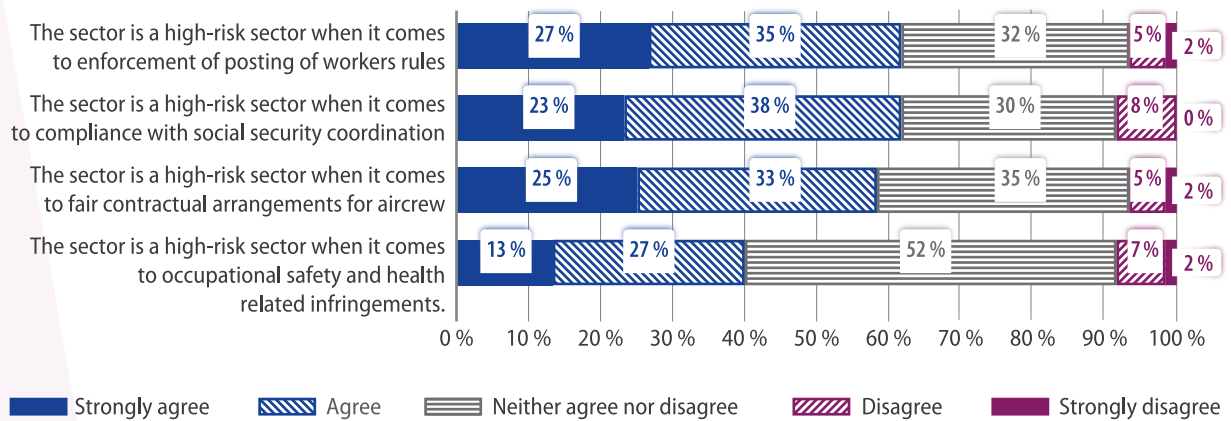
Against broader institutional priorities and focus, 37 respondents indicated that the enforcement of EU rules on labour mobility and social security coordination in the CAT sector makes up a small share of their institution's resources. A further two respondents indicated that this made up a moderate share, with only five respondents indicating that their organisation focused solely on enforcement in the aviation sector. Later in the survey, respondents were asked how often investigations are conducted on the application of EU labour mobility and social security obligations in the CAT sector. The biggest number of respondents only conduct investigations either occasionally (21 % for labour mobility enforcement; 23 % for social security enforcement) or rarely (32 % for labour mobility; 30 % for social security). Furthermore, 38 % of respondents indicated that enforcement in the CAT sector is not a priority for their organisation, compared with 15 % who indicated it is a priority. These findings are in line with challenges faced during the implementation of the survey, whereby a number of national authorities responded via email indicating that the survey is not relevant for them as they had not conducted investigations in this area.

Figure 16. Share of institution's resources used for the enforcement of EU rules on labour mobility and social security coordination of the CAT sector



Source: Survey of public authorities, Q9: 'Roughly what share of your institution's resources does the enforcement of EU rules on labour mobility and social security coordination of the commercial air transport sector make up?' N=60.

Figure 17. Perceived level of risk across the CAT sector



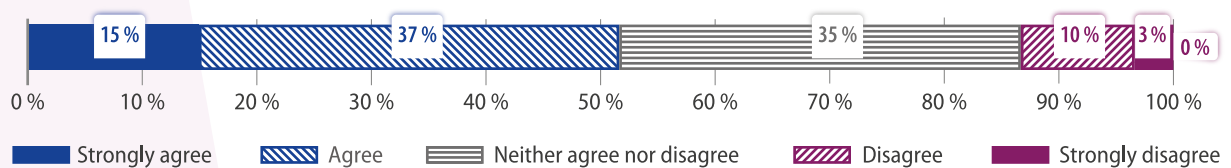
Source: Survey of public authorities, Q29: Indicate to what extent you agree with the following statements related to the risks in the commercial air transport sector. N=58.

The survey results highlight the high-risk nature of the sector in terms of compliance with EU rules on labour mobility and social security. This does not correspond to the small share of work and resources dedicated for the enforcement in the CAT sector by national enforcement entities identified in the previous section.

When asked whether the number of inspections in the CAT sector has evolved in the past five years, the

majority of respondents indicated that the number of inspections has remained roughly the same (64%; 36 respondents). There were no significant differences across Member States or competency areas, with only a slightly higher percentage of authorities responsible for social security coordination indicating inspections had increased (39%; 11 respondents) than those responsible for labour mobility (30%; 9 respondents).

Figure 18. Extent to which internal resources pose a challenge during inspection according to survey respondents

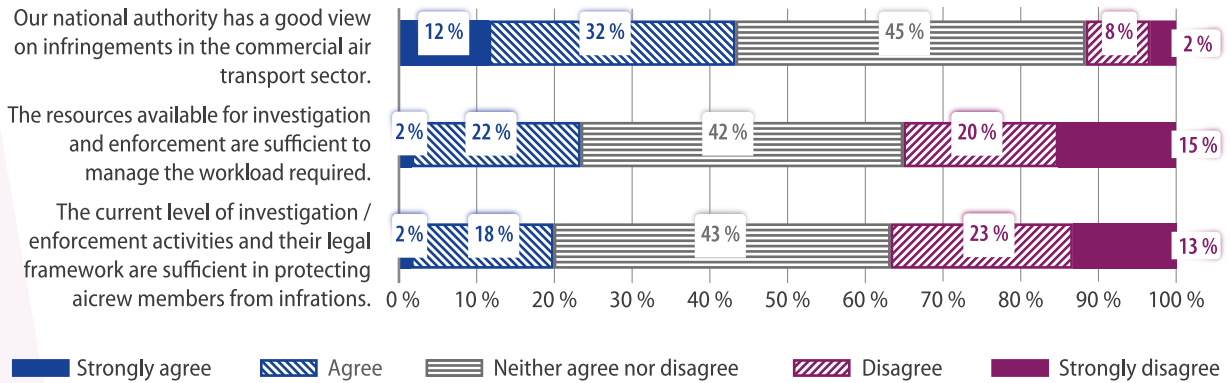


Source: Survey of public authorities, Q24g: 'In your view, to what extent do the following pose a challenge for national authorities during any phase of an inspection?' Internal resources (e.g. financial or human resources, time pressures), N=58.

Over half of those consulted in the survey (52%) said that levels of internal resources such as financial and human resources were a challenge at any phase of inspection (see Figure 19). Additionally, over one in three (35%) disagreed or strongly disagreed that the resources available for investigation and enforcement are sufficient to manage the required workload, pointing to the need for greater investment in CAT sector enforcement (see Figure 20). This is particularly important when considering the level of time resources and expertise necessary

for adequate enforcement in the sector. Finally, 38% disagreed or strongly disagreed that the current levels of investigation and enforcement activities and the legal framework for such activities are sufficient for protecting aircrew from infringements. As such, it is possible that the number of identified infringements is below the reality, due to the low rates of inspections taking place in the CAT sector across the EU corresponding to this sector identified as low priority for enforcement of labour mobility and social security coordination rules.

Figure 19. Perception of enforcement capacity



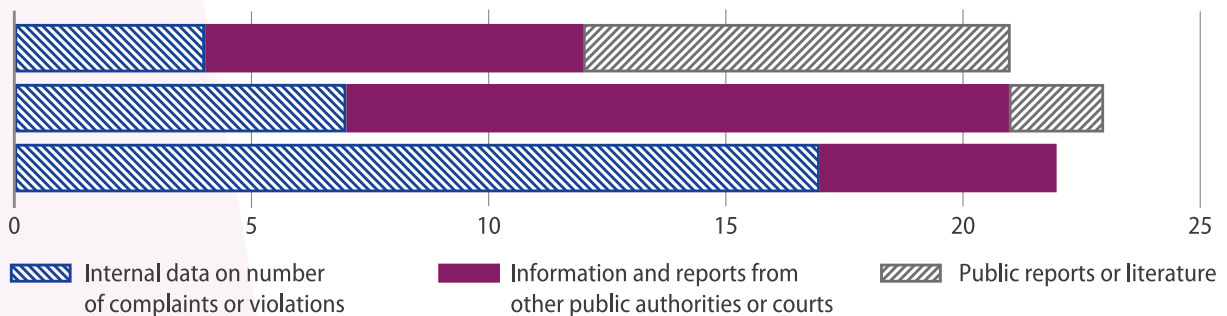
Source: Survey of public authorities, Q31f: 'Indicate to what extent you agree with the following statements related to the enforcement of EU level regulations on labour mobility and social security coordination in the commercial air transport sector.' N=58.

Overall, inspection services, at least in relation to the enforcement of labour mobility and social security coordination rules, might be under-resourced and under-prioritised. While, the CAT sector is indeed a niche sector, given its highly mobile nature and inherent cross-border element in the activities of aircrew, one could expect that at the European level and cross-border levels it presents a relevant sector where enforcement has to be supported and facilitated. This is in line with the developments facilitated by ELA, which has reported the first concerted and joint inspections organised in this sector.

3.2.1 Risk assessment and information resources

To better understand how and when enforcement is carried out regarding the mobility of aircrew in the CAT sector, the survey also included a series of questions related to risk assessment in this sector. When asked which information sources national authorities use for risk assessment in the CAT sector, the majority cited internal data on number of complaints or violations as their most often used resource. Respondents also mentioned specific information sources used to assess risk in the CAT sector, including input from workers (such as cabin crew) or trade unions, insights gathered from reports – for example, those published by ELA – or obtained through exchanges with other authorities, and data mining.

Figure 20. Information sources used for risk assessment of the commercial air transport sector on a strategic level



Source: Survey of public authorities, Q22: 'Which of the following information sources does your organisation use for risk assessment of the commercial air transport sector on a strategic level (e.g. in the sector overall)?' (Sources cited as first, second and third option).

Most authorities rely on evidence from desk audits, reviewing documents such as employment contracts, PD A1 certificates or payslips, coupled with interviews with workers and employers to uncover discrepancies between contractual arrangements and actual working conditions. Another shared practice is the use of existing data and inspection histories to inform risk assessments. Countries such as France, Italy and Poland also use sectoral statistics and flight rosters, compliance reports, and data on the number of complaints to identify patterns indicative of potential non-compliance and identify inspection targets. These methods are often complemented by complaints from workers or trade unions, which serve as critical triggers for inspections in countries such as Spain and Finland (see Figure 21).

Existing data is most often used for strategic risk assessments, while operational risk assessments are frequently driven by complaints and tips from workers or trade unions.

The strategic risk assessment process is data driven, usually combining multiple sources. Authorities typically rely on a combination of internal and external data sources to assess sectoral risk. Internal data such as complaints, violations and historical non-compliance records are used in Member States such as Belgium, Ireland, the Netherlands and Poland. This corresponds with the survey findings, with respondents ranking 'internal data on number of complaints or violations' as their most often used information source for risk assessment in the CAT sector⁽⁹⁸⁾. External reports such as information from other public authorities, courts and national or international institutions are used in Spain, France and Italy. In the survey, this was the second most used source of information for strategic risk assessment⁽⁹⁹⁾. Moreover, general statistics such as workforce size, employment patterns and sectoral dynamics are commonly used to contextualise risk, as noted by feedback from France and Poland. Cross-border cooperation is also part of the approach, with authorities such as Italy's Labour Inspectorate and France's CRPN using EU-level tools such as the IMI system and collaborating with institutions in other Member States to assess risks related to labour mobility and social security.

Operational risk assessment is more reactive, and intelligence-led. In most Member States, it is triggered by complaints and reports from workers. This includes countries such as in Belgium, Ireland, Spain and the Netherlands. It may also include unannounced inspections to gather real-time data on working conditions, as in Ireland, and the gathering of sector-specific information such as monitoring flagging practices, flight schedules and aircraft stationing.

Stakeholders did not mention many specific tools that are used for risk assessment. In Belgium, authorities can make use of the inspection methodology developed by the Social Intelligence and Investigation Service (SIOD) Chair on Reducing Fraud and Social Dumping. The Czech Social Security Administration is considering the use of technology to automate back-end processes related to the administration of PD A1 certificates to facilitate its work. Meanwhile, Italy has chosen a preventative approach to risk management, using awareness raising campaigns, dissemination of information and training aimed at workers and employers alike to mitigate risks proactively.

The interviews show that enforcement entities face difficulties in accessing information, especially in a cross-border context. This is relevant not only during ongoing investigations but also in prior risk assessments when identifying possible targets.

Access to relevant information is also a common impediment, but this may vary within a country from one entity to another. For example, the ZUS in Poland does not view this as a particular challenge, while the Ministry of Family, Labour and Social Security does. Furthermore, Member States such as Spain, France and the Netherlands highlight the lack of timely or complete data, especially in cross-border contexts. This is compounded by the challenges in relation to collaboration between Member States as noted above. For example, French stakeholders highlighted how lengthy cross-border collaborative processes could hinder their ability to effectively combat fraud. The mobility of aircrew, who often operate across multiple countries in short time frames, further complicates inspection logistics and jurisdictional clarity. Stakeholders in Finland also noted the challenge of competence gaps due to limited experience with CAT inspections.

⁽⁹⁸⁾ Survey of public authorities, Q22: 'Which of the following information sources does your organisation use for risk assessment of the commercial air transport sector on a strategic level (e.g. in the sector overall)?'.

⁽⁹⁹⁾ Ibid.



Given these challenges, it is unsurprising that 26 % of survey respondents disagreed or strongly disagreed that their national authority has a good overview of infringements in the commercial air transport sector ⁽¹⁰⁰⁾. To address these impediments, Member States have adopted various strategies. Spain is investing in specialised training for inspectors, while France advocates for harmonised EU definitions (such as of ‘home base’, ‘base of attachment’ and ‘operational base’. Similarly, Italy emphasises the need for greater investment in resources for investigations and enforcement. Survey respondents also emphasised the importance of relationships as a tool that can help them in carrying out their activities: 43 % agreed or strongly agreed that they had good relationships with relevant actors in the CAT sector ⁽¹⁰¹⁾. Overall, the fieldwork illustrates the utmost importance of strong cooperation and information exchange for successful enforcement in this sector.

3.3 Field inspections and practical challenges

Inspections triggered by complaints are the most common enforcement practice. Nevertheless, a combination of different practices is often used.

Enforcement practices vary by country. According to fieldwork, the most common practices are inspections triggered by complaints, followed by routine inspections and interviews with employees (Figure 21). Generally, though, enforcement entities use a mix of these approaches.

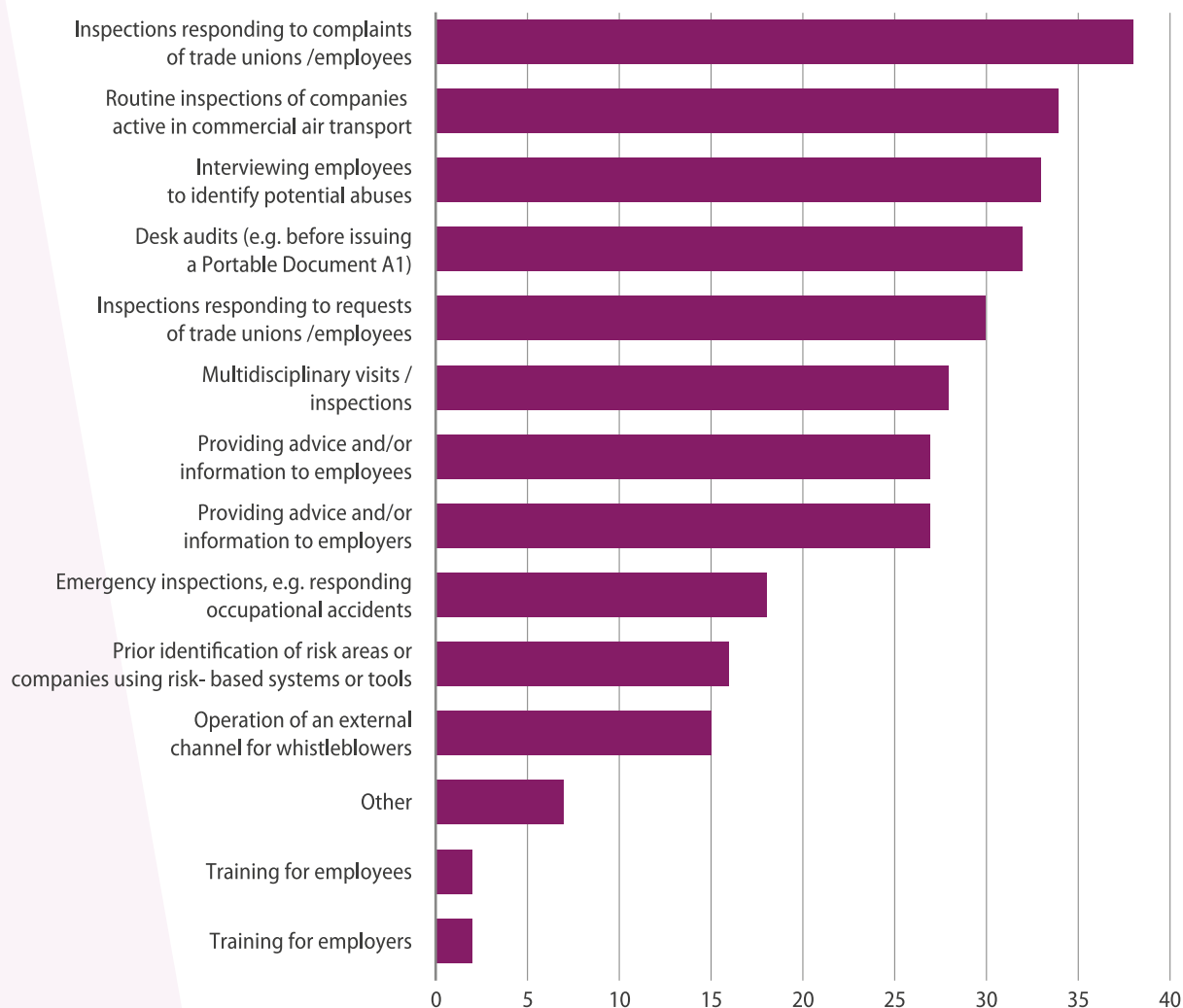
Typically, inspections begin with an on-site visit where we interview both workers and company representatives. We issue a summons for the employer to attend our offices and submit documentation, depending on the case. Prior to that meeting, we examine the submitted documents. If sufficient evidence is found, we meet the employer’s legal representative, discuss the findings, and propose a sanction if necessary. Not all inspections require site visits. We also conduct desk audits and remote interviews when appropriate.

Interviewee from the labour inspectorate, Spain.

⁽¹⁰⁰⁾ Survey of public authorities, Q31a: ‘Indicate to what extent you agree with the following statements related to the enforcement of EU level regulations on labour mobility and social security coordination in the commercial air transport sector: our national authority has a good view on infringements in the commercial air transport sector.’

⁽¹⁰¹⁾ Survey of public authorities, Q31b: ‘Indicate to what extent you agree with the following statements related to the enforcement of EU-level regulations on labour mobility and social security coordination in the commercial air transport sector: our national authority has good relations with relevant actors in the commercial air transport sector.’

Figure 21. Types of enforcement practices and tools used in relation to aircrew members



Source: Survey of public authorities, Q14: 'What enforcement practices are used by your enforcement body in relation to aircrew members in the commercial air transport sector?' N=60, multiple choices possible.

In addition to the initiation of investigations based on complains, in some cases, these also stem from tips from other enforcement agencies.

We conduct investigations based on tips we receive, for example from colleagues in implementation who deal with the handling of PD A1 applications, chain partners such as the tax authorities, labour inspectorate, or a foreign sister agency.

Interviewee from the social security authority, the Netherlands.

The interviewing of employees and workers was a key practice in identifying abuses and employers, and accurately classifying the type of contractual relationship. Nevertheless, survey respondents from 17 Member States ⁽¹⁰²⁾ agreed or strongly agreed that the misrepresentation of facts and circumstances by employers and workers is a challenge.

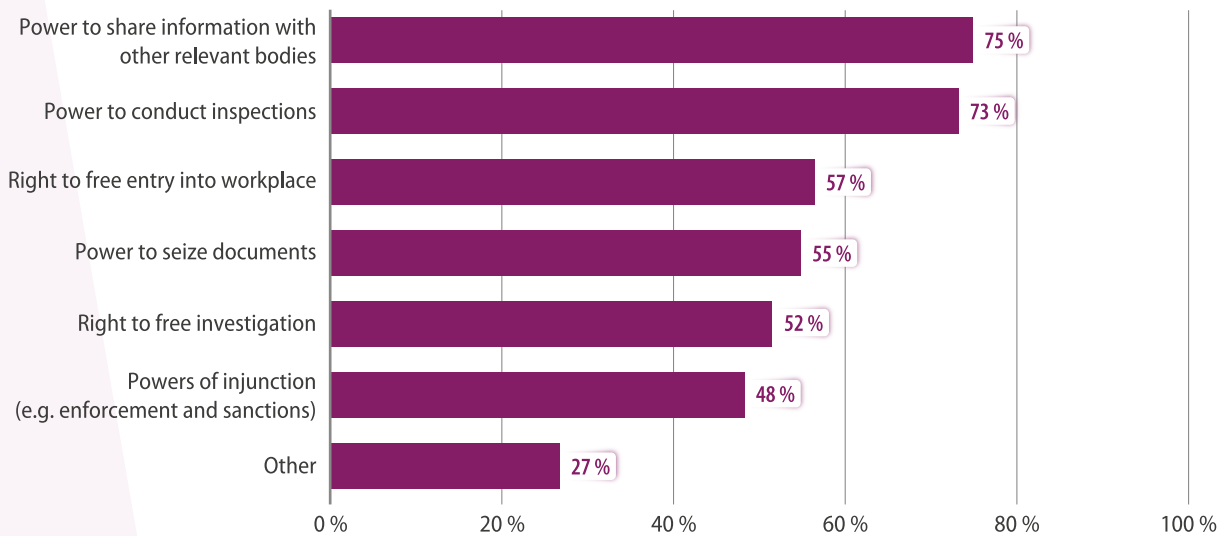
Labour authorities typically have the power to conduct premises inspections and checks on-the-ground, while social security authorities more often rely on desk audits and administrative procedures.

⁽¹⁰²⁾ Q24 (option (f)): Belgium, Bulgaria, Czechia, Germany, Estonia, Spain, France, Italy, Latvia, Lithuania, Malta, Netherlands, Austria, Poland, Portugal, Romania and Sweden.

The main competences reported by respondents were the power to share information with other relevant bodies (75 %; 45 respondents) and the power to conduct inspections (73 %; 44 respondents). Respondents with labour law or labour mobility competences more often reported powers to conduct inspections, the right to freely enter any workplace and powers of injunction when compared with respondents

with social security authorities. The most common enforcement practices used by enforcement bodies in relation to aircrew members was inspections responding to complaints of trade unions / employees (63 %; 38 respondents), routine inspections (57 %; 34 respondents) and interviewing employees to identify potential abuses (55 %; 33 respondents).

Figure 22. Main competences held by institutions to enforce EU labour mobility and social security rules in the CAT sector



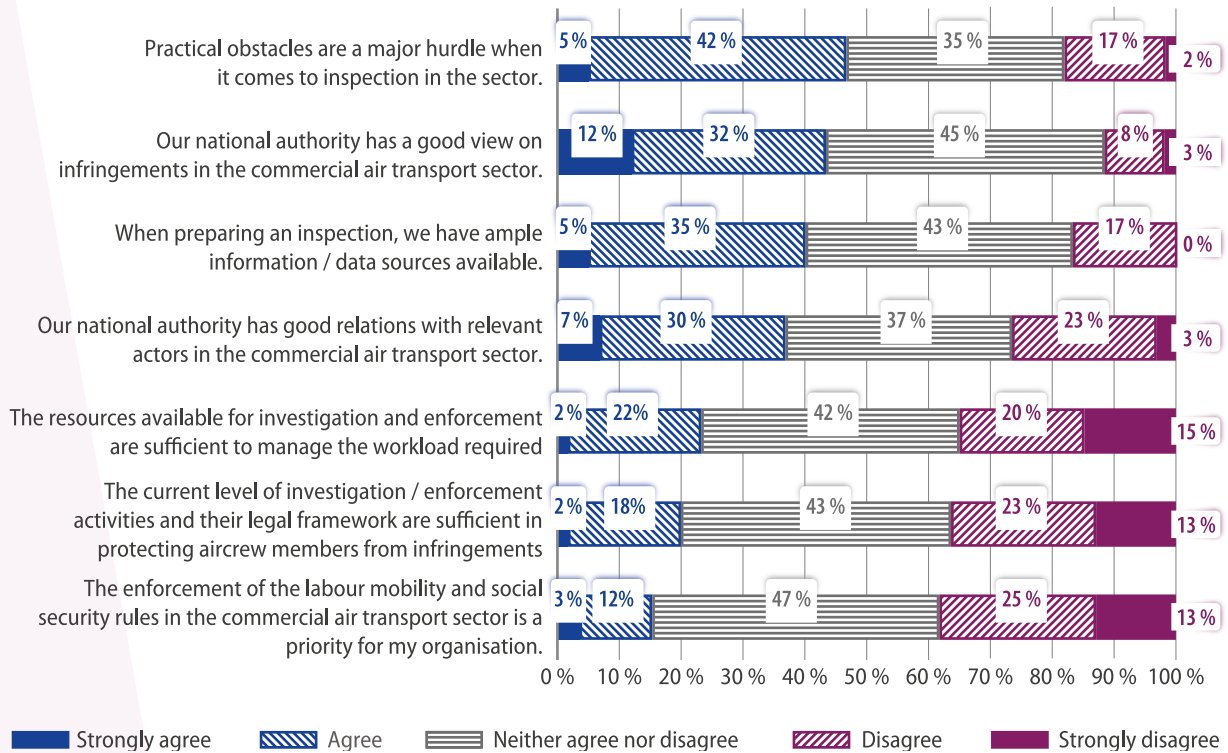
Source: Survey of public authorities, Q13: 'What are the main competences held by your institution to enforce EU labour mobility and social security rules in the commercial air transport sector?' N=60, multiple choices possible.



Enforcement of labour mobility and social security coordination rules in the CAT sector is comparatively complex, and a significant portion of national authorities would appreciate more resources.

When asked about the enforcement of EU-level regulations in particular, a higher share of respondents agreed with the statement that practical obstacles are a major hurdle when it comes to inspections (47 % agreed v 19 % disagreed), and disagreed that the resources available for investigation are sufficient (35 % disagreed v 24 % agreed) and that the current level of enforcement activities and legal framework are sufficient in protecting aircrew (37 % disagreed v 20 % agreed).

Figure 23. Assessment of the enforcement of EU-level regulations on labour mobility and social security coordination in the CAT sector



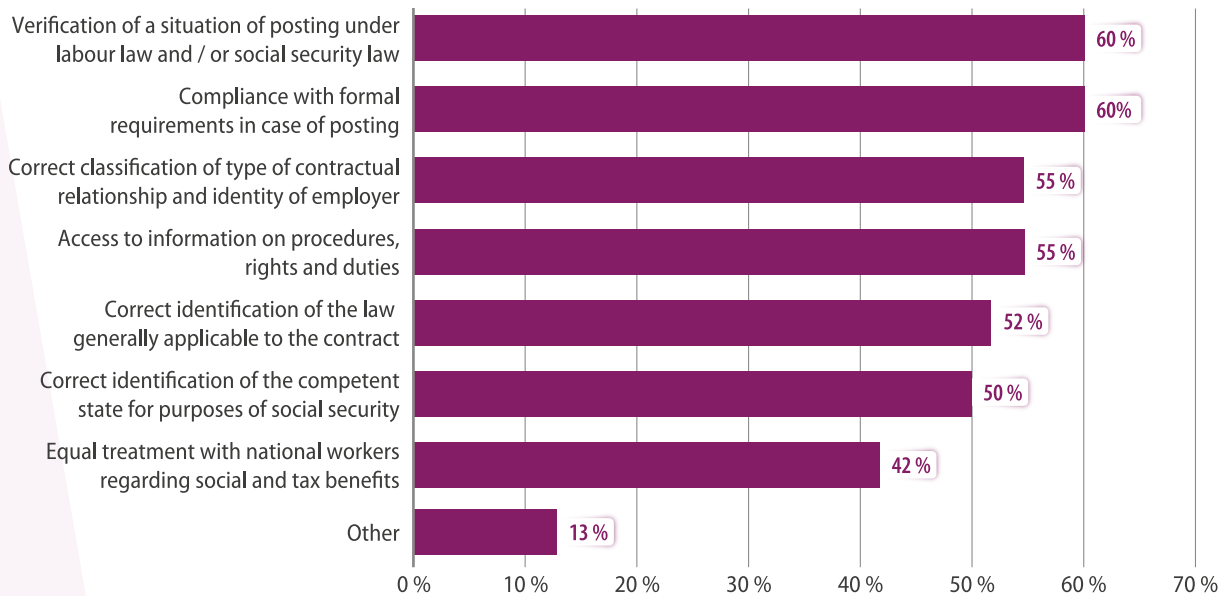
Source: Survey of public authorities, Q31: 'Indicate to what extent you agree with the following statements related to the enforcement of EU-level regulations on labour mobility and social security coordination in the commercial air transport sector', N=60.

When asked to elaborate further on these responses, respondents emphasised staffing and capacity constraints (three respondents), legal and policy complexity (three respondents) and the low relevance of the air transport sector to the respective national labour mobility market (two respondents). Overall, the findings show that further guidance and support to national enforcement authorities working to monitor and ensure compliance with labour mobility and social security coordination rules would be useful.

The most frequently checked circumstances to investigate infringements in the CAT sector related to the posting of workers.

According to survey results, verifications of a situation of posting under labour law or social security law (60 %; 36 respondents) and compliance with formal requirements in case of posting (60 %; 36 respondents) were the most cited circumstances to investigate infringements. Respondents also reported the correct classification of contractual relationship and aircrew access to information on procedures, rights and duties as key element of their work (both 55 %; 33 respondents).

Figure 24. Focus of checks when enforcing EU labour mobility and social security coordination rules in the CAT sector



Source: Survey of public authorities, Q15: 'Which of the following circumstances do you consider when checking the application of EU-level regulations related to labour mobility and social security coordination in the commercial air transport sector?' N=60, multiple choices possible.

Moreover, based on the survey results, the highest-ranked information sources used to investigate infringements ⁽¹⁰³⁾ in the CAT sector were sectoral statistics, followed by data mining and data matching. The next cited information sources were the monitoring or compliance reports, internal data (such as inspection history), employer interviews and information received from another enforcement actor. Employment contracts were ranked last in the list of information sources. When considering sources to expose infringements ⁽¹⁰⁴⁾, respondents cited the social partners, monitoring and compliance reports, internal data and news articles on the investigations.

Findings from the interviews reveal access to airport premises and access to information as two of the most common challenges in the monitoring and enforcement of EU labour mobility and social security coordination rules.

Airport premises consist of many closed or secured areas where access is restricted for security reasons, and inspectors noted the challenges in having to request prior authorisation to inspect or enter them.

Inspections are complex due to the need for interpreters for foreign personnel, the difficulty of accessing airport areas, and the necessity of coordinating with foreign social security institutions. These factors make the process time-consuming and require meticulous planning.

Interviewee from the social security authority, France.

⁽¹⁰³⁾ Q16: 'Which of the following information sources does your organisation use most often to investigate infringements in the commercial air transport sector?'

⁽¹⁰⁴⁾ Q17: 'Could you provide examples of specific information sources you have previously used to expose infringements in the commercial air transport sector?'

Notably, this results in stakeholders being informed about upcoming inspections, allowing them to prepare in advance, limit possibilities for unannounced visits that can be useful for identifying infringements.

For us, the problem is probably getting into some areas, like airports. Because the offices are usually in some closed areas at airports. And therefore, this possibility of control is somewhat limited. It necessarily requires cooperation with an authority that manages the area. On the other hand, we do not always go on announced inspections. For us, it is necessary that the inspection sometimes takes place unannounced, so this is also a certain challenge.

Interviewee from the labour inspectorate, Czechia.

This also was a challenge for significant part of survey respondents, with 40 % agreeing or strongly agreeing that ‘receiving authorisations needed prior to inspections or to enter the premises’ was difficult ⁽¹⁰⁵⁾.

The high mobility of aircrew also acts as a challenge for access and carrying out inspections.

Aircrew may work across several different countries; aside from this making the establishment of the ‘home base’ difficult, many national entities pointed to challenges in scheduling interviews and language barriers. The high mobility of aircrew also makes tracking and follow-ups difficult. Moreover, aircrew may have limited availability in between flights.

The importance of interviewing aviation personnel during their often brief presence at the airport should not be underestimated. On the one hand, it gives labour inspectors the opportunity to obtain first-hand indications of possible forms of social fraud; on the other hand, if this opportunity is missed, authorities are often forced to request information from a foreign company, which frequently refuses to cooperate. In many cases, the personnel are only present for a very short time, making lengthy interviews unfeasible, especially when there is a risk that a flight might not be able to depart on time, resulting in high costs.

Interviewee from the social inspection authority, Belgium.

From the survey, 58 % of respondents said that diversity in nationality across aircrew is a challenge, while 53 % noted that carrying out interviews was an obstacle as well ⁽¹⁰⁶⁾. An interviewee from the WRC in Ireland further noted that posted workers tend to be less knowledgeable about their rights and who to contact in case of infringements.

Access to all relevant information is recognised as essential for assessing the applicability of EU rules; however, limited information exchange between institutions, both national and cross-border, poses significant challenges.

In the survey, 58 % of respondents also agreed that gaining access to all relevant information posed a challenge to their organisation to some degree ⁽¹⁰⁷⁾. Given the constraints in accessing information, it is no surprise that establishing where most of the aircrew’s activity takes place was also a significant barrier. These findings from the interviews were confirmed by the survey, which showcases that 72 % of respondents found this to be their most significant challenge during any phase of inspection ⁽¹⁰⁸⁾.

⁽¹⁰⁵⁾ Survey of public authorities, Q24: ‘In your view, to what extent do the following pose a challenge for national authorities during any phase of an inspection?’.

⁽¹⁰⁶⁾ See footnote 109.

⁽¹⁰⁷⁾ Ibid.

⁽¹⁰⁸⁾ Ibid.

A common thread highlighted during fieldwork was the importance of cooperation and information sharing, both at the national level and across borders. Addressing this could take several forms – for example, through better cooperation of social security and labour authorities with civil aviation authorities and other entities with investigative powers in facilitating inspections. Moreover, advanced information sharing between social security providers in different Member States could also improve challenges in determining the base from where most of the aircrew’s activity takes place.

Enforcing compliance with social security regulations in a cross-border context can be difficult, especially when dealing with employers and employees located in different countries. This may require joint inspections and cooperation with other national authorities.

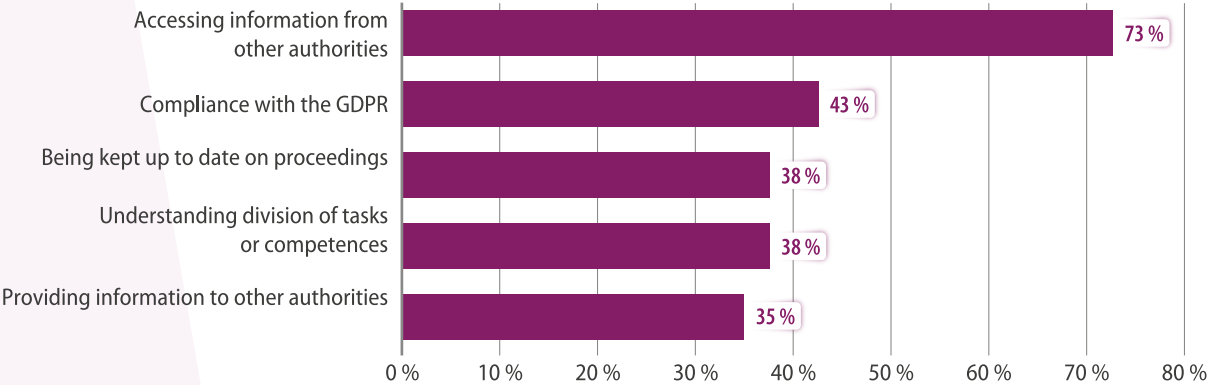
Interviewee from the social security authority, Italy.

Entities working together to raise awareness or develop and distribute informational materials targeted at aircrew could also empower workers to understand and protect their labour mobility and social security rights, as is already occurring in Italy (see the case study in Chapter 4.6). Nevertheless, there exist several challenges to cooperation and information sharing.

The most frequently cited obstacle to cooperation between authorities seems to be the difficulty of obtaining information from other national authorities.

Survey results show that nearly 3 in 4 survey respondents faced issues in accessing information from other authorities. Meanwhile 38 % of respondents pointed to difficulties in understanding the division of tasks or competences; and 38 % faced issues in being kept up to date on proceedings. Also of note is that 43 % of respondents viewed compliance with Regulation (EU) 2016/679 ⁽¹⁰⁹⁾ (the General Data Protection Regulation, GDPR) as a challenge in cooperating and exchanging information in a national context, yet during interviews this was only raised as an issue by a respondent in the Netherlands.

Figure 25. Main challenges in cooperation and exchanging information in a national context according to survey respondents



Source: Survey of public authorities, Q25: ‘Which challenges does your organisation encounter when cooperating and/or exchanging information in a national context?’ N=40, multiple choices possible.

This feedback differs from that received during a consultation conducted by the ECS (2021), where the majority of Member States did not report any

issues with cooperation among national authorities. The problems that were mentioned included bureaucracy and the length of time it can take to get

⁽¹⁰⁹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

approval to cooperate, gaps in oversight between civil aviation authorities and national labour and tax authorities, and a lack of clarity on the oversight responsibilities of specific authorities. In another consultation conducted by the subgroup (2020), the representative from Austria expressed the view that authorities share too many competences, which can overcomplicate the process and result in inspections being less efficient. Although formal joint procedures between authorities are not always in place, Member State representatives in the past have expressed that there is value in cooperation between authorities, particularly through regular or ad hoc knowledge exchanges, and that coordination between authorities should be strengthened (Turnbull, 2020).

The lack of formal cooperation mechanisms was also highlighted as a challenge by French stakeholders.

Cooperation with other authorities [...] is essential for addressing issues related to illegal work and social fraud. However,

there are still some legal tools missing that would facilitate better information sharing and cooperation between these bodies.

Interviewee from the civil aviation authority, France.

The aforementioned reports from the ECS (2020a; 2021) found that the majority of Member States do not have formal cooperation processes between the relevant authorities in their country, with controls mainly being performed by the labour inspectorate. This can influence the effectiveness of enforcement activities by individual authorities.

In Poland, inspections are not carried out jointly, which sometimes makes it impossible to conduct a comprehensive audit.

Interviewee from the social security authority, Poland.

In considering how to address this challenge, Ireland may provide an example of good practice.

Good practice examples: Ireland and Italy

In Ireland, national cooperation is not considered a challenge; this is because it is facilitated by holding regular meetings with representatives from several key authorities (WRC, the Department of Social Protection ⁽¹¹⁰⁾, Revenue, Irish Tax and Customs ⁽¹¹¹⁾, and the national police (An Garda Síochána, or Gardaí)), which has allowed these entities to develop strong working relationships and conduct inspections in a joint manner. This collaboration is regulated through national law specifically dedicated to the sharing of information between these authorities.

[We] carry out joint investigations regularly with [three other national authorities]. Joint inspections are generally unannounced. The point of having these joint inspections is that the documentation we are seizing and examining are the same, but that the three bodies are investigating for different reasons. This allows for a reduction of inspections (one instead of four), it is a streamlined process where all the bodies pull the records together. The three bodies interview the same people on the day, using the same methods, but coming away with different relevant information.

Interviewee from the labour inspectorate, Ireland.

Survey respondents also highlighted Italy's effective networking culture where stakeholders felt they could readily triangulate information between different entities. They partly attributed to the soft skills of the personnel involved and data-sharing practices in place on the social security benefits requested or provided to workers in the sector by the social security institution. They also reported the ability to triangulate information between sources to verify the home base of the aircrew (e.g. via flight plans and rosters, based on data provided by ENAV, an Italian government-owned entity that supplies civil air navigation services in the Italian airspace).

All these examples show strong coordination between different bodies at the national level, based on clear roles and responsibilities and mutual trust.

⁽¹¹⁰⁾ The Irish social security coordination body.

⁽¹¹¹⁾ The Irish tax authority.

The findings suggest that labour inspectorates are the most likely to collaborate with other national public institutions.

The majority of Member States have some level of collaboration on the enforcement of EU labour mobility and social security rules between authorities, with 90 % of survey respondents noting that they collaborate with other public institutions within their country ⁽¹¹²⁾. Labour inspectorates were more likely to cooperate with other authorities (86 %), followed by authorities working on social security coordination (65 %). Respondents noted that they work primarily with social security institutions (54 %), labour inspectorates (35 %), and social partners including trade unions (30 %) and employers' organisations (26 %) ⁽¹¹³⁾.

The DGT conducts inspections primarily through labour inspectors from local services, who have the authority to access premises, including aircraft, at any time, day or night. These inspections can be carried out autonomously or in collaboration with other authorities such as URSSAF, the Gendarmerie des Transports Aériens and the DGAC. The DGT also relies on complaints from aircrew or unions, fortuitous controls and information exchanges with other institutions and organisations to identify potential non-compliance.

Interviewee from the Ministry of Labour, France.

A lack of collaboration was also seen as a key barrier by a French stakeholder, who highlighted the lack of secure, legal tools to support information sharing and cooperation across different authorities at the national level.

Cooperation with other authorities, such as the labour inspection and social security institutions, is essential for addressing issues related to illegal work and social fraud. However, there are still some legal tools missing that would facilitate better information sharing and cooperation between these bodies.

Interviewee from the civil aviation authority, France.

There, adapted national rules could play a role by providing a legal framework for information exchange and collaboration between social security and labour mobility authorities, and also with tax and civil aviation authorities (as they have broader access to information and data from the CAT sector and technical specialist knowledge resources due to their sector-specific orientation).

Already currently, collaboration takes different forms, from conducting joint inspections to consulting each other to share documentation and other information. Some Member States share competences across authorities, each with a unique approach to operationalising this collaboration. In Sweden, for example, there have been instances where the transport authority requested the work environment authority to perform inspections on selected airlines, where the transport authority then placed one of their inspectors as an observer (ECS, 2021). In France, the Directorate-General of Civil Aviation and the labour inspectorate work together, with members of the labour inspectorate working within the Directorate-General (ECS, 2020). The national authorities in the Netherlands and Austria both have regular contact with the other relevant authorities in their countries, exchanging information when required by the situation (ECS, 2023).

Despite a high number of cross-border activities in the CAT sector, cross-border cooperation and information exchange is not widespread, due to the many complexities it entails.

Cross-border collaboration with public institutions in other Member States was less common than at the national level (60 % of survey respondents) ⁽¹¹⁴⁾. Nevertheless, it takes place in all of the 10 countries where interviews took place for this study, although

⁽¹¹²⁾ Survey of public authorities, Q10: 'Does your organisation work with other institutions or stakeholders on the enforcement of EU labour mobility and social security rules?' (multiple choice).

⁽¹¹³⁾ Survey of public authorities, Q11: 'Please specify what institutions or stakeholders you work with.' (N=46).

⁽¹¹⁴⁾ Survey of public authorities, Q10: 'Does your organisation work with other institutions or stakeholders on the enforcement of EU labour mobility and social security rules?' (N=60; multiple choice).

one stakeholder from the WRC in Ireland noted that they rarely engage with foreign authorities.

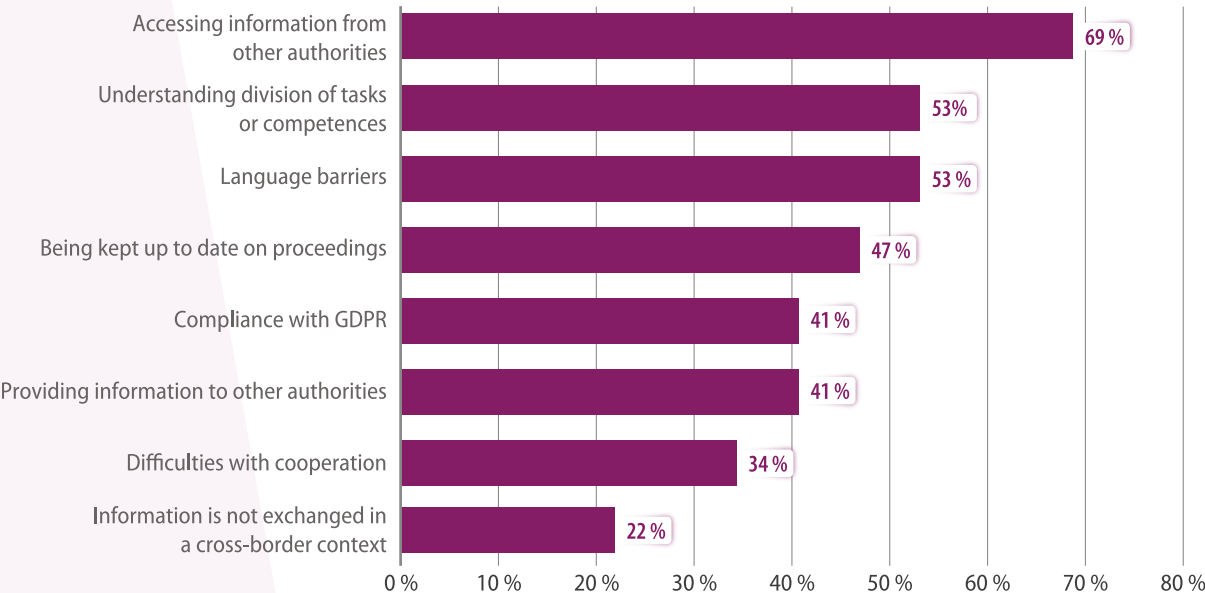
Cross-border cooperation and exchange was considered more complex than collaboration within one Member State. Insights from interviews reveal the need for a stronger culture of open exchange and collaboration across borders, with interviewees in eight out of the ten countries explicitly highlighting challenges such as insufficient or slow communication, an inability to access key information, a lack of updates on proceedings and even a reluctance to share information. This has also been highlighted in the literature, with relevant information only accessible from the Member State where the airline has registered its place of business, and considerable delay in receiving information back from foreign authorities (Turnbull, 2020). These stakeholders noted that these coordination issues made it particularly difficult to effectively enforce EU rules, given the cross-border nature of work in CAT sector.

There can be conflicts of interest between different [Member States], as each [...] wants to retain the financial benefits of having companies and workers within their jurisdiction. This can lead to difficulties in obtaining timely and accurate information from foreign authorities. Determining whether a company is genuinely established in another country can be challenging. If a company is not genuinely established, it should not be paying taxes or social security contributions in that country. This creates a conflict of interest and can impede the enforcement of regulations.

Interviewee from the labour inspectorate, Italy.

These challenges are reflected in the views of enforcement entities across the EU. Figure 26 illustrates that survey respondents ranked 'accessing information from other authorities' as their biggest challenge in cooperating and exchanging information across borders, followed by 'understanding division of tasks and competences' and 'language barriers'.

Figure 26. Main challenges in cooperating and exchanging information in a cross-border context according to survey respondents



Source: Survey of public authorities, Q26: 'What challenges does your organisation encounter when cooperating and/or exchanging information in a cross-border context (with authorities from both EU and non-EU countries)?' N=32, multiple choices possible.

Another challenge is the disagreement among Member States on the interpretation of EU law and relevant legal concepts. There are diverging opinions regarding the definitions of a home base and operational base ⁽¹¹⁵⁾, and what classifications should apply to aircrew in different situations (e.g. under what circumstances can or should they be considered posted workers, self-employed or direct employees) (Turnbull, 2020; ECS, 2023). This was highlighted by Spanish and Lithuanian stakeholders, who noted that the challenges resulting from variations in national legislation and varying interpretations of regulations, both within the EU and beyond, complicate enforcement.

The initial inspection and decision-making process work relatively well. However, problems emerge in the cross-border dialogue after a finding is made, especially when [Member States] disagree over who is responsible for social security contributions. The lack of a timely and effective resolution mechanism results in enforcement bottlenecks.

Interviewee from the labour inspectorate, Spain.

Potential solutions to the challenges in cross-border cooperation include the development of guidance, taking part in joint activities organised by ELA, and use of existing information and data exchange tools such as the IMI and EESSI systems.

A stakeholder from Spain noted that incompatible data protection standards between EU Member States and third countries make it particularly difficult to collect and share information with non-EU countries, adding the need for formal mechanisms or guidance for cooperating with third countries. Belgian respondents, on the other hand, highlighted the role played by ELA in terms of organising joint inspections and facilitating information exchange as an example of good practice to overcome these challenges.

At our level, the implementation of cooperation between [Member States] is currently ensured by ELA. [...] ELA meetings provide an opportunity to compare and coordinate our inspection actions. We can also 'draw inspiration' from the practices of other [Member States].

Interviewee from the labour inspectorate, Belgium.

Moreover, in Ireland, it was noted that the IMI system was a useful tool used when an authority required information from another Member State. It should be noted that only three respondents indicated that they do not collaborate with other institutions in either a national or cross-border context.

The most frequently reported challenges during any phase of an inspection (marked as either 'agree' or 'strongly agree') were difficulties in establishing where the most substantial part of the aircrew's activity takes place (71 %; 41 respondents), diversity in contractual status and nationality across crew (59 %; 34 respondents) and gaining access to all relevant information (59 %; 34 respondents). Other challenges included carrying out interviews with workers (55 %; 32 respondents), exchanging information and cooperation between institutions (52 %; 31 respondents) and limited internal resources such as financial or human constraints (52 %; 31 respondents).

In sum, enforcement practices in the CAT sector often rely on inspections triggered by complaints, complemented by routine checks and employee interviews. While authorities possess powers such as conducting inspections and sharing information, practical challenges persist. These include restricted access to airport premises, difficulties in scheduling interviews due to aircrew mobility, language barriers and limited information exchange between institutions. Cross-border cooperation adds complexity, with issues like slow communication, conflicting interpretations of EU law and data protection concerns. Despite these obstacles, examples from Ireland and Italy highlight that strong national coordination, joint inspections and improved information-sharing mechanisms can enhance enforcement effectiveness. Overall, cooperation – both nationally and across borders – remains critical to overcoming operational and legal hurdles in monitoring compliance with labour mobility and social security rules.

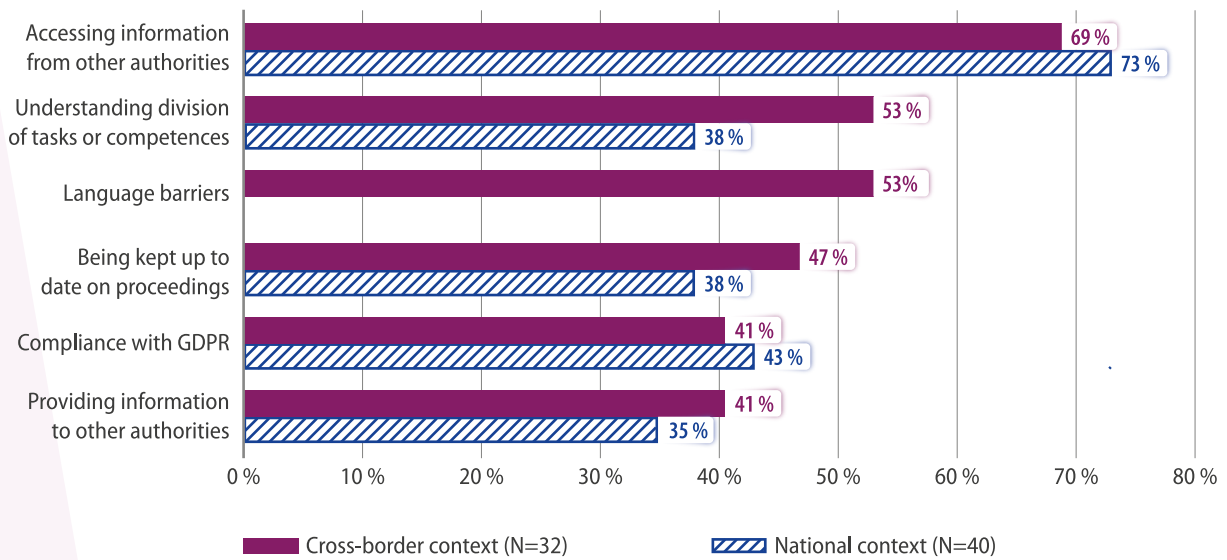
⁽¹¹⁵⁾ This issue was raised in the European Commission sub-group on social matters related to aircrews papers on enforcement of applicable law (2020), posting of workers in commercial air transport within the European Union (2023), and oversight (2021); Jorens, Y., Gillis, D., Valcke, L. and De Coninck, J., 'Atypical Employment in Aviation – Final report', European Social Dialogue, European Commission, 2015, <http://hdl.handle.net/1854/LU-6852830>.

Figure 27. Main challenges for national authorities during an inspection



When asked about the challenges faced when collaborating with other authorities, accessing information from other authorities and understanding division of tasks were top challenges in both national (73 % and 38 %, respectively) and cross-border contexts (69 % and 53 %, respectively). Additional challenges mentioned by respondents included access limitations, including accessing airports, aircraft, or identifying foreign workers (three respondents), insufficient staffing, and legal and operational complexity.

Figure 28. Main challenges when cooperating and exchanging information in a national and cross-border context



More specifically, respondents in the survey emphasised the main challenges⁽¹¹⁶⁾ related to the enforcement of EU rules and exchanging information with other relevant enforcement authorities – such as access to the airports and aircraft and identification of foreign workers, differences in national legislations, language barriers and limited resources – impacting the consistent enforcement and information exchange across Member States. Some possible solutions⁽¹¹⁷⁾ to overcome such challenges suggested were strengthened cooperation between civil aviation authorities and labour and social security authorities, both at the national and EU levels, data sharing, social security information exchange and cooperation with ELA.

3.4 Types of infringements, liability and sanctions

Infringements most frequently encountered by national enforcement authorities related to labour mobility rules, including application of the correct social security and labour law regime. Social security coordination related infringements play a key role in the sector.

Nearly half of enforcement authorities have come across infringements such as underpayment, lack of social security contributions and poor working conditions. Other frequent infringements include missing or incorrect PD A1 certificates, the misclassification of employment involving situations of bogus self-employment, and temporary agency work disguised as subcontracting.

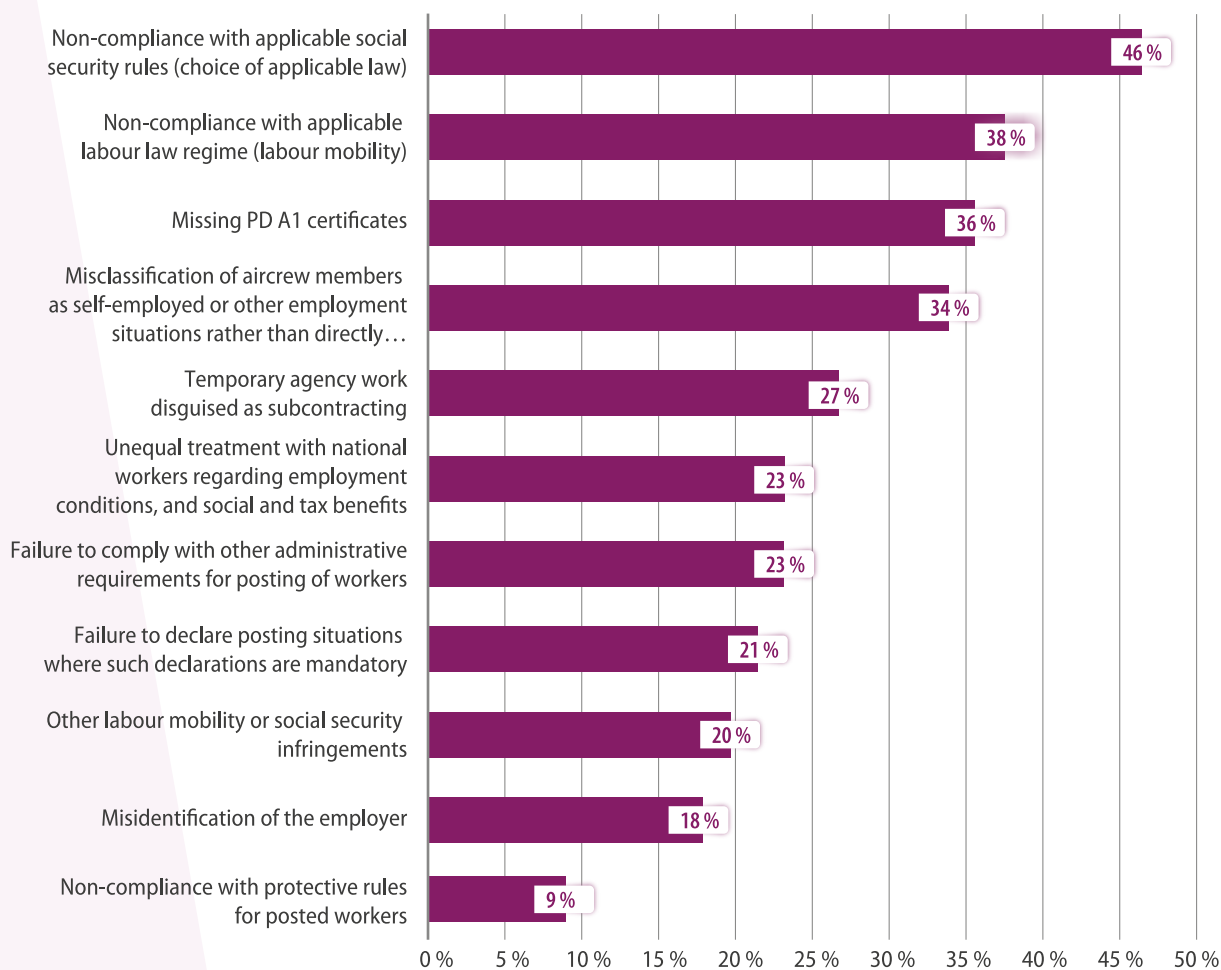
We agreed [among national agencies] that the main issue is that aircrew can be self-employed, they can be people who carry out work functions and don't have employment agreements. I believe hiring through temporary agencies is related to this.

Interviewee from the tax authority, Lithuania.

⁽¹¹⁶⁾ Q27: 'Are there other challenges for your institution related to the enforcement of EU rules and/or exchanging information with other relevant enforcement authorities other than those listed above?'

⁽¹¹⁷⁾ Q28: 'Please share any examples of good practices that address the challenges identified above, including concrete details such as the duration of its implementation, objectives, institutions involved, any outcomes or observations about its effectiveness, etc.'

Figure 29. Types of infringements encountered by survey respondents



Source: Survey of public authorities, Q20: 'What type of infringements related to the enforcement of EU labour mobility and social security rules have been encountered through inspections of the commercial air transport sector in your jurisdiction?' N=60, multiple choices possible.

The most common infringements reported by respondents were non-compliance with applicable rules concerning social security (46 %; 26 respondents), non-compliance with applicable national labour law in relation of labour mobility (38 %; 21 respondents), missing PD A1 certificates (36 %; 20 respondents) and misclassification of employed aircrew members as self-employed or other employment situations (34 %; 19 respondents). Infringements related to potential bogus self-employment were highlighted by the interviewees from Belgium, Spain, France, Lithuania and Poland. Those consulted noted the significant issue of aircrew being misclassified as self-employed.

In Poland, there is a noticeable issue with self-employment arrangements that, in practice, should be classified as regular employment relationships. Another common problem is the 'optimisation' of social security contributions through the creation of dual arrangements: an employment contract with entity X and a contract of mandate (civil law contract) with entity Y, while the work is in fact performed for the benefit of entity X. This setup allows for minimising the obligation to pay social security contributions on the contract of mandate.'

Interviewee from the social security authority, Poland.

[...] there was a case involving the provision of aircrew by an intermediary located outside the EU. This case, which involved the status of self-employed workers, led to an investigation that revealed the aircrew were not genuinely self-employed. The DGT used its penal tools to address the issue, and the case had a European dimension, affecting around 1 500 aircrew across the EU.

Interviewee from the labour inspection/ authority, France.

[...] there are significant issues related to the employment of pseudo-self-employed workers, particularly from the United Kingdom, who perform safety-critical functions. These practices are prevalent and require attention to ensure proper working conditions and compliance with labour regulations.

Interviewee from the labour inspection/ authority, France.

Overall, it is obvious that many typical infringements in this sector, at least insofar as encountered by survey respondents specifically,

relate to the cross-border mobility of aircrew. This is not surprising due to the high mobility in the sector and aligns with the target group for survey and interviews – enforcers competent for both these dimensions of EU rules.

The majority of infringements are related to the core themes of ELA’s mandate and cover matters where concerted and joint inspections are routinely organised in other sectors. As such, further work in this sector towards more effective guidance, information exchange and more active use of concerted and joint inspections could take place. ELA supported first concerted and joint inspections concerning enforcement or labour mobility and social security coordination rules in this sector in 2024 and there is certainly potential for supporting more such activities in the future.

The most common outcomes related to the infringements and reported by survey respondents were the imposition of social security contributions (back payments) and verbal or written warnings.

The outcomes to infringements most often reported by respondents were retroactive imposition of social security contributions (43 %; 24 respondents), verbal or written warnings (39 %; 22 respondents) and administrative orders, such as requirements of improvements (34 %; 19 respondents). As seen in Figure 30, this was followed by monetary fines and litigation measures.

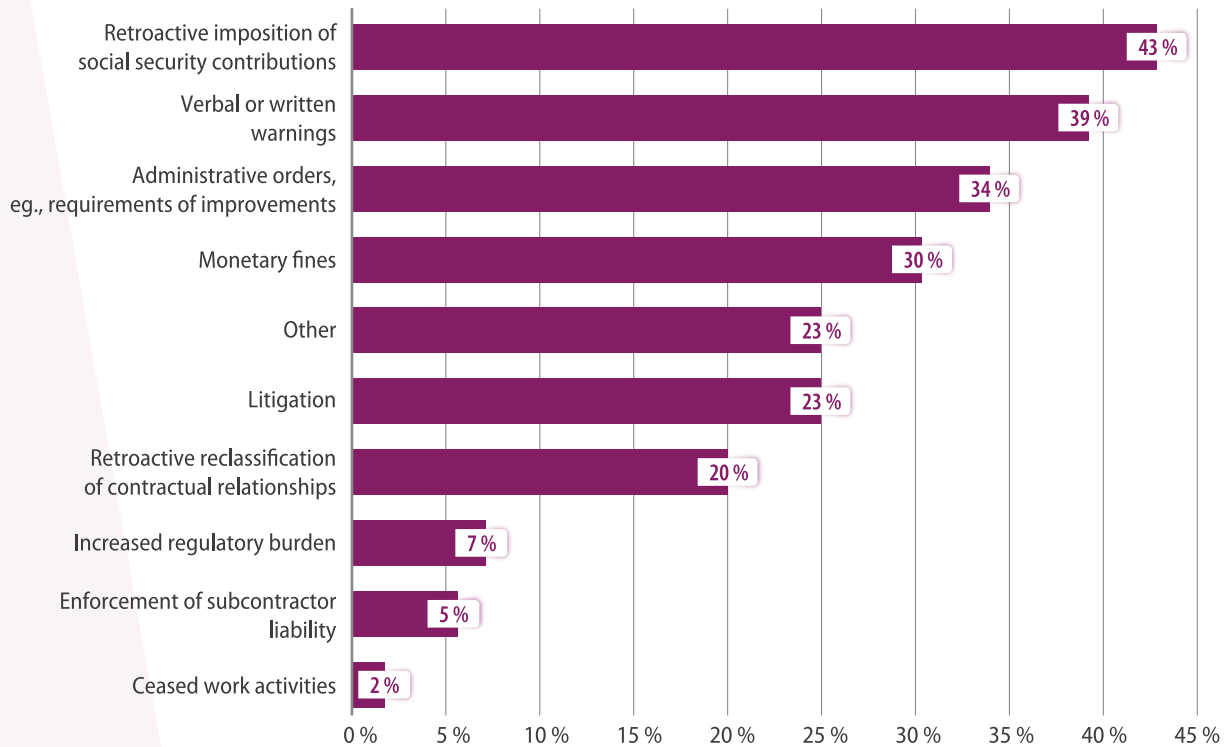


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On the other hand, only three survey respondents indicated that they had dealt with the enforcement

of contractor's liability, while only one had seen the use of powers of injunction to cease work activities.

Figure 30. Type of outcomes observed by survey respondents



Source: Survey of public authorities, Q21: 'Which of the following outcomes have been observed by your national authority in response to infringements found related to EU-level labour mobility and social security coordination rules for aircrew members?' N=55, multiple choice possible.

Determining liability for labour and social security obligations in the aviation sector can be complex due to different understandings of what constitutes an employment contract, self-employment or subcontracting.

In the EU aviation sector, several complex contractual arrangements require coordinated action from multiple parties to meet their legal obligations. For example, in wet lease arrangements, the lessor airline (which provides the aircraft and crew), the lessee airline (which exercises operational control), aircrew members and, where applicable, intermediaries and temporary work agencies (if crew members are hired via intermediaries) all can be responsible for different dimensions of labour mobility, social security and aviation safety legislation.

More specific obligations arise for temporary work agencies and user undertakings (such as airlines or damp lease operators), including in ensuring equal treatment concerning the basic working and employment conditions under the Temporary Agency Work Directive ⁽¹¹⁸⁾, and concerning posting declarations and PD A1 certificates when aircrew are temporarily assigned to another Member State. The comparatively high number of potential actors who can be held liable as employers for social security contributions and labour law infringements – and as operators and lessors or lessees for infringements related to aviation safety rules – creates a relatively fragmented liability structure in comparison to other sectors.

This fragmented nature of liability structures and subcontracting chains, especially in a cross-border context was confirmed by interview findings.

⁽¹¹⁸⁾ Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9, ELI: <http://data.europa.eu/eli/dir/2008/104/oj>).

Liability is often obscured in the contractual chains we encounter. Airlines outsource employment to intermediaries or temporary work agencies, who in turn may subcontract further. In theory, liability should rest with the actual employer, but the fragmentation creates uncertainty. Joint liability frameworks exist in some Member States, but these don't always extend clearly to aviation or to cross-border chains.

Interviewee from the labour inspectorate, Spain.

The use of temporary work agencies often involves complex setups, which can lead to issues of liability and compliance.

Interviewee from the civil aviation authority, France.

We often find that contractual chains are designed in a way that separates legal responsibility from operational control. While subcontracting rules imply liability for the principal contractor, in practice this is rarely enforced without a clear trail.

Interviewee from the Ministry of Labour, Spain.

Interviewees from Spain (see quote above), Italy and Poland further emphasised that liability should rest with the actual employer, but fragmentation creates significant uncertainty.

In situations that cause the most controversy in Poland, such as the use of fictitious self-employment and fictitious civil law employment, determining the structure of responsibility is relatively straightforward. The problem arises when subcontracting is also involved. In such a cascading organisational structure of cooperation, it becomes difficult to determine which entity is actually the true employer.

Interviewee from the labour inspectorate, Poland.

This, together with the fragmented competence landscape and high level of cross-border mobility, significantly complicates enforcement. To counter this complexity, smooth and active cooperation and operational information exchange both within and across borders is essential. Sub-contracting liability frameworks for labour and social law infringements can also play some role towards more efficient enforcement in this sector.

In France and Italy, for example, more extensive subcontracting liability rules go beyond EU minimum harmonisation rules.

In the context of sub-contracting chains, the principal contractor (donneur d'ordre) has an obligation of vigilance towards their sub-contractors. This means that the principal contractor must verify that their sub-contractors comply with social security coordination rules and other labour regulations. If the principal contractor fails to perform these verifications, they can be held financially liable through what is known as solidarité financière.

Interviewee from the Ministry of Labour.

These interviews confirm that liability in the aviation sector is fragmented and multi-layered, requiring relevant expertise on the applicable national law by inspectors to determine the party or parties responsible or liable for compliance with social security and labour law. This can create challenges in determining and enforcing liability for enforcement authorities, particularly where subcontracting chains are structured to separate operational control from legal responsibility, or where cross-border elements complicate the application of national joint liability frameworks.

Overall, the most frequent infringements in the CAT sector identified during fieldwork for this study by the representatives of the national enforcement authorities relate to non-compliance with labour mobility and social security rules. These issues are related to the sector's high mobility and complex contractual arrangements, which often make it difficult to swiftly and efficiently determine liability across multiple actors such as airlines, intermediaries and temporary work agencies. Enforcement outcomes typically include retroactive social security contributions, warnings and administrative orders, while fines and injunctions are less common. Fragmented liability structures

and cross-border subcontracting chains require strong cooperation between authorities and, in some cases, robust joint liability frameworks like those in France and Italy. Addressing these challenges demands clearer guidance, improved information exchange and coordinated inspections to ensure compliance with EU labour and social security obligations.

3.5 Key takeaways

Experts from national authorities perceive the CAT sector as relatively high-risk for compliance, yet enforcement remains under-prioritised in many Member States.

Despite the high-risk nature of the sector, enforcement activities receive limited institutional resources. Over 60 % of respondents indicated that enforcement in the CAT sector accounts for only a small share of their organisation's resources, and inspections are often infrequent or entirely complaint driven. Internal resource shortages – financial, human and time – pose significant challenges, with over half of respondents citing these as barriers. Overall, there seems to be strong need expressed for more institutional resources, content-oriented guidance for enforcement and facilitating compliance with labour mobility, and social security coordination rules in the sector.

More specifically, risk assessment practices also vary widely, relying on internal data, complaints, flight rosters and sectoral statistics, and lack harmonised tools and specialised guidance. Related to this, experienced inspectors play a critical role, highlighting the need for targeted training and capacity building in order to facilitate and encourage specialisation and to ensure continuity. While there are Member States such as France who have well-established practices of enforcement in the CAT sector and report that a significant part of their resources is allocated to activities in this sector, this is an exception rather than a rule. Overall, the sector is routinely identified as high risk by respondents from national enforcement authorities, but they also report that it is not a priority sector at the institutional level. Enforcement campaigns and dedicated capacity-building activities at the EU level, in cooperation with the EU social partners where possible and appropriate, might help in raising awareness about risks associated with this sector and facilitating compliance.

Practical challenges such as restricted access to airport premises and difficulties in scheduling interviews due to aircrew mobility complicate enforcement efforts.

Inspections triggered by complaints are the most common enforcement practice, supplemented by routine checks and interviews with employees. Authorities frequently use desk audits and document reviews, such as employment contracts and PD A1 certificates, to verify compliance. However, practical challenges persist: restricted access to airport premises, difficulties in scheduling interviews due to aircrew mobility, language barriers and misrepresentation of facts by employers and workers. Establishing the aircrew's 'home base' and gaining access to complete information were identified as the most significant obstacles, with 72 % of respondents citing these as major challenges during ELA's survey. Typical issues reported by national enforcement authorities include difficulties with complex liability structures for labour and social security infringements, widespread issues with possibly bogus self-employment, and practical difficulties in establishing where most of the work by the workers or substantive activity of the employer takes place. This is then exaggerated by sector-specific contractual practices in relation to leasing and sub-contracting often spanning multiple jurisdictions. The majority of challenges reported related to practical challenges such as access to airports, difficulties with obtaining adequate information about the factual situation and patterns, and analysing the interaction between contractual practices characteristic to the CAT sector and labour mobility and social security coordination acquis.

An improvement in both internal and cross-border cooperation and avoiding working in thematic or institutional silos might unlock significant improvement in terms of the enforcement of labour mobility and social security coordination rules.

Cooperation is the key element in efficient enforcement and is of utmost importance for obtaining data, employing holistic enforcement approach and remedying lack of specialist knowledge. Effective enforcement is hindered by limited cooperation and information exchange between authorities, both nationally and across borders. Nearly three quarters of respondents reported difficulties in accessing information from other authorities, while cross-border collaboration faces additional hurdles such as slow communication, conflicting interpretations

of EU law and data protection concerns. Good practices from countries like Ireland, Italy and Lithuania (Joint Collaboration Centre) demonstrate that structured cooperation, joint inspections and data-sharing frameworks can significantly improve enforcement outcomes. Cooperation and information exchange could be further developed not only among labour authorities and social security and tax authorities but also between labour and social security authorities and civil aviation authorities. This would unlock possible information bottlenecks and create an opportunity to exchange specialist knowledge essential for complex investigations in this sector. At the cross-border level, both ELA and EASA have a potential role to play in facilitating such cooperation and serving as platforms and hubs for information exchange, along with collaborating among themselves in sharing information and tackling infringements within their respective domains and competences.

Typical infringements encountered by national enforcement authorities are often related to social security coordination and adherence to the correct social security regime, along with infringements related to labour mobility at large.

The most frequent infringements reported by national enforcement authorities relate to non-compliance with social security and labour mobility rules, including underpayment, missing PD A1 certificates and misclassification of employment (often as bogus self-employment). Complex contractual arrangements, such as wet leases, temporary agency work and subcontracting chains, create fragmented liability structures, making it difficult to identify the responsible party. Enforcement outcomes typically involve retroactive social security contributions, warnings and administrative orders, while fines and injunctions are rare. Addressing these challenges requires clearer support in relation to liability frameworks, stronger cooperation mechanisms and harmonised guidance to ensure compliance in this highly mobile, cross-border sector. Overall, most infringements flagged by national authorities relate directly to the mandate of ELA and can be the focus of concerted and joint inspections. This means that more structured and regular enforcement campaigns could be organised in the CAT sector, since the infringements routinely encountered by the authorities are cross-border in nature and typically concern issues related to labour mobility and social security coordination.

CHAPTER 4

Enforcement practices: case study analysis

Chapter in brief

- Enforcement practices across the 10 selected Member States – Belgium, Czechia, Ireland, Spain, France, Italy, Lithuania, the Netherlands, Poland and Finland – vary significantly, with some Member States characterised by relatively high enforcement activity, frequent inspections, strong institutional coordination and dedicated resources for the CAT sector, and others not treating the sector as priority and reporting minimal enforcement efforts.
- Across all selected Member States, authorities face common operational challenges, most notably limited access to airports and aircraft due to strict security protocols, difficulties with conducting timely interviews with highly mobile, multilingual aircrew, and difficulties in determining the actual employer in complex contractual chains.
- The analysis reveals that enhanced cross-border cooperation is essential for enforcement in the CAT sector. Although tools such as EESSI and IMI are available, their use is inconsistent and comparatively rarely mentioned by enforcement authorities. Many authorities report slow or incomplete information exchange, diverging legal interpretations and different national enforcement approaches. These obstacles highlight the urgent need for developing strong and real-time enforcement cooperation at the EU level in this sector, including with the support of ELA.

4.1 Overview

To better understand the specific nuances and enforcement practices and challenges faced by national enforcement authorities and stakeholders, and to obtain a more comprehensive and in-depth overall overview of the enforcement situation in the European Union, a case study analysis was conducted.

Each case study is structured as follows. First, an overview of the national CAT sector is provided. This is then followed by a snapshot of the enforcement practices and approaches used by different enforcement authorities and actors active in this area in the Member State. Lastly, there is an overview of the key challenges identified by

stakeholders during interviews illustrating what kind of difficulties they faced in enforcing EU rules and how they overcome them. The case studies were prepared by national experts, using information drawn from desk research, interviews with national entities and data from the survey of public authorities.

The 10 Member States were selected based on the level of enforcement activity in the CAT sector, their geographic representativeness and the characteristics of the CAT sector within the Member State that would make the country a valuable case study to analyse. Moreover, data on the number of aircrew or daily flights were also evaluated, where available, to better understand the level of CAT sector activity within each Member State. During the case study analysis, the level of

enforcement activity was ranked by the research team based on the data collected: high – where the Member State demonstrated frequent inspections, strong institutional coordination and dedicated resources for enforcement in the CAT sector; moderate – where the Member State

had structured enforcement systems and some targeted inspections, but where the sector is not a priority; low – where the Member State carries out limited inspections, with low prioritisation and minimal resources allocated to the CAT sector.

Table 5. Characteristics of Member States selected for case studies

Member State	Region	Key figures from the CAT sector ⁽¹¹⁹⁾	Features or challenges of the CAT sector and its enforcement in the Member State
Belgium	Western Europe	<ul style="list-style-type: none"> ➤ 8 773 aircrew ➤ 1 commercial passenger airline ➤ 862 daily flights 	<ul style="list-style-type: none"> ➤ Labour inspectors have consistently faced limited access to airports and aircrafts due to jurisdictional limitations, making on-site inspections challenging ⁽¹²⁰⁾. ➤ A national strategy is in place to combat social fraud and social dumping, which includes a specific focus on the CAT sector ⁽¹²¹⁾.
Czechia	Central Europe	<ul style="list-style-type: none"> ➤ 2 355 aircrew ➤ 1 commercial passenger airline and 23 non-scheduled CAT operators ➤ 225 daily flights 	<ul style="list-style-type: none"> ➤ Since July 2024, employers posting workers to Czechia need to use a web-based registration portal.
Ireland	Western Europe	<ul style="list-style-type: none"> ➤ 7 210 aircrew ➤ 6 commercial passenger airlines ➤ 816 daily flights 	<ul style="list-style-type: none"> ➤ Ireland is the headquarter of a major low-cost carrier and the most significant aircraft operator in Europe which carries out 3 044 flights daily ⁽¹²²⁾. The operator has been the subject of a substantial amount of case law across the EU related to the working conditions of aircrew.
Spain	Southern Europe	<ul style="list-style-type: none"> ➤ 59 074 aircrew ➤ 12 commercial passenger airlines ➤ 4 984 daily flights 	<ul style="list-style-type: none"> ➤ Spain is the Member State with the most significant traffic in the CAT sector, based on number of passengers ⁽¹²³⁾ and volume of flights ⁽¹²⁴⁾. It also has the largest proportion of aircrew sector workers (0.28 %) among the 10 ten Member States for which data is available ⁽¹²⁵⁾.

⁽¹¹⁹⁾ Data on average daily flights is from: Eurocontrol, 'European Aviation Overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>. Data on aircrew is from Eurostat, unless otherwise stated: Eurostat, 2023. Size of aircrew sector NACE 51.1.

The number of airlines indicated here are based solely on scheduled airlines headquartered in the country. It does not include other airlines operating in the country or chartered airlines.

⁽¹²⁰⁾ For example, on-the-ground aircrafts are considered to be foreign territory. In points 75–76 of its judgment in Joined Cases C-168/16 and C-169/16, the CJEU stated clearly that, at least for the determination of the jurisdiction over individual contracts of employment in application of Regulation (EC) No 44/2001 (the Brussels I Regulation), the nationality of an aircraft cannot 'be equated with the territory of the Member State of nationality of the aircraft of that company, within the meaning of Article 17 of the Chicago Convention'.

⁽¹²¹⁾ Social Information and Investigation Service, 'Action Plan – Fight against social fraud 2025–2026', 2025, <https://www.siod.belgie.be/en/action-plan-siis-2025-2026>.

⁽¹²²⁾ Eurocontrol, 'European Aviation overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>.

⁽¹²³⁾ Statista, 'Number of passengers traveling by air in Europe in 2024, by country', April 2025, <https://www.statista.com/statistics/1118407/air-passenger-transport-europe/>.

⁽¹²⁴⁾ Eurocontrol, 'European Aviation overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>

⁽¹²⁵⁾ Eurostat, 2023. Size of aircrew sector NACE 51.

Member State	Region	Key figures from the CAT sector ⁽¹¹⁹⁾	Features or challenges of the CAT sector and its enforcement in the Member State
France	Western Europe	<ul style="list-style-type: none"> ➤ 49 264 aircrew ➤ 12 commercial passenger airlines ➤ 4 086 daily flights 	<ul style="list-style-type: none"> ➤ France has a very active CAT sector and the third highest rate of daily flights in the EU ⁽¹²⁶⁾. ➤ All aircrew are required to join the Flight Personnel Retirement Fund (CRPN) facilitating the application of EU social security coordination rules. ➤ An 'obligation of vigilance' exists which extends legal liability for adherence to EU rules beyond the direct employer to include entities that charter airlines, increasing accountability.
Italy	Southern Europe	<ul style="list-style-type: none"> ➤ 26 156 aircrew ➤ 5 commercial passenger airlines ➤ 3 789 daily flights 	<ul style="list-style-type: none"> ➤ Italy has an active CAT sector and the fourth highest number of daily flights in the EU ⁽¹²⁷⁾. ➤ Italy applies stricter ⁽¹²⁸⁾ rules to ensure the equal treatment of posted workers than those provided for under Article 3(1) PWD, which stipulates the core terms and conditions that must be applied to posted workers (such as minimum salary, working time, rest periods, etc.) ⁽¹²⁹⁾.
Lithuania	Northern Europe	<ul style="list-style-type: none"> ➤ 1 482 aircrew ➤ No national commercial airlines ➤ 159 daily flights 	<ul style="list-style-type: none"> ➤ Lithuania does not have a national commercial transport airline (flag carrier), making enforcement more complex as operators present in the country are from other Member States or non-EU countries.
Netherlands	Western Europe	<ul style="list-style-type: none"> ➤ 26 821 aircrew ➤ 6 commercial passenger airlines ➤ 1 596 daily flights 	<ul style="list-style-type: none"> ➤ The Netherlands is home to the EU's busiest airport, Amsterdam Schipol airport, with 1 336 daily flights ⁽¹³⁰⁾. ➤ In 2024, the use of trainees as air crew became the subject of debate when the Labour Inspectorate issued a fine to an airline after an investigation was found the airline to have employed trainees as full-time employees. A total of 60 trainees received retroactive compensation of wages and allowances ⁽¹³¹⁾.
Poland	Eastern Europe	<ul style="list-style-type: none"> ➤ 11 198 aircrew ➤ 1 commercial passenger airline ➤ 1 227 daily flights 	<ul style="list-style-type: none"> ➤ The Polish Social Security Institution (ZUS) is unique in that it has specialised organisational units focused on interpreting and applying EU rules on social security, including in the CAT sector.

126 Eurocontrol, 'European Aviation overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>.

127 Eurocontrol, 'European Aviation overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>.

128 Italian legislation includes certain provisions that – compared to the relevant EU directives – strengthen the protection of equal treatment for posted workers, such as the mandatory traceability of wage payments, the possibility for the labour inspectorate to issue an injunctive order (*diffida accertativa*) for the recognition of certain and enforceable wage amounts and the possibility for such order to be notified not only to the employer / service provider but also to the service recipient as the client.

129 Busschaert, G. and Pecinovsky, P., 'The application of the EU Posting Rules to aircrew', 12 December 2019, <https://www.vow.be/en/node/182>.

130 Eurocontrol, 'European Aviation overview 2024', 23 January 2025, <https://www.eurocontrol.int/sites/default/files/2025-01/eurocontrol-european-aviation-overview-20250123-2024-review.pdf>.

131 Nederlandse Arbeidsinspectie, 'Luchtvaartmaatschappij compenseert stagiaires en krijgt boete', 9 April 2024, <https://www.nlarbeidsinspectie.nl/actueel/nieuws/2024/04/09/luchtvaartmaatschappij-compenseert-stagiairs-en-krijgt-boete>. See also: Nederlandse Arbeidsinspectie, 'Luchtvaartmaatschappij gebruikt stagiaires als werknemers', 13 June 2023, <https://www.nlarbeidsinspectie.nl/actueel/nieuws/2023/06/13/luchtvaartmaatschappij-gebruikt-stagiairs-als-werknemers>.

Member State	Region	Key figures from the CAT sector ⁽¹¹⁹⁾	Features or challenges of the CAT sector and its enforcement in the Member State
Finland	Northern Europe	<ul style="list-style-type: none"> ➤ 4 386 aircrew ➤ 2 commercial passenger airlines ➤ 481 daily flights 	<ul style="list-style-type: none"> ➤ AVI ⁽¹³²⁾, the regional administration dealing with social services and OSH, has only recently begun doing inspections after a 10-year hiatus ⁽¹³³⁾. ➤ Authorities have recently invested in enhancing cooperation and information sharing between enforcement authorities with the aim of tackling undeclared work in the air transport sector ⁽¹³⁴⁾.

Source: Authors' calculations, 2025. The colour coding used in this table reflects the assessment of the level of enforcement in each Member State: light green indicates a high level of enforcement, light yellow indicates a moderate level of enforcement, light red indicates a low level of enforcement.

⁽¹³²⁾ The Regional State Administrative Agency (*aluehallintovirasto*).

⁽¹³³⁾ This is according to interview data from a representative of the AVI.

⁽¹³⁴⁾ ELA, 'Cooperation and information sharing between enforcement authorities tackling undeclared work in the air transport sector', November 2020,

<https://www.ela.europa.eu/sites/default/files/2021-09/FI-Cooperation%20in%20air%20transport.pdf>.

4.2 Member State case studies



4.2.1 Belgium

National context

Belgium's CAT sector plays an important role in European aviation, with several airlines operating both domestically and internationally and a substantial workforce of aircrew and ground personnel. The sector benefits from Belgium's strategic geographic position and well-developed airport infrastructure, supporting strong passenger flows within the EU. Air transport is a key driver of economic activity in Belgium, supporting almost 173 000 jobs and contributing EUR 17.4 billion to the economy, equivalent to 3.2 % of GDP (International Air Transport Association, 2024a). Belgium ranks as the 13th largest aviation market in Europe (Eurocontrol, 2025) and is the home of two commercial airlines: Brussels Airlines and TUI fly Belgium.

According to stakeholder feedback, Belgian enforcement frameworks draw on key European legislation, including Regulation (EC) No 593/2008 (Rome I), the PWD, Directive 2014/67/EU and the Social Security Coordination Regulations (Regulations (EC) Nos 883/2004 and 987/2009). National rules governing labour conditions cover a broad range of areas, such as working time, contracts, remuneration and leave entitlements, under the purview of labour inspectorates. Meanwhile, the social security institutions focus on social security applicability and enforcement. Access to airports, critical for effective inspections, is regulated under EU aviation security legislation (Regulation (EC) No 300/2008 and related implementing acts), ensuring compliance with security standards while facilitating enforcement activities.

Enforcement assessment:

◦ moderate level of enforcement

Although national authorities hold power to freely inspect workplaces and share information with other bodies, the enforcement of EU labour mobility and social security rules in the CAT sector remains relatively rare and under-resourced. Most inspections take place following complaints from workers or trade unions, or at the request of judicial authorities, rather than on the authorities' own initiative.

Inspections typically focus on misclassification of aircrew as self-employed, non-compliance with national labour or social security laws and disguised temporary agency work. Given the brief presence of crews at airports, short interviews immediately after flights are seen as crucial to collect first-hand information without causing delays. Authorities rely on data such as Flightradar24 (to analyse routes and patterns), payslips, contracts and cooperation with airport police.

The first questions we ask are: is this person an employee or self-employed? What is the home base? Who exercises authority? These answers define the applicable legislation and guide our investigation.

Interviewee from the social security authority, Belgium.

Survey responses confirm that enforcement in the CAT sector receives minimal resources and is not considered a priority. Many representatives from authorities interviewed emphasised that current resources and activities do not sufficiently protect aircrew. Inspections often target misclassification, non-compliance with labour law and disguised subcontracting. Due to operational constraints, inspectors prefer targeted, brief surveys at arrival terminals to identify red flags quickly. If not seized, these opportunities are lost as requests to foreign companies are often met with non-cooperation.

Risk assessments primarily use complaint data, reports from other authorities and information from trade unions, which also act as important informants.

Trade unions provide precise details on staff conditions, guiding where to focus inspections.

Interviewee from the Ministry of Labour, Belgium.

Authorities further draw on cross-border cooperation (e.g. ELA meetings) and shared methodologies such as those developed under the SIOD Chair on Social Fraud.

Key challenges and solutions

Access to airports was identified as particularly difficult by social security and labour authorities.

Because of stringent security protocols, obtaining individual access badges typically requires extensive background checks and close coordination with multiple actors at airports. As one inspector noted, from a national perspective, the current procedure for obtaining airport access badges represents a major challenge. Short turnaround times and frequent crew rotations further limit opportunities for interviews, with aircrew often present only briefly on national territory. Airport-specific security regulations (e.g. Regulation (EC) No 300/2008) apply but do not fully resolve operational constraints. Language barriers and the growing number of actors involved also complicate discretion and coordination.

To overcome this, the Belgian authorities consulted stressed the importance of preparing solid initial assessments using targeted questions and clear risk indicators to quickly identify red flags such as false self-employment or artificial arrangements. A short questionnaire is essential, as it allows to flag possible fraud without impacting flights schedules.

Cooperation and information exchange generally work well at the national level but are more challenging in the cross-border context.

National cooperation is supported by formal partnerships and joint inspections, such as under the Social Information and Investigation Service (SIIS) action plan against social fraud. However, delays in accessing information and keeping up with ongoing cases remain challenges. Cross-border cooperation depends heavily on the willingness of foreign authorities to share information, with varying responsiveness. ELA has improved coordination and facilitated joint inspections, although differences in national priorities and administrative procedures continue to pose obstacles.

Although some representatives tend to defend their national interests, communication and information exchange are relatively smooth thanks to ELA meetings, where we can compare and coordinate actions and draw inspiration from other Member States.

Interviewee from the social security authority, Belgium.

Belgium's aviation sector is economically significant but enforcement of EU labour mobility and social security rules is limited, with inspections mainly complaint driven and focused on misclassification. Strict airport security, short crew turnaround, and cross-border coordination hurdles restrict proactive checks, making quick risk assessments and brief questionnaires essential.



4.2.2 Czechia

National context

Czechia's CAT sector contributes significantly to the country's economy. There are 24 CAT operators in the country, including one airline, Smartwings, while the other 23 operate in non-scheduled commercial air transport. The sector directly employs 29 700 people, generating EUR 6.1 billion in economic output, equivalent to 2.2 % of Czechia's GDP (IATA, 2024b). According to Eurostat, Czechia experienced an air transport traffic of 8 959 000 intra-EU passengers in 2023 (European Commission, 2024).

There are no sector-specific, dedicated national rules governing the enforcement of social security or labour mobility rules in the CAT sector. Instead, enforcement is carried out under the general framework of EU rules. As noted in the survey with the State Labour Inspection Office (SLIO) representatives, the EU-level rules that were identified as the most relevant to the work of the SLIO are the revised PWD, with its enforcement Directive 2014/67/EU, and the Temporary Agency Work Directive.

Enforcement practices and approaches:

↓ low level of enforcement

The SLIO is the principal authority responsible for labour law enforcement; however, it does not conduct routine inspections in the CAT sector. Over the past five years, only about 10 inspections have taken place in the sector, and just four of those involved aviation companies, as explained by interviewees from SLIO. On an annual basis, inspections relating to the application of EU labour mobility rules in the CAT sector are described as rare. The number of inspections has remained largely unchanged over the past five years ⁽¹³⁵⁾.

Inspections by the SLIO are typically triggered by complaints, emergencies or high-risk assessments based on internal data, employee interviews or documentation such as working time records and employment contracts. There are no formal digital tools or checklists guiding the inspection process. The SLIO relies on standard documentary verification, internal data and cooperation with other institutions to inform risk assessment and inspection targeting. There is also coordination with institutions such as Czech Social Security Administration (CSSA) and Labour Offices, which may provide supporting information before on-site visits. Additionally, the SLIO uses employee interviews as part of its information-gathering practices ⁽¹³⁶⁾. There have been no joint inspections conducted with enforcement authorities from other EU Member States ⁽¹³⁷⁾.

When inspections have been carried out in the CAT sector, the most common types of infringements identified include:

- unequal treatment of aircrew compared to national workers concerning employment conditions and access to social and tax benefits;
- misidentification of the actual employer in contractual arrangements ⁽¹³⁸⁾.

Among the possible enforcement outcomes, monetary fines were the only response that has been reported by the SLIO in the survey in relation to infringements found in the CAT sector. Other potential measures, such as verbal or written warnings, administrative orders, retroactive reclassification of contractual relationships or the retroactive imposition of social security contributions, have not been observed in this context.

Strategic risk assessments specifically in the CAT sector are not conducted by either the SLIO or the CSSA, but the CSSA does use internal reporting mechanisms to guide its enforcement strategy.

⁽¹³⁵⁾ Interview with SLIO, 7 May 2025; ELA survey on enforcement of rules for aircrew, 2025.

⁽¹³⁶⁾ Interview with SLIO, 7 May 2025.

⁽¹³⁷⁾ Interview with SLIO, 7 May 2025.

⁽¹³⁸⁾ ELA survey on enforcement of rules for aircrew, 2025.

Key challenges and solutions

One of the primary operational barriers cited by the SLIO is gaining access to secured airport premises, which often requires prior authorisation from airport authorities.

While unannounced inspections are considered crucial by the SLIO, conducting them in the aviation sector is particularly difficult due to these logistical access constraints.

I would say that the biggest challenge is actually getting to the inspection so that it can be carried out according to our legal possibilities.

Interviewee from the labour inspectorate, Czechia.

Other operational challenges reported by the SLIO through the survey include:

- operational planning of an inspection (e.g. scheduling, deciding which premises to inspect);
- misrepresentation of facts and circumstances by employers or workers;
- uncertainties of competence in case of internationally operating companies.

Despite these constraints, the SLIO reports that it has ample information sources for preparing inspections and that resources are currently sufficient to manage the workload required ⁽¹³⁹⁾. However, it also does not prioritise enforcement of EU labour mobility and social security rules in this sector ⁽¹⁴⁰⁾.

There is an established network for national cooperation, but information exchange is not always effective.

Domestically, the SLIO works with the CSSA, the Labour Office, Customs Offices, the Foreign Police Department of the Police of the Czech Republic and the social partners. Nevertheless, challenges persist in both accessing and providing information to other authorities, as reported by the SLIO. These difficulties suggest that, while legal competences for cooperation exist, there can be operational limitations that have the potential to hinder effective enforcement coordination. At the cross-border level, the SLIO is the only authority cooperating with authorities from other EU Member States through the IMI system. The survey responses did not provide evidence of further tools (other than the IMI system) being used by the SLIO in the cross-border context.

In contrast, the CSSA experiences fewer difficulties in international cooperation due to the use of EESSI. For the CSSA, the exchange of information through EESSI is fast, effective and, particularly in the case of aircrew, involves simple, unilateral notifications with no reported challenges ⁽¹⁴¹⁾.

Although institutional resources are generally sufficient, both authorities face limitations in sector-specific expertise and prioritisation.

In the survey, the SLIO disagrees with the statement that it has a good understanding of infringements in the air transport sector or maintains strong relationships with stakeholders in the sector. Further, enforcement in this sector is not recognised as an institutional priority, which might correlate with the limited number of inspections conducted over the past five years ⁽¹⁴²⁾.

Overall, Czechia's CAT sector employs nearly 30 000 people and contributes 2.2 % of GDP, yet the enforcement of EU labour mobility and social security rules is minimal, with inspections rare and mostly complaint driven. Challenges such as restricted airport access, limited expertise and weak cross-border information exchange hinder oversight.

⁽¹³⁹⁾ ELA survey on enforcement of rules for aircrew, 2025.

⁽¹⁴⁰⁾ ELA survey on enforcement of rules for aircrew, 2025.

⁽¹⁴¹⁾ Written interview questionnaire with CSSA representatives, 2025.

⁽¹⁴²⁾ ELA survey on enforcement of rules for aircrew, 2025.



4.2.3 Ireland

National context

Ireland has 10 commercial airports, of which five are international (Cork, Dublin, Kerry, Knock and Shannon). It has six scheduled CAT airlines, including Aer Arann Islands, Aer Lingus, CityJet, Emerald Airlines, Ryanair and SAS Connect. The largest carrier is Ryanair, a low-cost airline that operates a fleet of 620 planes and provides flights to approximately 229 destinations, employing over 27 000 employees as of 2024 (Ryanair, 2025; Statista, 2025). Ryanair is Ireland's largest airline, but was also the third largest airline worldwide by number of passengers in 2023 (182 million passengers), behind US airlines American Airlines and Delta Airlines (Air adviser, 2025; Irelandia, 2025). Air transport contributes EUR 17.3 billion to GDP, or 3.7 % of the country's total GDP. The sector generates a total of 128 000 jobs (IATA, 2024e).

While there are no sector-specific national rules for enforcing social security and labour mobility rules in the CAT sector in Ireland, there are relevant national rules that impact Irish enforcement and inspection authorities. Several national laws and regulations relate directly to posted workers, such as: the European Union (Posting of Workers) Regulations 2016 (S.I. No. 412/2016), which notes that the Workplace Relations Commission (WRC) must be notified when a foreign service provider posts workers to Ireland and must receive information through a form of declaration, which enables them to monitor posting activity and compliance with posting rules; the European Union (Transparent and Predictable Working Conditions) Regulations 2022; and the Protection of Employees (Part-time Work) Act 2001, which provides that the full range of Irish employee protection legislation applies to posted workers in Ireland.

Enforcement practices and approaches

↓ low level of enforcement

The various Irish enforcement authorities (including the Department of Social Protection (DSP), the WRC, and the Revenue Commissioners) have the right of entry to any workplace, the right to carry out investigation, the power to remove records, the power to share information with other relevant bodies and the right to forward cases to the legal authorities.

The WRC, the Irish labour inspectorate, carries out inspections either based on received complaints, based on strategic assessment of sectors in need of inspections or through routine work (such as monitoring permit legislations or employer declarations from the Revenue). During an inspection, the WRC may be accompanied by the DSP, the Revenue Commissioners, or the Gardaí. Once at a place of work, WRC inspectors verify the working conditions of all employees, including whether minimum wage is paid and whether posted workers have the right to work in Ireland. This can be done by inspecting records (work-time records, payslips or employment contracts) and investigating through such means as on-site interviews. At the DSP, 95 % of cases are initiated by the worker. In such cases, the DSP interviews the potential employer and sends the case file for a formal decision to an independent deciding officer ⁽¹⁴³⁾.

The WRC has also identified infringements relating to non-compliance with the relevant national labour laws regarding labour mobility. The DSP reported that the number of PD A1 certificates is very modest because the authority does not accept scenarios where the home base of an aircrew member is frequently changed ⁽¹⁴⁴⁾.

The WRC develops a yearly business plan that sets out potential sectors of priority for inspections. Risk assessments of specific sectors are based on unannounced visits to workplaces to understand the on-the-ground reality of the working conditions of specific sectors, internal data related to complaints and information from other agencies, including reports such as the Europol EMPACT (European multidisciplinary platform against criminal threats) campaigns. Interviews with the WRC

⁽¹⁴³⁾ Based on the information collected during the interview.

⁽¹⁴⁴⁾ Based on the information collected during the interview.

point to the fact that inspections of the CAT sector are particularly rare in Ireland: Ireland received around 4 000 posted workers in 2024, of whom a small proportion were airline workers.

Key challenges and solutions

The primary enforcement challenges in Ireland relate to the highly mobile nature of the CAT sector.

The WRC indicated that certain difficulties might arise when inspecting the workplaces of posted workers, including in the CAT sector. First, posted workers are less likely to know about their rights and about the WRC and may not submit complaints about their working conditions, reducing the exposure the WRC has with workplaces where posted workers operate. Second, the WRC indicated that, in the CAT sector, factual details complicate its ability to determine a posted worker's employer and country of origin, especially since posted aircrew often might be wearing the uniform of a hosting company.

The WRC implements several good practices to overcome any challenges encountered during inspections aimed at monitoring or enforcing compliance with labour rules applicable to the CAT sector. First, as the WRC is complaint-based, it has an indication of the employers to inspect. Second, the inspection authorities do not encounter challenges in communicating with workers during interviews, due to reduced language barriers between the English-speaking authorities and workers.

Finally, the WRC works closely with other labour and social security inspectorates at the national level, including the DSP, the Gardaí and Revenue, Irish Tax and Customs. This includes frequent communications and streamlined exchanges of information, structured through dedicated policies and data-sharing regulations. Furthermore, all authorities have a clear division of competences when it comes to workplace inspections. The WRC, the DSP, Revenue, Irish Tax and Customs, and the Gardaí regularly carry out joint inspections. The rationale for joint inspections is to disturb the work environment as little as possible, through a single collection of relevant information for all bodies:

The documentation [we] are seizing and examining are the same, but the three bodies are investigating for different reasons. This allows for a reduction of inspections and it is a streamlined process where all the bodies pull the records together. The three bodies interview the same people on the day, using the same methods, but coming away with different relevant information.

Interviewee from the labour inspectorate, Ireland.

During these inspections, agents from all relevant authorities may conduct interviews and gather records. Each authority then extracts the information needed for their specific responsibilities and enforcement powers from the collected data.

Information collected for this research through the survey, desk research and interviews did not indicate any challenges encountered by enforcement authorities when cooperating in a cross-border context.

The WRC collaborates mostly with other national authorities, and occasionally with authorities from other Member States. If an authority needs information from another Member State, they have recourse to the IMI system. This system was indicated by our research respondents as being sufficient to enable stakeholders to find the necessary information for inspections of posted workers. The situation is similar for the DSP – they also collaborate widely at national level but do not cooperate:

We are not aware of EU exchanges. [...] at the national level, we meet regularly. We have high-level groups and agents on the ground that share information. We have memoranda of understanding and work very closely with each other.

Interviewee from the labour inspectorate, Ireland.

Overall, Ireland's CAT sector contributes 3.7 % of GDP and supports 128 000 jobs, with Ryanair as its largest carrier and one of the world's top airlines by passenger volume. Enforcement of labour mobility and social security rules is low and largely complaint driven, with inspections rare due to the sector's high mobility – though authorities collaborate nationally through joint inspections and rely on the IMI system for occasional cross-border information exchanges.



4.2.4 Spain

National context

Spain's CAT sector is among the largest in Europe, with around 40 airlines operating in the country and a substantial workforce of aircrew and ground staff. The sector directly employs 304 800 people, generating EUR 22.9 billion in economic output, equivalent to 1.7 % of Spain's GDP (IATA, 2024i). According to Eurostat, Spain had the highest number of intra-EU passengers in 2023, reaching 110.9 million (European Commission, 2024).

There are no sector-specific national rules in Spain for enforcing social security and labour mobility in the CAT sector. National rules such as Spanish labour law and social security legislation apply broadly but do not address the unique needs of the CAT sector. Social security contributions and working conditions are enforced under EU rules, but the lack of tailored agreements in aviation makes enforcement difficult. Inspectors face challenges in ensuring fair treatment and adequate social protection for workers, as there are no additional protections beyond the statutory minimum. Stakeholders consulted for this study, including enforcement authorities and inspectors, highlight that the lack of tailored agreements and sector-specific rules limits the effectiveness of enforcement measures. This was confirmed in interviews where stakeholders noted that the current rules were insufficient to meet the particular circumstances of the CAT sector. Specifically, one interviewee observed the absence of collective agreements at both the EU and the national level, emphasising that foreign workers in the sector received no protections beyond the minimum wage, creating enforcement difficulties. This evidence underscores the need for more targeted policies or action plans focused on the CAT sector to improve social security enforcement and labour mobility safeguards.

Enforcement practices and approaches

◉ Moderate level of enforcement

Several authorities share enforcement responsibilities. The Labour and Social Security Inspectorate (ITSS) is the main enforcement body, empowered to carry out unannounced on-site inspections, examine documents, interview workers and impose sanctions. The Social Security General Treasury (TGSS) verifies registrations and contributions, while the State Aviation Safety Agency (AESA) oversees working time and rest periods.

Enforcement activities include unannounced airport inspections, desk audits, routine visits and emergency checks. Inspectors often rely on worker interviews to uncover abuses not evident in documentation, and sometimes inspections take place on board aircraft, despite practical challenges. Inspections are usually triggered by complaints, whistleblower reports or anomalies identified through data checks. Spain operates a risk-based approach, prioritising inspections in high-risk sectors and companies. Coordination among labour, social security and aviation safety authorities is common, enabling multidisciplinary inspections in complex cases.

Authorities assess risk by scrutinising the substance of employment relationships, focusing on correct worker classification, actual employer identification and compliance with posting and social security rules. Inspectors analyse contracts, payslips, rosters and PD A1 certificates, using manuals and checklists alongside sector-specific training. Although resources have improved, including more trained inspectors and enhanced analytical tools, enforcement remains challenging due to sector complexity and high worker mobility.

Strategically, risk assessment heavily depends on complaints, which account for around 90 % of triggers but are often scarce or lack detail in aviation. Authorities supplement this with intelligence on practices such as flagging and broader sectoral reports to identify risk patterns. Operationally, inspections are guided by previous inspection outcomes and targeted intelligence, allowing authorities to prioritise high-risk employers. Common infringements identified include worker misclassification, non-compliance with social security obligations and misidentification of employers. As a response, authorities impose fines and retroactive social security contributions. Collaboration with other EU enforcement bodies (such as ELA) is generally effective, but delays in resolving cross-border social security disputes persist. Despite moderate complaint volumes from workers, enforcement efforts are hindered by the sector's fragmented contractual arrangements and the difficulties workers face in filing grievances.

Key challenges and solutions

Enforcement authorities in Spain face both structural and operational challenges when monitoring and enforcing labour and social security rules in the CAT sector.

The inherently cross-border nature of this sector compounds these difficulties, making inspections and enforcement complex and resource-intensive.

A major challenge lies in gaining full access to relevant information during inspections. Survey and interview data show that authorities struggle to determine where a substantial part of an aircrew member's activity occurs, to interpret legal concepts such as 'substantial activity' and 'place of residence' and to identify the responsible legal entities. As one inspector noted:

[It is difficult to establish] who gives orders, who pays and who controls the work.

Interviewee from the labour inspectorate, Spain.

Misrepresentation by employers or workers and the diversity of crew members' contractual statuses and nationalities further complicate enforcement. Language barriers and scheduling constraints also hinder effective interviews with crew. Authorities report operational constraints, such as limited financial and human resources, difficulties in accessing airports and aircraft and pressure on inspection workloads. One official described inspections as needing to be 'quick and coordinated in advance', limiting their depth. These challenges are exacerbated by a lack of centralised data and practical obstacles in identifying operators who often use complex structures or 'flags of convenience' (e.g. the Maltese flag). Moreover, limited prescription periods for infringements and constrained sanctioning powers reduce enforcement effectiveness. Another representative from the Spanish labour inspectorate pointed to challenges in establishing liability:

Liability is often obscured in contractual chains. Airlines outsource employment to intermediaries, who may subcontract further, creating uncertainty. In theory, liability should rest with the actual employer, but fragmentation creates enforcement gaps, especially in cross-border cases.

Interviewee from the labour inspectorate, Spain.

Cooperation and information exchange, both nationally and internationally, present additional challenges.

While procedural cooperation within Spain is generally functional, strict time constraints and lack of flexibility hinder effective cross-border coordination. Exchanges with other Member States are often inefficient, with many disputes on applicable social security legislation left unresolved for years. The Administrative Commission for the Coordination of Social Security Systems is viewed as a bottleneck, with its dispute resolution process described by interviewees as 'slow and non-binding'. Limited access to shared databases and risk assessment tools further restricts effective information exchange, and legal and data protection constraints also impede cooperation with non-EU countries.

To overcome these challenges, Spain has focused on improving inspector expertise through targeted training and strengthening national-level coordination. Authorities also emphasise the need to improve cross-border cooperation by developing more effective dispute resolution mechanisms and enhancing interoperability between digital tools. Survey and interview evidence highlight the importance of clearer guidelines on information sharing and stronger legal frameworks to support real-time cooperation. Despite these efforts, gaps in cross-border data exchange and enforcement capacity remain significant barriers to full compliance in the sector.



4.2.5 France

National context

The CAT sector is a major contributor to the French economy, accounting for 4.8 % of GDP and generating EUR 123.7 billion in output, along with 1.3 million jobs (IATA, 2024d). In 2023, France's aircrew workforce numbered about 50 000, a sharp decline from 84 035 in 2019 (Eurostat, 2023). The country hosts an estimated 12 scheduled airlines, including its largest carrier, Air France, and several operating in overseas territories.

Interviews with national enforcement authorities highlighted key national rules and enforcement challenges in France's CAT sector regarding social security and labour mobility. The base of assignment (attachement) is the primary criterion for determining applicable social security legislation for aircrew, ensuring coverage under the national system. Mandatory affiliation with the Caisse de Retraite du Personnel Navigant (CRPN) – a dedicated pension scheme for aircrew – facilitates the application of EU social security coordination rules. Additionally, French law establishes a broad chain of responsibility that extends beyond operators to chartering entities, enabling the recovery of contributions and enforcement of workplace safety.

Enforcement practices and approaches:

↑ high level of enforcement

Enforcement of social security and labour mobility rules in the CAT sector involves coordinated efforts by the authorities, i.e. the CRPN, the Collection Union for Social Security Contributions and Family Allowances (URSSAF), the Directorate-General for Labour (DGT) and the Air Transport Gendarmerie (GTA), a branch of the French police responsible for security and law enforcement in airport and in civil aviation matters. French inspectors have the right to enter in the workplaces, gather evidence, seize documents and issue sanctions, including fines and imprisonment. The CRPN typically pursues judicial actions for fraud, while URSSAF conducts inspections and reports on concealed work, often in collaboration with other bodies. Interview findings highlighted joint inspections that may target low-cost airlines and false base declarations and reveal other violations (e.g. undeclared secondment and misuse of self-employment status).

In France we witness the use of the mise en place system, where aircrew are moved to their place of service, often by plane or car, especially in cross-border contexts. Some low-cost airlines exploit this system to engage in undeclared secondment, which is a form of social fraud. These airlines

often do not declare any aircrew on an operational base or declare an insufficient number of aircrew to operate flights. Instead, they bring in aircrew from other bases daily, throughout the year, and for several years. This practice makes it challenging for inspection services to observe and control, as the aircrew only stay for short rotations of one to four days.

Interviewee from the civil aviation authority, France.

In France inspections are carefully coordinated, often joint, planned months in advance and may be unannounced in cases of suspected illegal work. Inspectors have broad powers, including warnings, subcontractor liability enforcement, administrative orders, contract reclassification, retroactive social security contributions and litigation, with responsibilities divided by expertise. Cross-border cooperation with other Member States supports enforcement of EU labour and social security rules.

Stakeholders highlighted several key compliance factors that are central to enforcement carried out by French authorities: verifying where aircrew begin and end service and whether it matches the declared home base, checking aircraft registration, employment status (e.g. misuse of contractor labels), zero-hour contracts, pay-to-fly schemes, interns and subcontracting. High mobility requires strategic planning, and France maintains extensive coverage with about 2 000 units and specialised agents from the Directorate-General for Civil Aviation (DGAC) and the GTA working with URSSAF to combat illegal work and social fraud.

French authorities conduct both strategic and operational risk assessment. The survey revealed that the relevant stakeholders primarily rely on general statistics, inter-agency information, and public literature for risk assessments in the CAT sector, while internal data and court reports are less frequently used. The CRPN maintains a litigation follow-up table for risk analysis. Field inspections are planned one to three months ahead, coordinated with URSSAF and the *Office central de lutte contre le travail illégal*, and consider aircrew bases, flight schedules and aircraft stationing to detect inconsistencies. The interviewees noted that the CRPN maintains a litigation follow-up table and overview for strategic and operational risk analysis. Field inspections are planned between one and three months in advance and require coordination with bodies like URSSAF and *Office central de lutte contre le travail illégal*. To detect inconsistencies, the risk assessments process also considers the bases where aircrew is located, flight schedules and aircraft stationing to detect inconsistencies.

Key challenges and solutions

The survey and interviews revealed that stakeholders in the CAT sector collaborate with national public institutions and also authorities from other Member States, but face significant challenges when it comes to information exchange.

Key issues identified by interviewees include limited access to data from other authorities and reluctance to share relevant information. Another major barrier is the lack of cooperation between Member States, driven by differing national interests in retaining social contributions and a diverging interpretation of EU rules. Operational difficulties, such as language barriers, restricted airport access and complex planning further hinder enforcement efforts. The use of intermediaries and pseudo-self-employment adds complexity, while the absence of legal tools for cross-border cooperation limits effective enforcement. Lastly, the lack of legal tools for secure information sharing between national bodies hampers effective collaboration.

Th[e] issue is not just about exchanging information but also about differing objectives. Each Member State aims to retain its social contributions, which hinders cooperation.

Interviewee from the pension authority, France.

Further difficulties encountered by authorities concern planning inspections, interviewing aircrews, and dealing with misrepresented facts.

Cross-border cooperation is also hindered by inconsistent legal frameworks, as seen in cases involving low-cost airlines like Volotea, Vueling, and easyJet, where courts found violations due to undeclared work and the misuse of posting rules. The base of assignment remains the key criterion for determining the applicable legislation, but proving it requires complex investigations. As a contextual driver, the French authorities also reported that they struggle with the extreme mobility of aircrew and the use of new technologies, which facilitated fraudulent schemes by which allowing airlines to operate with aircrew who are not officially based at the operational base. This has prompted calls for a harmonised EU definition of the base of attachment to address the challenges and improve the enforcement consistency.

Overall, France's CAT sector is a major economic contributor, representing 4.8 % of GDP and employing 1.3 million people. Enforcement of labour mobility and social security rules is active and highly coordinated among multiple authorities. Inspections and judicial actions target risks such as false base declarations, the misuse of self-employment and social fraud, while challenges persist in cross-border cooperation, information exchange and addressing complex employment arrangements.



4.2.6 Italy

National context

The air transport sector contributes 4.6 % of the Italian GDP, the equivalent of EUR 88.53 billion. It contributes 1.1 million jobs to the economy (IATA, 2024f). Among these, the number of aircrew in Italy has been relatively stable over the period between 2019 and 2023; the data shows that it fluctuated at about 24 500 workers annually (Eurostat, 2024). The majority of these workers were reported as hired via permanent contracts. Italy is home to five airlines, of which ITA Airways is the flag carrier.

Stakeholder engagement highlighted that national rules in the CAT sector are primarily designed to protect aircrew members' social security rights when working across borders. The rules focus on benefit portability, coordination between national systems, and avoiding double contributions. In the Italian context, two key legislative instruments were identified as relevant: Legislative Decree No 151/2015, which implements EU regulations on social security coordination and labour mobility, and Law No 88/1989, which defines the role of INPS in managing social security compliance and benefits. These laws establish the responsibilities of both employers and employees. Additionally, several EU legal instruments are considered essential for Italian enforcement authorities: Rome I, the revised PWD and its enforcement Directive 2014/67/EU, Regulation (EC) No 883/2004 and its implementing Regulation (EC) No 987/2009 on social security coordination, the Temporary Agency Work Directive and Directive (EU) 2019/1152 on Transparent and Predictable Working Conditions.

Enforcement practices and approaches:

◦ moderate level of enforcement

Feedback from stakeholders revealed that the Italian authorities, i.e. the National Labour Inspectorate (INL) and the National Institute for Social Security (INPS), enforce EU labour mobility and social security rules for aircrew through a combination of inspections, administrative cooperation and preventive strategies. These inspections can be triggered by workers' or unions' complaints or initiated proactively during broader checks on employment conditions. The inspectors have the authority to access to the workplaces, verify identification badges and identify potentially undeclared workers, especially those hired via intermediaries. This information is cross-referenced with flight schedules from the National Flight Assistance Board (ENAV) to triangulate the information on working patterns. The INPS plays a key role in verifying PD A1 certificates and conducting audits, while both the INL and the INPS collaborate with other

bodies such as the Financial Police and the Local Health Authority (ASL) and use the IMI system for cross-border coordination. Inspections are resource intensive, require careful planning to avoid disrupting airlines' operations and employ a range of practices, including desk audits, inspections based on complaints, multidisciplinary site visits and employee interviews.

Inspections are conducted both reactively (i.e. triggered by formal complaints from workers or trade unions) and proactively by the authorities. These inspections are preceded by detailed preparatory work to identify relevant companies and personnel. On-site, inspectors verify employment classifications, working hours, workplace safety and social security contributions. When inspections are joint, responsibilities are clearly divided: the INL leads on the enforcement of the labour law, the INPS focuses on social security aspects, the ASL ensures health and safety compliance and the Financial Police investigates financial violations. The relevant authorities coordinate efforts, share documentation and compile joint reports for comprehensive enforcement of EU labour mobility and social security rules. The infringements may include misclassification of aircrew as self-employed, failure to declare postings, unequal treatment of foreign workers, misidentification of employers and a lack of mandatory insurance.

A key focus is verifying the actual place of work where aircrew begin and end their duties. The inspectors assess whether the workers reside near their declared base, examine work schedules to control over-employment, and review who provides training, uniforms and other equipment. They also check the accuracy of working hour records, the legitimacy of employment contracts and the issuance of PD A1 certificates for cross-border workers. The authorities engaged in the context of this study observed a growing risk of infringements, particularly involving companies legally based abroad but effectively operating in Italy.

The common factor in these cases is the cost-saving strategy employed by employers. [This can involve] achieving savings on wage levels at the expense of workers' rights. For example, employing workers in a country with lower collective agreement levels and then systematically having them perform their work in another country with higher wage levels or other guarantees and rights.

Interviewee from the labour inspectorate, Italy.

To address these risks, Italian authorities use the IMI for EU-wide coordination, conduct joint inspections with national and international bodies, and implement preventive measures such as awareness campaigns and training.

The National Labour Inspectorate plays a central role in conducting both strategic and operational risk assessments. The assessments are data driven, relying on internal databases and information shared by the INPS and the INL. This enables targeted inspections and informed decision-making. Joint inspections with other authorities and the use of the IMI further strengthen cross-border cooperation and verification of employment arrangements under EU labour mobility and social security rules. Preventive measures are also key and include awareness campaigns, training and information dissemination to educate employers and workers about their rights and obligations. The Italian institutions adopt a holistic approach, combining administrative reviews with technical inspections. Inspectors, who also act as judicial police officers, are empowered to identify and report violations. They also respond to complaints from workers and trade unions, which often serve as early warnings of non-compliance. The INPS may independently initiate inspections based on strategic priorities or anomalies detected during routine checks.

Key challenges and solutions

Limited human resources present challenges for effective enforcement in Italy. This is partly overcome by a strong culture of cooperation among enforcement authorities.

The Italian authorities, particularly the National Labour Inspectorate, collaborate extensively with national institutions, trade unions and intermediaries to enforce labour mobility and social

security rules. However, a key challenge is the limited number of inspectors, which can hinder timely and effective coordination. Despite this, stakeholders highlighted the strength of Italy's national enforcement network, attributing its effectiveness to the soft skills of personnel and established good practices. These include data-sharing mechanisms between social security institutions and the ability to triangulate information, such as flight plans and rosters from the ENAV, to verify aircrew home bases. This collaborative approach supports more accurate inspections and enhances compliance monitoring across the sector.

Italian stakeholders believe that conflicting national interests have been a key barrier to information sharing and cooperation.

Feedback from stakeholders highlighted several challenges faced by Italian authorities when cooperating with counterparts in other Member States, particularly in the context of enforcing labour mobility and social security rules. A key issue is the difficulty in obtaining and exchanging timely and accurate information, especially when determining the true principal place of business. This is critical for enforcement, as companies not genuinely established in a Member State should not benefit from its tax or social security systems. However, national interests in retaining fiscal benefits often lead to conflicting priorities between authorities, undermining effective enforcement.

There can be conflicts of interest between different Member States, as each one wants to retain the financial benefits of having companies and workers within their jurisdiction.

Interviewee from the labour inspectorate, Italy.

Practically, cross-border inspections are hindered by slow information exchange and complex posting arrangements. Language barriers further complicate interactions with foreign workers. Despite the difficulties, some data-sharing practices are in place, particularly regarding social security benefits, to help mitigate enforcement gaps.

All in all, the stakeholders engaged generally agree that Italian national authorities have a strong grasp of infringements and maintain good relationships with key stakeholders.

They feel well supported by available data when preparing inspections. This view is backed by a decade of joint inspections by the INPS and the INL, which uncovered serious violations, including the misuse of third-party labour, improper CAT registrations and unpaid social security contributions such as flight allowances and 13th month salaries. Lastly, cross-border cooperation is reported as particularly problematic, with delays in obtaining accurate information and language barriers complicating inspections; additionally, the complexity of national and EU regulations demands a thorough preparation of inspections.



4.2.7 Lithuania

National context

Based on the Eurostat aviation data, the CAT sector in Lithuania employed approximately 1 482 people in 2023. This represents a small labour force (Eurostat, 2023). The sector employed around 2 033 people in 2019, indicating a decline over time, likely influenced by the COVID-19 pandemic and structural changes in the aviation industry. As of 2024, approximately 98 companies operate in the air transport industry, encompassing both passenger and freight services (IBISWorld, 2024a).

Lithuania does not have any sector-specific national rules for enforcing social security and labour mobility in the CAT sector. Instead, general labour and social security laws apply, supported by EU-level regulations such as the revised PWD, the Temporary Agency Work Directive, and Regulation (EU) No 2018/1139. These frameworks provide a sufficient legal basis for enforcement; however, practical enforcement in the CAT sector is complicated due to the cross-border nature of aviation work. Authorities have noted that the absence of mandatory employment disclosure abroad may complicate the verification of employment relationships and applicable social security legislation, and may lead to gaps in social security coverage. The main difficulty lies not in the legal framework itself but in determining the applicable legislation in highly mobile employment situations.

Enforcement practices and approaches:

↓ low level of enforcement

In Lithuania, the State Labour Inspectorate holds broad enforcement powers, including the right to conduct inspections, seize documents and issue injunctions. The inspectorate may also issue mandatory instructions, initiate administrative offence proceedings and impose administrative fines. Its practices include desk audits, emergency visits, inspections upon request or complaint and multidisciplinary inspections, often guided by risk-based tools. While the Social Insurance Fund Board (SODRA) does not conduct inspections themselves, they support the inspectorate by providing documentation. The Transport Competence Agency (TKA), although focused on aviation safety, also monitors compliance with working hours and rest periods, conducting both routine and emergency visits, but lacks the authority to impose penalties.

The State Labour Inspectorate conducts inspections in the CAT sector, primarily addressing issues such as missing PD A1 certificates, disguised subcontracting and non-compliance with labour mobility laws. These inspections have led to outcomes like verbal or written warnings and monetary fines. The TKA, while not directly enforcing labour laws, plays a role in ensuring compliance with aviation-related working conditions and may intervene when pilot fatigue affects safety, although it cannot issue penalties.

Risk assessment in Lithuania begins with identifying the applicable law, the nature of the contractual relationship and the employer. Authorities use employment contracts, working time records and internal data such as inspection history to assess risk. However, administrative capacity and access to cross-border employment data remain practical constraints. The Ministry of Social Security and Labour does not treat aircrew as a distinct risk group, which may hinder targeted enforcement. Risk-based tools are mentioned but not clearly defined or elaborated upon. The State Labour Inspectorate applies general risk-assessment methodologies used across sectors rather than aviation-specific tools.

Strategic and operational risk assessments are conducted using risk-based systems to identify high-risk companies or areas, although specific methodologies are not detailed. The inspectorate uses these tools to guide inspections, while the TKA performs periodic inspections, typically every 24 months, based on company size and perceived risk. TKA considers self-employment a key risk indicator, especially where it may mask employment relationships. In practice, risk assessment in the CAT sector remains largely case-based due to the limited size of the national aviation labour market.

Key challenges and solutions

Enforcement authorities in Lithuania face significant challenges related to the complexity of the sector and establishing the habitual place of work.

Key difficulties include determining where the majority of an aircrew member's work is performed, navigating the complexities of international employment arrangements, and dealing with misrepresentation by employers or workers. The diversity of contractual arrangements and nationalities among aircrew further complicates enforcement. Limited sanctioning powers, especially for the TKA, and resource constraints also hinder effective oversight. These challenges contribute to a fragmented understanding of compliance levels and make it difficult to ensure fair treatment and proper insurance coverage for mobile workers.

People have to know about the rules. Sometimes, they don't inform [us] because they don't know ... It is not good when we see such a case after the person applies for a pension.

Interviewee from the Ministry of Labour, Lithuania.

The main national challenge is the unclear division of responsibilities between institutions.

National cooperation among Lithuanian enforcement bodies is uneven, with the State Labour Inspectorate engaging in collaborative inspections while the TKA does not participate due to its focus on aviation safety rather than labour enforcement.

Internationally, cooperation is even more limited, with no active collaboration reported with authorities from other EU Member States or non-EU countries.

Cross-border enforcement is hampered by differences in national legislation, technological limitations, slow information exchange and a reluctance to share data. In some cases, the Tax Inspectorate resorts to working with trade unions to address enforcement gaps, especially when dealing with non-EU-country entities.

Lithuanian enforcement authorities encounter a range of impediments, including insufficient resources, a lack of detailed data and challenges in identifying applicable laws for aircrew with complex employment arrangements.

The prevalence of self-employment and intermediary-based work increases the risk of bogus self-employment, which is difficult to detect and regulate.

The EU directive regulating the employment of aircrew is very abstract and allows for freelancers. There is no definition in the directive stating you can be self-employed if you have your own aeroplane. The directive only accounts for aircrew as self-employed. Other Member States have indicated in their national legislation that aircrew cannot work as freelancers; Lithuania doesn't have such a regulation. Those Member States that have such regulations can eliminate freelance employment.

Interviewee from the tax authority, Lithuania.

Obtaining reliable cross-border employment and social security information remains time consuming, which is crucial for assessing employment relationships and work patterns. While some agencies attempt to overcome these issues through risk-based inspections and maintaining good relationships with sector actors, there are currently no documented good practices or strategic solutions in place to effectively address these challenges.



4.2.8 The Netherlands

National context

The CAT sector in the Netherlands is relatively modest in terms of direct employment. Based on Eurostat aviation data, employment figures in the sector have fluctuated over recent years, ranging from 25 000 to 29 000 employees between 2019 and 2023 (Eurostat, 2023). As of 2024, there are approximately 4 101 companies operating in the air transport industry, including both passenger and freight services (IBISWorld, 2024b). The country's two major airlines are KLM and Transavia. Air transport contributes a total of EUR 34.1 billion to the economy, which represents 3.6 % of GDP (IATA, 2024g).

There are no sector-specific national rules for enforcing social security and labour mobility in the CAT sector. Instead, enforcement relies on general EU legislation transposed into national law. While these frameworks provide a legal basis, they are not tailored to the unique characteristics of the CAT sector, such as high mobility and complex employment arrangements.

The Regulation [(EC) No 883/2004] no longer always provides well for the situations we face today in cross-border employment and residence.

Interviewee from the social security authority, the Netherlands.

As a result, some enforcement authorities report that the current rules insufficient for effectively addressing sector-specific challenges.

Enforcement practices and approaches

↓ low level of enforcement

Enforcement practices in the CAT sector primarily involve desk audits and inspections, particularly in the context of issuing PD A1 certificates. Investigations are often triggered by tips from internal or external sources, such as the processing of PD A1 applications or partner institutions like the Tax and Customs Administration and the Dutch Labour Inspectorate. The Social Insurance Bank (SVB) also conducts risk-based investigations using internal data to identify potential issues.

National enforcement authorities, particularly the SVB, follow a multi-step investigative process that begins with an initial signal or tip. This is followed by desk research, consultation of internal systems and internet-based information gathering. Authorities may then reach out to partners including tax authorities, employment agencies and foreign counterparts for further information. Company visits are also conducted, during which both employers and employees may be interviewed. Commonly identified infringements include missing PD A1 certificates, non-compliance with national labour laws and disguised subcontracting.

Risk assessment by Dutch enforcement authorities focuses on the classification of contractual relationships, the identity of the employer, the applicable law and compliance with posting requirements. Authorities rely on a range of resources, including employment contracts, PD A1 certificates and data on the designated home base of aircrew members. Investigations are carried out through internal system checks, internet research and consultation with partner institutions. This allows authorities to build a comprehensive understanding of potential violations before deciding on further enforcement actions.

Strategic and operational risk assessments in the CAT sector are based on internal data, such as the number of complaints or recorded violations, and external reports from public authorities or courts. However, the Netherlands Labour Authority (NLA) has classified the CAT sector as low risk, which has led to a low number of active inspections and enforcement in this area. This, according to the interviewees, limits the scope and frequency of enforcement activities, despite the presence of potential regulatory gaps and enforcement challenges in the sector.

Key challenges and solutions

One of the primary challenges for enforcement authorities in the Netherlands is the lack of clarity regarding institutional competence.

Different bodies such as the NLA, the Human Environment and Transport Inspectorate (ILT), and the Civil Aviation Authority have provided conflicting information about who is responsible for enforcing EU rules in this sector. This results in a lack of sector-specific expertise and data, making it difficult to identify and address potential violations.

One interviewee from the central administration covering the aviation transport noted a 'lack of true understanding of the nature, working procedures and characteristics of the aviation sector' within the NLA. Similarly, the SVB has acknowledged that they 'don't really have an "expert" on aviation' and have not conducted surveys 'in the aviation sector in the past four years'.

Interviewee from social security authority, the Netherlands

As a result, enforcement authorities are operating with limited information, minimal oversight and insufficient institutional focus, which undermine the effective enforcement of EU labour and social security regulations in the CAT sector.

Cooperation and information exchange among enforcement authorities both within the Netherlands and internationally are fraught with operational and legal challenges.

Nationally, while there is some level of collaboration between institutions such as the SVB, the Tax and Customs Administration and the Dutch Labour Inspectorate, this cooperation is often hindered by difficulties in staying informed about ongoing proceedings and strict compliance requirements under the GDPR. Internationally, the situation is even more complex. Authorities report that cross-border cooperation is inconsistent, with some Member States being more responsive and cooperative than others. Language barriers, differing legal frameworks and administrative procedures further complicate the exchange of information. Survey respondents confirmed that challenges such as communication difficulties and legal incompatibilities are regularly encountered in cross-border contexts.

Due to the complexity of cross-border cases, social security institutions have to dedicate a significant part of their capacity to a relatively low quantity of these situations.

Interviewee from the social security authority, the Netherlands.

These obstacles not only delay investigations but also reduce the likelihood of successful enforcement actions, particularly in cases involving mobile workers and multinational employers.

Authorities encounter structural and regulatory challenges, particularly in adapting existing rules to new forms of work like telework and highly mobile employment.

These complexities lead to administrative burdens and legal uncertainty, especially in short-term or part-time cross-border employment. An interviewee noted that the most significant risk of fraud occurs when a PD A1 certificate is issued without meeting the required conditions. To address these issues, the SVB and other bodies rely on risk-based, multi-step investigations, often initiated by tips or data analysis, and collaborate with national and international partners. However, they emphasise the need for regulatory reform to enhance enforcement capabilities and cross-border cooperation.

4.2.9 Poland

National context

Poland's CAT sector contributes significantly to the country's economy. The sector provides 288 000 jobs and generates EUR 13.1 billion in economic output, equivalent to 1.9 % of Poland's GDP (IATA, 2024h). According to Eurostat, Poland had an air traffic of 27 500 intra-EU passengers in 2023, an increase of 27.2 % on the previous year (European Commission, 2024). LOT Polish Airlines is the country's only carrier.

Polish stakeholders considered Regulation (EC) No 883/2004 on the coordination of social security systems and the corresponding implementing regulation 987/2009 as the most relevant to their enforcement activity on social security and labour mobility in the CAT sector. No specific guidelines are applied to this sector beyond the general regulations and procedural frameworks. The Social Insurance Institution (ZUS) monitors the application of social security coordination rules at the EU level and cooperates and communicates with the social security institutions of other Member States.

The basis for inspecting working conditions is provided by the Act on the State Labour Inspection (PIP). Additionally, the Labour Code and its executive regulations must be applied. In the case of this specific sector, the provisions of the Aviation Law are also important. The PIP does not examine issues related to the coordination of the social security system.

Enforcement practices and approaches

○ moderate level of enforcement

Overall, the CAT sector has not been highlighted by those interviewed for this study as high risk in terms of a need for inspections. The ZUS conducts desk audits as an enforcement practice in relation to aircrew members in the commercial air transport sector. For example, these audits are conducted prior to issuing a PD A1 certificate. These inspections are mostly reactive and not focused specifically on the CAT sector. The ZUS carries out ongoing inspections and monitors enforcement to ensure compliance with EU rules on social security coordination applicable to all workers and self-employed individuals, including flight crews in the CAT sector.

This sector has not been identified as particularly high risk in terms of the need for inspections.

Interviewee from the social security authority, Poland.

Nevertheless, inspections conducted by the ZUS in the CAT sector have revealed certain irregularities, including underreported social security contributions and cases where workers where formally hired under contracts of mandate ⁽¹⁴⁵⁾ by one entity while performing their duties for another company, with which their employment contracts were registered.

On the other hand, the PIP focuses in its inspections on legality of work performance, working conditions, and occupational health and safety standards. It conducts inspections without prior notice and can cooperate with the SII if social security irregularities are found. However, inspections are not carried out jointly.

The ZUS and the PIP assess the risk of infringements in the CAT sector by considering factors such as the correct identification of the competent state for social security, compliance with formal requirements and the nature of employment relationships. They rely on a range of information sources, including PD A1 certificates, commercial contracts, flight rosters, working time records and human resources documents. The ZUS also uses data mining, compliance reports, and interviews with employees and employers to support investigations. The PIP focuses on

⁽¹⁴⁵⁾ This type of contract is a civil law agreement where the contractor agrees to perform a specific task for the organisation issuing the contract. This form of contract is often used for casual or seasonal work and is not as strictly regulated as a traditional employment contract.

monitoring compliance with both national and EU regulations, particularly in relation to working conditions and the posting of workers to Poland.

The ZUS and the Ministry of Family Labour and Social Policy use a variety of information sources for strategic risk assessment in the CAT sector, including internal data on complaints, public reports and information from other authorities. The ZUS's Department of Payer Control identifies sectors requiring inspection based on historical data, although the CAT sector has not been prioritised. The PIP lacks specific tools for sector identification and relies on reports from employees and trade unions.

The Civil Aviation Authority (CAA) holds direct responsibility for licensing flight crew members and maintaining their professional records. It is also indirectly involved in matters related to labour mobility and social security in aviation, particularly through cooperation with other institutions such as the PIP and the ZUS. Therefore, the role of this entity is reduced to an operational role.

Key challenges and solutions

Enforcement authorities in Poland face various challenges in monitoring and enforcing compliance with labour and social security rules in the CAT sector.

The ZUS highlights difficulties arising from the cross-border nature of the aviation sector, such as uncertainties over national competence and determining where aircrew members primarily work. Additionally, limitations in available sanctioning mechanisms and short prescription periods for infringements are significant constraints. The PIP finds it challenging to determine the actual employer in cases with cascading employment structures.

It would be reasonable to clarify in a fixed and precise manner the provisions applied when determining the applicable legislation, in order to minimise the risk of legal uncertainty.

Interviewee from the social security authority, Poland.

Despite these challenges, inter-institutional cooperation and information exchange are reported to be generally effective, and the Ministry of Family Labour and Social Policy points to the need for better information sharing and cooperation between national institutions.

Additional challenges relate to diversity in contractual status and nationality among crew members, which adds complexity to the assessment of working conditions and legal compliance. Misrepresentation of facts or circumstances by either employers or workers is also highlighted as a serious challenge that can hinder accurate inspection outcomes.

No significant challenges were noted regarding the cooperation and exchange of information between the enforcement authorities.

The ZUS engages with other public institutions (such as the PIP, tax offices, the Central Statistical Office) and various stakeholders, such as trade unions and employer organisations. The ministry indicated that it collaborates with other public institutions within the country on the enforcement of EU labour mobility and social security rules.

Cooperation also takes place in the enforcement of EU labour mobility and social security rules at the international level. The ZUS maintains cross-border cooperation by working with public institutions from other Member States, which is particularly relevant given the transnational nature of many labour mobility issues in the aviation sector.

No CAT sector-specific difficulties were reported.

In all sectors subject to inspection in the context of the coordination of social security systems, common challenges include insufficient communication between institutions in different Member States – often the requesting authority lacks essential information, which affects both the response time and the ability to estimate when a reply can be expected – along with difficulties in cross-border enforcement of outstanding contributions.



4.2.10 Finland

National context

The air transport sector is a significant contribution to Finland's economy, providing 71 000 jobs and generating EUR 6.4 billion in economic output, equivalent to 2.5 % of Finland's GDP (IATA, 2024c). According to Eurostat, Finland carried approximately 10 million passengers intra-EU in 2024 ⁽¹⁴⁶⁾ (European Commission, 2024). The country is home to two scheduled airlines: Finnair and Nordic Regional Airlines (Norra).

In general terms, there are some common trends and practices characteristic to the social security coordination in Finland that are also relevant for the CAT sector. These practices include a collaborative approach, a multi-disciplinary focus, an increasing number of risk-based inspections, guidance and support, and continuous improvement. National-level labour mobility rules include the Finnish Employment Contracts Act and the Aliens Act regulating employment for domestic and foreign workers. The Act on the Contractor's Obligations and Liability is also relevant for the CAT sector, regulating rules on the outsourcing of work. The statutory regime is complemented by dedicated collective agreements concerning aircrew. For example, in 2025 Pilot Agreement was concluded – a three-year deal for Finnair pilots. In addition, in 2025 the sectoral collective agreement for air transport services was renegotiated and in July 2025 the state mediator's proposal was approved.

Enforcement practices and approaches

↓ Low level of enforcement

According to the Finnish respondent to the survey carried out for this research, the most common enforcement practices in Finland include desk audits, responding to requests and complaints of trade unions/employees, emergency inspections and providing information for employers and employees.

The overall discussion in the interviews described the enforcement practices on a general level, with the main approach being preventive collaborative enforcement, based on giving information and advice to the relevant parties. If these soft measures do not produce results, more decisive methods are then taken. For example, a planned three-year inspection programme at Helsinki airport was triggered by an observed number of accidents having taken place and observed challenges in relation to the working conditions of employees. This process is based on a dialogue between the stakeholders (employers, employees, businesses in the airport) and will lead to a joint action plan to implement the inspection findings.

Inspections in the aviation sector are just beginning after being interrupted for about 10 years. In April 2026 a new three-year programme of inspections will start at Helsinki airport. In general, if there is a problem, we don't want to announce that we are coming – we want to carry out inspections without prior notice, particularly in the case of migrant workers: we want to see them in their real working environment.

Interviewee from the administrative authority, Finland.

At the practical level, the Finnish Supervisory Agency (FSA) is the main responsible authority carrying out the inspections. The inspections may be triggered by issues such as employee or citizen complaints, accidents or risk analyses. If necessary, the FSA will call the other authorities to collaborate and may also make joint inspections with the other authorities.

Regarding collaboration with other authorities, this is built case by case depending on the case at hand. We have carried out joint inspections with the police and taxation

⁽¹⁴⁶⁾ Based on Eurostat table on top EU airports by passenger transport (with information on rank, country, airport, passenger carried intra- or extra-EU, number of flights).

authorities. This will develop further as we start the new aviation inspection programme at Helsinki airport.

Interviewee from the administrative authority, Finland.

The survey response states, however, that inspections based on EU labour mobility law are carried out only rarely. Furthermore, the number of inspections has decreased during the past five years. Accordingly, the results have been very limited – there has been only one case of non-compliance with protective rules for posted workers and cases in the CAT sector are a marginal share of all activities. In this context, it is unsurprising that of the eight invitations to interview sent to enforcement authorities as part of this study, six declined to participate citing a lack of expertise on the topic. This is further indicative of the low level of enforcement activities taking place in the country.

Key challenges and solutions

The primary challenges identified by the Finnish enforcement authorities relate to applicable laws and definitions.

The key challenges identified relate to correctly classifying contractual relationships and employer identity, determining the applicable law, verifying posting situations and ensuring compliance with formal posting requirements. To address enforcement authorities' uncertainty over which Member State's rules apply to mobile air transport workers – such as whether Finnish labour law is relevant and how the home base principle influences assessments – ministries and enforcement bodies collaborate. In 2012, they conducted a joint analysis to develop scenario-based guidance for labour inspectorates, resulting in a report outlining legal rules on the employment status of mobile workers in the air transport sector, which served as a key resource for inspectors (ELA, 2020).

In Finland there are technical difficulties such as insufficient information on the CAT sector, a low level of preparedness to carry out inspections at the workplace level and challenges in relation to accessing relevant information, both at the national and cross-border levels.

In addition, receiving the authorisation needed prior to the inspections or to enter the premises, gaining access to all relevant information, operational planning of an inspection (e.g. scheduling, deciding which premises to inspect), uncertainties of competence in cases of internationally operating companies and short prescription periods for infringements create considerable difficulties. Furthermore, carrying out interviews with workers can be challenging both due to language barriers and difficulties with scheduling interviews, and Finnish authorities find it difficult to establish where the most substantial part of the aircrew member's activities takes place.

Strategic challenges include how to position the CAT sector in the field of social security coordination as well as in relation to atypical employment in the sector.

Employment relationships in this sector are complex and the national enforcement authorities have relatively little experience in dealing with the range of new contractual arrangements in relation to inspection and enforcement. Inadequate resources in terms of carrying out inspections may also be seen also as a strategic challenge. This is related to competence challenges due to the relatively low number of cases of inspections in the CAT sector and the low levels of experience among inspectors of working in the sector. According to the data gathered by ELA, the Finnish Occupational Safety and Health authorities carried out 40 inspections between 2015 and 2019, including six on aircrew personnel (ELA, 2020).

There is also a need to improve the exchange of information in cross-border collaboration to broaden the understanding of the division of tasks or competences and to access information from other authorities. At present, relatively little information is exchanged in a cross-border context.

In summary, Finland's air transport sector contributes 2.5 % of GDP and employs 71 000 people, but enforcement of EU labour mobility and social security rules remains limited, with inspections rare and mostly preventive in nature. Key challenges include complex employment relationships, legal uncertainties, operational barriers and weak cross-border information exchange, prompting collaborative efforts and a new three-year inspection programme at Helsinki airport.

4.3 Key takeaways

Enforcement practices across the 10 selected Member States reveal significant variation with strong inter-institutional cooperation reported in Ireland, France and Italy.

France stands out as the only Member State with high enforcement activity, characterised by frequent inspections, strong institutional coordination and dedicated resources for the CAT sector. Belgium, Spain, Italy and Poland demonstrate moderate enforcement, with structured systems and some targeted inspections, though the sector is not treated as a top priority. Additionally, Ireland reports regular joint inspections among the WRC, the Department of Social Protection, Revenue, Irish Tax and Customs, and the Gardaí. In turn, other Member States do not dedicate as many resources to enforcement in the CAT sector. Stakeholders in these Member States highlighted that they undertook very few inspections and that the sector was not viewed as a priority for enforcement activities. This disparity reflects differences in national priorities, resource allocation and institutional capacity.

Good practices identified vary from the existence of an inter-institutional centre in Lithuania to investment in capacity of inspectors in Spain, Italy and Finland and targeted national anti-fraud plan covering the CAT sector in Belgium.

The case studies covered series of good practices. Joint or coordinated national-level inspections are organised in Belgium, Czechia, Ireland and Spain. Sector-specific risk assessment or data analysis for the CAT sector is carried out in Italy (flight data), France (pension data) and the Netherlands (aviation safety and labour data combined). Multiple Member States, including Belgium, Ireland and France, display strong cross-agency cooperation, and several of them invest in the capacity of inspectors (Spain via training, Finland via a renewed focus and activity in the sector and better cooperation, and Italy via awareness campaigns and guidance). Finally, Belgium's national anti-fraud plan also includes the CAT sector.

Despite these differences, operational challenges such as access to airports, difficulties in monitoring the high-level mobility of aircrew and access to reliable information about their flight and work patterns are common across all Member States.

Authorities consistently reported difficulties in accessing airports and aircraft due to stringent security protocols, which limit opportunities for

on-site inspections. Short crew turnaround times and the high mobility of aircrew further complicate enforcement, making unannounced inspections particularly challenging. Language barriers and scheduling constraints add another layer of complexity, especially when conducting interviews with multinational crews. These shared obstacles underscore the need for innovative inspection strategies and improved logistical coordination.

Legal frameworks and sector-specific rules diverge significantly among Member States.

France and Italy have introduced tailored measures to address the unique characteristics of the CAT sector, such as mandatory affiliation to the CRPN pension scheme in France and strict adherence to posting and equal treatment rules in Italy. Conversely, most other Member States, including Czechia, Lithuania and the Netherlands, apply general EU and national labour and social security laws without sector-specific adaptations. This lack of tailored regulation reflects the overall horizontal approach of labour and social security institutions; however, insofar as enforcement in the CAT sector might pose sector-specific challenges related to its unique characteristics and practices, such a horizontal approach might create enforcement gaps and limit the capacity of authorities to respond to aviation-specific challenges, such as complex contractual arrangements and cross-border postings. The case studies highlight the need for systemic improvements to enforcement approaches. These include enhanced cross-border cooperation, better use of EU-level tools and increased resources and training for enforcement authorities.

Cross-border cooperation emerges as a shared weakness across all Member States.

While tools like the EESSI and the IMI are available to support information exchange, the reported effectiveness of cooperation and especially cross-border cooperation varies widely. France and Italy make more active use of these systems, whereas Member States such as Ireland and Lithuania report minimal cross-border information exchange and engagement. Common challenges flagged include slow information exchange, legal incompatibilities or inconsistencies among national regimes and conflicting national interests. Language differences and administrative burdens might further hinder collaboration, leaving many disputes unresolved for extended periods in harsh contracts with rapid changes and high mobility characteristic to this sector. These challenges highlight the urgent need to develop strong and time-efficient enforcement cooperation at the EU level in this sector.

Operational conclusions

The enforcement of EU labour mobility and social security coordination rules in the CAT sector takes place within a uniquely complex and highly mobile operational environment. The findings of this report show that significant legal, institutional, and operational challenges persist across Member States, limiting consistent enforcement and occasionally hindering the protection of aircrew. To strengthen the capacity of national authorities and promote coherent application of EU rules, the following operational conclusions are proposed.

Strengthen clarity and coherence in the enforcement of EU rules

Member States would benefit from further guidance on how the concepts of 'home base', 'habitual place of work', and 'posting' apply to aircrew, and how related enforcement can be carried out and facilitated in practice. A more uniform approach to interpretation and enforcement of the key concepts and a better understanding of specific contractual situations characteristic of CAT sector by enforcement authorities would help reduce legal uncertainty, prevent strategic use of flexibility and support inspectors in determining applicable legislation in cross-border situations. The link between aviation safety concepts (notably the home base) and the determination of applicable social security regimes should be further clarified and communicated to enforcement authorities, strengthening their ability to verify compliance in practice. ELA is planning to prepare operational guidelines dedicated to the CAT sector to support enforcement of labour mobility and social security coordination rules in this sector.

A structured overview of Member State exemptions and derogations from the PWD as applied to aircrew would support both employers and enforcement authorities. Ensuring that such information is easily accessible and consistently updated would help improve legal certainty and enforcement planning. Up-to-date information should be made available to support compliance in the sector.

Enhance access to information and data for enforcement

Labour and social security authorities often lack timely information on operating bases, flight rotations and contractual structures. Encouraging improved data-sharing between civil aviation authorities and inspectorates within national limits and in compliance with data protection requirements would support faster and more accurate determinations of employment situations. The CAT sector is inherently cross-border, yet use of the IMI and the EESSI, at least insofar as evidenced by interviews carried out for this report, remains uneven. Strengthening capacities, guidance and technical support for these tools could help authorities exchange information more efficiently, especially when verifying PD A1 certificates, contractual chains or operating models. In addition, there is limited EU-level data on mobile aircrew, especially posted workers or those operating outside their country of citizenship. Incorporating information about this specific sector into EU surveys and national datasets would provide a more accurate basis for risk assessment and enforcement planning. The enforcement and monitoring of labour mobility and social security coordination rules in relation to aircrew poses specific challenges. Aircrew are a very particular part of workforce with specific needs, but statistical data are put together with all workforces in the aviation sector or even with all transport sectors, leading to situations where statistical data are not helpful in identifying patterns and needs related to this part of the workforce.

Moreover, involving social partners where appropriate might be crucial to enhance this cooperation, also in order to benefit from their experience on the ground.

The use of the IMI and the EESSI to ensure information exchange in relation to enforcement activities and investigation in the CAT sector should be facilitated. Involvement of social partners where appropriate might also help to enhance cooperation and to benefit from their experience on the ground. In addition, information exchange can also take place in the context of dedicated cooperation and concerted or joint inspections coordinated and supported by ELA. At the same time, broader and more structural

sharing of operational and other data in relation to enforcement is needed to bridge the cooperation gaps identified.

Reinforce and strengthen institutional coordination and specialisation

Enforcement responsibilities in the CAT sector are typically shared across labour inspectorates, social security institutions, tax authorities and aviation authorities. This can lead to a fragmented enforcement landscape. Establishing or strengthening structured cooperation mechanisms, such as joint inspections, regular coordination groups or shared risk profiles, could significantly enhance efficiency and reduce duplication. Most inspectorates do not have dedicated aviation units or staff with sector-specific expertise. Training or designating specialised focal points on aviation mobility could improve the quality and consistency of inspections, particularly in complex contractual situations such as leasing, intra-group operations or intermediary-based employment. Civil aviation authorities hold critical operational information but are not typically involved in labour or social security enforcement. Building more structured cooperation, within the limits of their mandates, both among authorities at the national level and between ELA and EASA at the EU level would unlock valuable insights and facilitate information exchange on operating bases, flight schedules and licensing.

Support effective operational enforcement

Given the range of contractual arrangements and operational models in the CAT sector, inspectors would benefit from practical guidance on how to verify compliance. In addition, restricted access to airport premises remains a major obstacle. Facilitating standardised procedures for securing access, coordinated with airport operators and aviation security rules, and where possible with relevant social partners, would support timely inspections, especially unannounced ones. Finally, given the mobility of aircrew, coordinated or joint inspections between Member States, supported by ELA, can help address cross-border non-compliance more effectively and reduce opportunities for regulatory arbitrage. There is also potential for cooperation between ELA and EASA in the context

of supporting cross-border enforcement efforts by Member States.

Promote awareness and compliance among aircrew and employers

Due to the complexity of the CAT sector in both regulatory and practical terms, many aircrew members might be unaware of their rights, applicable regimes or complaint channels. Developing multilingual, user-friendly guidance, particularly for highly mobile workers, would support better self-protection and compliance. In addition, providing clear information and guidance on applicable rules, posting and social security coordination obligations to employers would help them in understanding their responsibilities when operating across borders. Where appropriate, these actions might be carried out in cooperation with social partners, also considering the expertise of the Sectoral Social Dialogue Committee for Civil Aviation. In general, information and capacity building activities in the CAT sector might go a long way in facilitating and enabling compliance.

Overall, the CAT sector presents an enforcement environment that is exceptionally mobile, operationally complex and legally layered. Addressing the challenges identified in this report will require a combination of strengthening knowledge resources by improved practical guidance, facilitating better data access for enforcement authorities, facilitating stronger institutional coordination, improved practical guidance, and enhanced cross-border cooperation.

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ANNEX

Methodological approach

The research was divided into three main objectives:

- Task 1 – legal analysis of how labour mobility and social security rules should be complied with and enforced in relation to aircrew in the CAT sector;
 - Task 2 – mapping of enforcement authorities and other stakeholders;
 - Task 3 – mapping of national enforcement approaches and challenges.
- To achieve these objectives, three research tasks were developed:
- Task A – desk research,
 - Task B – survey,
 - Task C – interviews.

Task A: desk research

Desk research was conducted to support the main objectives of the study and the research activities under Tasks 1, 2 and 3. This desk research covered the following.

A total of 33 sources were reviewed, comprising 17 EU or international studies, six academic papers, seven social partner publications and one national authority report. As there is limited literature on the application of labour mobility and social security rules in the CAT sector, a search strategy

was designed that included a range of literature types and search terms that covered each of the study's research questions. A rapid evidence assessment ⁽¹⁴⁷⁾ methodology was used during the search process to ensure all literature reviewed were of high quality and relevant to the study's research questions.

The complete list of literature is presented in the References section.

Task B: survey

An online survey of national authorities responsible for the enforcement of labour mobility and social security coordination for aircrew members in the CAT sector was prepared on EU Survey and translated into the 24 EU languages. The survey contained primarily closed questions to facilitate a higher response rate, while still including a limited number of questions to allow respondents to share additional views.

The survey was initially launched on 13 January 2025 with a deadline of 28 February 2025, which was subsequently extended to 21 March, and later

to July in order to facilitate additional responses. The survey materials were first shared with ELA's national liaison officers for dissemination to the relevant authorities. Due to low initial responses, the research team opted to directly contact the authorities mapped under the desk research, while encouraging the national liaison officers and colleagues from ECS to send reminders from their end.

At the close of the survey, a total of 63 responses were received from 23 countries, three of which had to be removed from the analysis as they

⁽¹⁴⁷⁾ A rapid evidence assessment is a structured, transparent and rigorous literature review method designed to produce evidence-based, actionable summaries within a compressed time frame (days or weeks).

were outside of the study's scope ⁽¹⁴⁸⁾. The total response rate was lower than expected, which could be due to multiple reasons. For example, invitation materials informed national authorities that the survey aimed to receive responses from multiple individuals in a given institution; however, the majority only submitted a single response per institution, so there may have been a misunderstanding from the target group. Furthermore, a number of institutions shared with the research team that they would not be submitting a response due to a lack of insight on enforcement in the CAT sector ⁽¹⁴⁹⁾. As a result, the low response rate could also be understood as a reflection of the level of activity in the area.



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Table 6. Overview of responses to the public authority survey

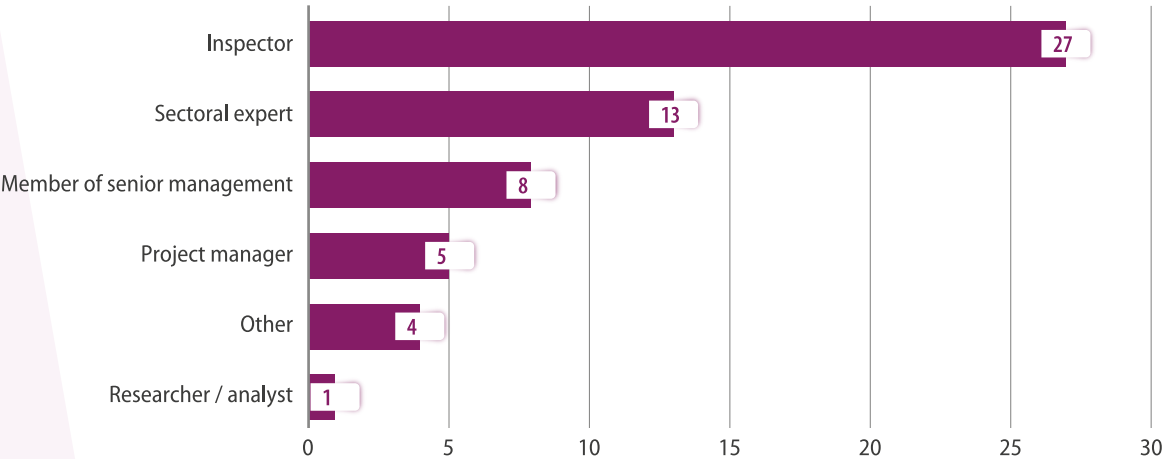
Country	Country total
Belgium	8
Bulgaria	7
Czechia	1
Denmark	2
Germany	2
Estonia	1
Ireland	1
Spain	1
France	4
Croatia	1
Italy	3
Latvia	4
Lithuania	2
Hungary	1
Malta	1
Netherlands	3
Norway	1
Austria	1
Poland	2
Portugal	10
Romania	3
Slovakia	1
Finland	1
Sweden	1
Not indicated	1

The analysis of the survey results included descriptive statistics and qualitative analysis of open questions, which informed the drafting of this report, the mapping of challenges and enforcement practices in the 10 selected Member States and the development of the inspector checklists.

⁽¹⁴⁸⁾ This includes the responses from Norway, the Romanian National Airline Company and the Dutch Airline Pilots Association.

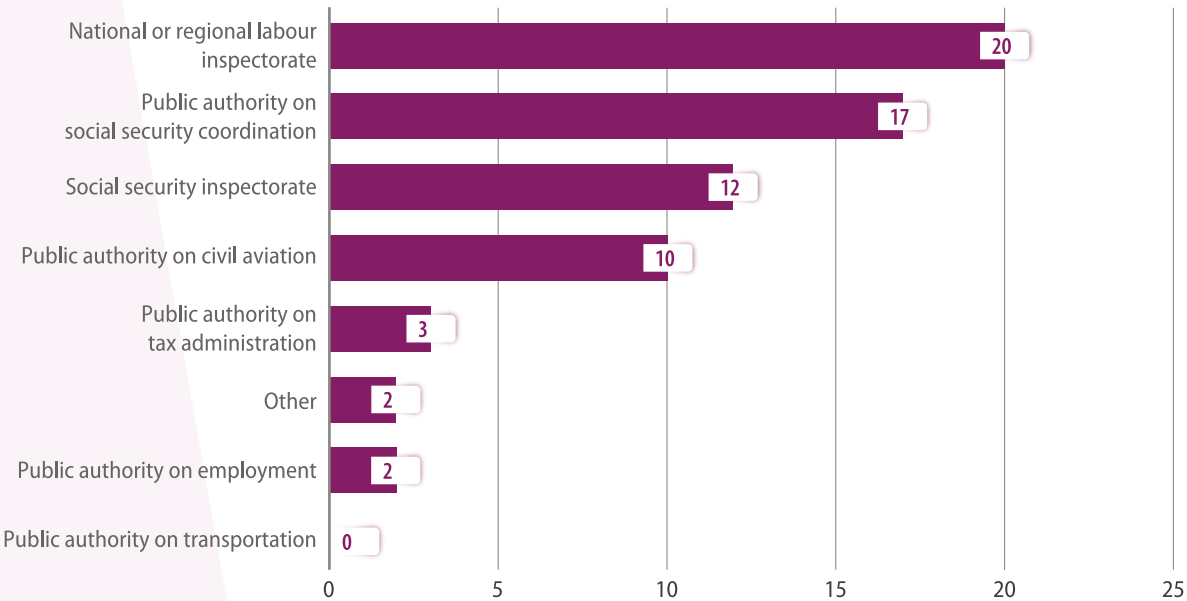
⁽¹⁴⁹⁾ This included authorities from Lithuania, the Netherlands, Austria, Slovenia and Sweden.

Figure 31. Job title/responsibilities



Source: Survey of public authorities, Q4: 'Which of the following best represents your job title/responsibilities?' N=60, multiple choices possible.

Figure 32. Institutions represented by survey respondents



Source: Survey of public authorities, Q3: 'What type of institution are you representing?' N=60, multiple choices possible.

There was a roughly even split between respondents that enforced EU-level measures and regulations for aircrew members in the area of labour mobility, including the posting of workers and cross-border activities (33 respondents) and social security provision or coordination (29 respondents). This suggests there is a good balance of perspectives in the survey responses between authorities focusing on labour mobility and authorities focused on social security coordination. Another 25 respondents

indicated enforcing labour law, including fair employment and contractual arrangements. The 'Other' responses included four respondents responsible for enforcement of working hours and two respondents responsible for aviation safety.

Task C: Interviews

In order to gain an additional source of information to contextualise and complement the findings of the desk research and the survey, a number of in-depth interviews were carried out by national experts, focusing on the 10 countries selected for task 3. The Member States were selected based on the following criteria: level of enforcement activity in the CAT sector (from high to low), characteristics and size of the CAT sector in the Member State concerned, and geographical representativeness. The interviews were carried out with overseeing officials within national enforcement entities and with inspectors conducting inspections in the CAT sector.

A total of 28 interviews were conducted, the full list of which is provided in the table below. In some cases, representatives were unavailable for an

interview but provided a response to the interview questionnaire in writing. These instances are highlighted in the footnotes.

The scheduling of interviews highlighted the challenges associated with enforcement in the sector. Several of the authorities that either the research team or ELA's national liaison officers identified as relevant in the enforcement of EU rules indicated upon contact that they did not feel competent to be able to participate in the study. This may be indicative of the low level of prioritisation of CAT sector enforcement across Member States or of the lack of expertise within enforcement authorities when it comes to the CAT sector, as highlighted in our findings in this report.

Table 7. List of interviewees by Member State

Member State	Number of interviews conducted	Public authorities interviewed
Belgium	4	<ul style="list-style-type: none"> ➤ Federal Public Service Employment, Labour and Social Dialogue / Service Public Federale Emploi, Travail et Concertation sociale / Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg (FPS Employment) ⁽¹⁵⁰⁾ ➤ National Social Security Office / Office Nationale de Sécurité Sociale / Rijksdienst voor Sociale Zekerheid (ONSS/RSZ) ⁽¹⁵¹⁾ ➤ Directorate-General of Aviation, Federal Public Service Mobility and Transport / Direction générale du Transport aérien / Directoraat-generaal Luchtvaart (DGTA/DGLV) ➤ Social Information and Investigation Service (SIOD)
Czechia	2	<ul style="list-style-type: none"> ➤ State Labour Inspection Office / Státní úřad inspekce práce (SLIO) ➤ Czech Social Security Administration / Česká správa sociálního zabezpečení (CSSA) ⁽¹⁵²⁾
Ireland	2	<ul style="list-style-type: none"> ➤ Workplace Relations Commission (WRC) ➤ Department of Social Protection
Spain	3	<ul style="list-style-type: none"> ➤ Labour Inspectorate for Catalonia / Inspecció Territorial de Treball de Catalunya ➤ Ministry of Labour and Social Economy of Spain / Ministerio de Trabajo y Economía Social ➤ State Aviation Safety Agency (AESA) ⁽¹⁵³⁾

⁽¹⁵⁰⁾ Written contribution.

⁽¹⁵¹⁾ Written contribution.

⁽¹⁵²⁾ Written contribution.

⁽¹⁵³⁾ Written contribution.

Member State	Number of interviews conducted	Public authorities interviewed
France	4	<ul style="list-style-type: none"> ➤ Ministry of Labour – Directorate-general for Labour / Ministère chargé du travail – Direction générale du travail (DGT) ➤ Union de Recouvrement des Cotisations de Sécurité Sociale et d'Allocations Familiales (URSSAF) ➤ Pension fund for aircrew / Caisse de retraite du personnel navigant (CRPN) ➤ Ministry of Transport – Directorate-general for civil aviation / Ministère chargé des transports – Direction générale de l'aviation civile (DGAC)
Italy	2	<ul style="list-style-type: none"> ➤ National Labour Inspectorate / Ispettorato Nazionale del Lavoro (INL) ➤ National Institute for Social Security / Istituto Nazionale della Previdenza Sociale (INPS)
Lithuania	4	<ul style="list-style-type: none"> ➤ Ministry of Social Security and Labour / Lietuvos Respublikos socialinės apsaugos ir darbo ministerija ➤ State Tax Inspectorate / Valstybinė Mokesčių Inspekcija (VMI) ➤ Transport Competencies Agency / Transporto kompetencijų agentūra (TKA) ➤ State Social Insurance Fund Board / Valstybinio socialinio draudimo fondo valdyba (SODRA)
Netherlands	3	<ul style="list-style-type: none"> ➤ Dutch Social Insurance Bank / Sociale Verzekeringsbank (SVB) ⁽¹⁵⁴⁾ ➤ Ministry of Infrastructure and Water Management – Directorate-General for Aviation and Maritime Affairs (Aviation Directorate) / Ministerie van Infrastructuur en Waterstaat – Directoraat-Generaal Luchtvaart en Maritieme Zaken ⁽¹⁵⁵⁾ ➤ Tax and Customers Administration (Belastingdienst)
Poland	2	<ul style="list-style-type: none"> ➤ Warsaw District Labour Inspectorate / Okręgowy Inspektorat Pracy w Warszawie – State Labour Inspection/Państwowa Inspekcja Pracy (PIP) ➤ Social Insurance Institution / Zakład Ubezpieczeń Społecznych (ZUS)
Finland	2	<ul style="list-style-type: none"> ➤ Centre for Economic Development, Transport and the Environment / elinkeino-, liikenne ja ympäristökeskus (ELY Centre) ➤ Finnish Supervisory Agency

Source: Authors' calculations, 2025.

¹⁵⁴ Written contribution.

¹⁵⁵ Written contribution.

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