

Enforcement practices and challenges in the Commercial Air Transport (CAT) sector

Objective

The ELA report on enforcement of labour mobility and social security coordination rules for aircrew members in EU27 examines the practices and challenges faced by national inspectorates, social security institutions and other authorities.

“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 social security authority

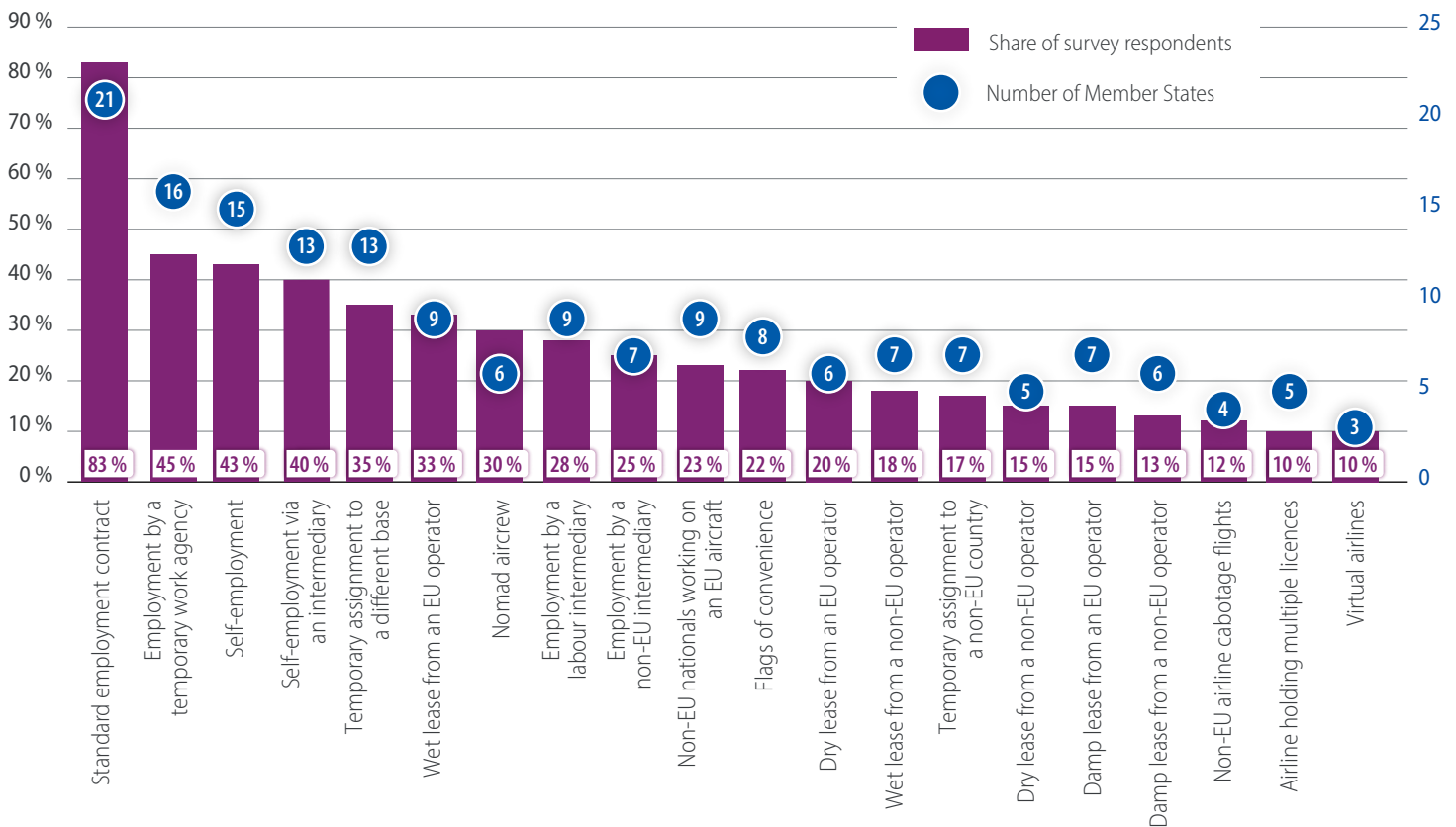


Italy

Sector-specific complexity

Standard employment contracts remain central to the aviation sector; however, there is significant level of complexity of workforce structures and commercial practices.

Contractual arrangements for aircrew observed by public authorities



Main practices ⁽¹⁾ in enforcement

→ Social and labour enforcement authorities identify EU rules on the coordination of social security systems as the most relevant legal framework for their work.

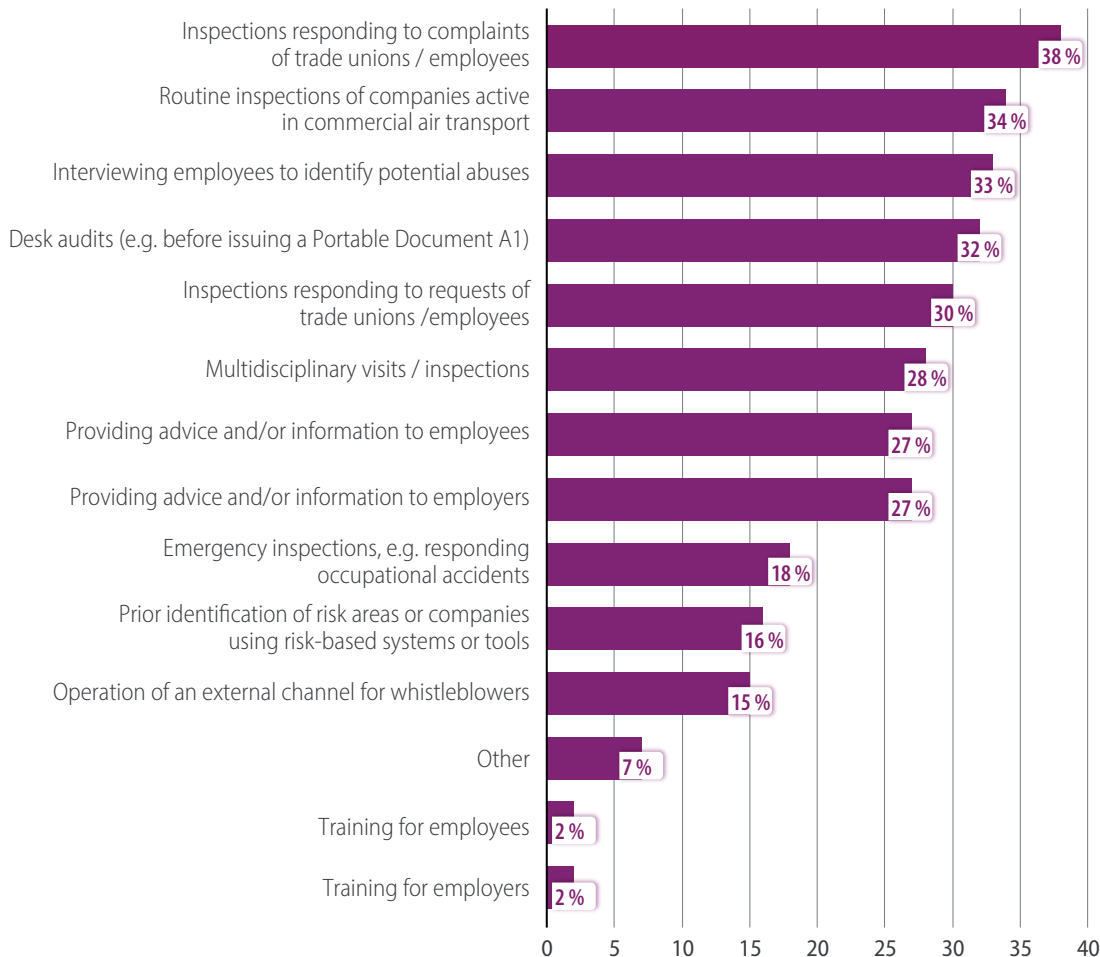
“EC Regulation No. 883/2004 is the key rule we apply.”

— Interviewee from social security authority



the Netherlands

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



→ The level of training and experience of individual inspectors facilitates effective enforcement.

“Checklists are not sufficient given the sector’s complexity. Instead, experienced and well-trained inspectors could better identify real risks. Inspectors need to understand sector-specific arrangements (e.g., who is the real employer, how rest times are calculated), which requires dedicated training.”

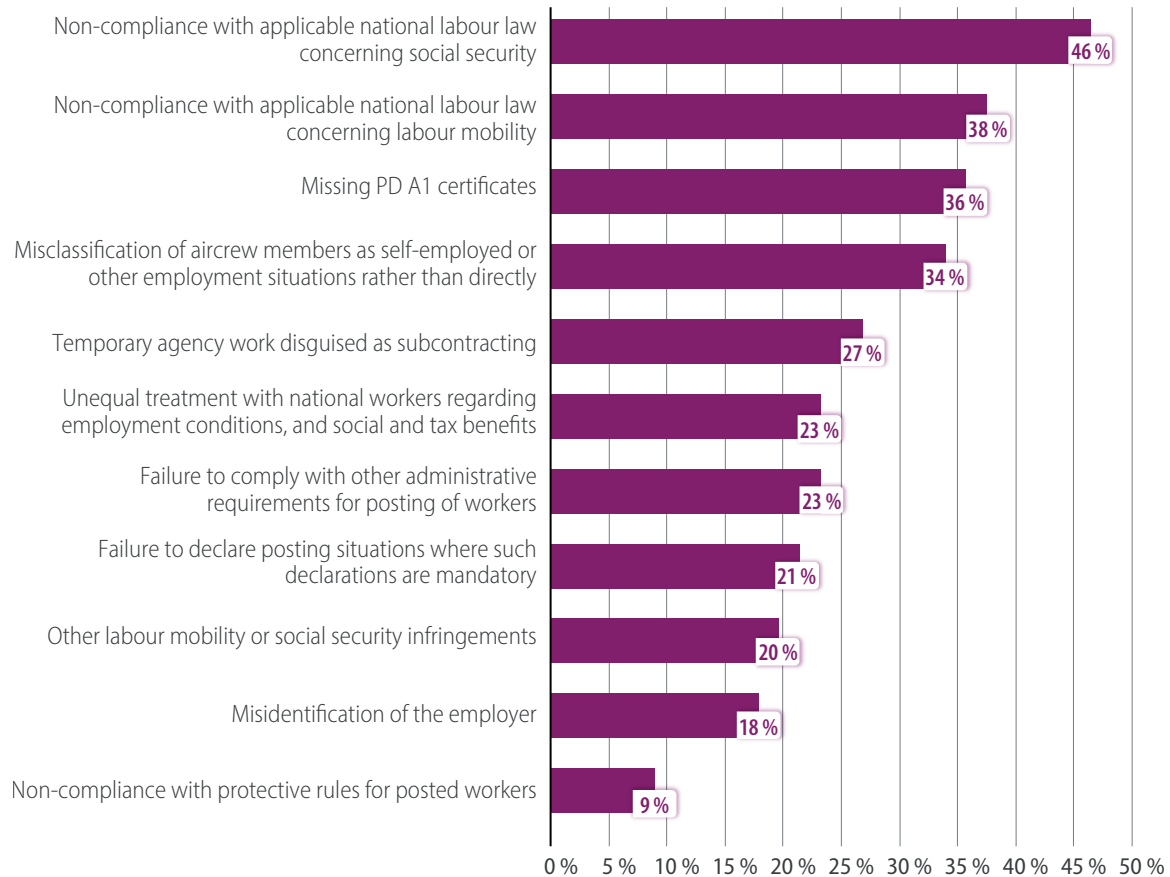
— Interviewee from ministry of labour



Spain

⁽¹⁾ Enforcement practices (results obtained through a survey based on 60 responses in total from 23 Member States)

Types of infringements encountered by survey respondents



Main enforcement challenges

→ Access to all relevant information.

→ Fragmented liability structures.

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

— Interviewee from social security authority

Poland

“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 labour inspectorate

Spain

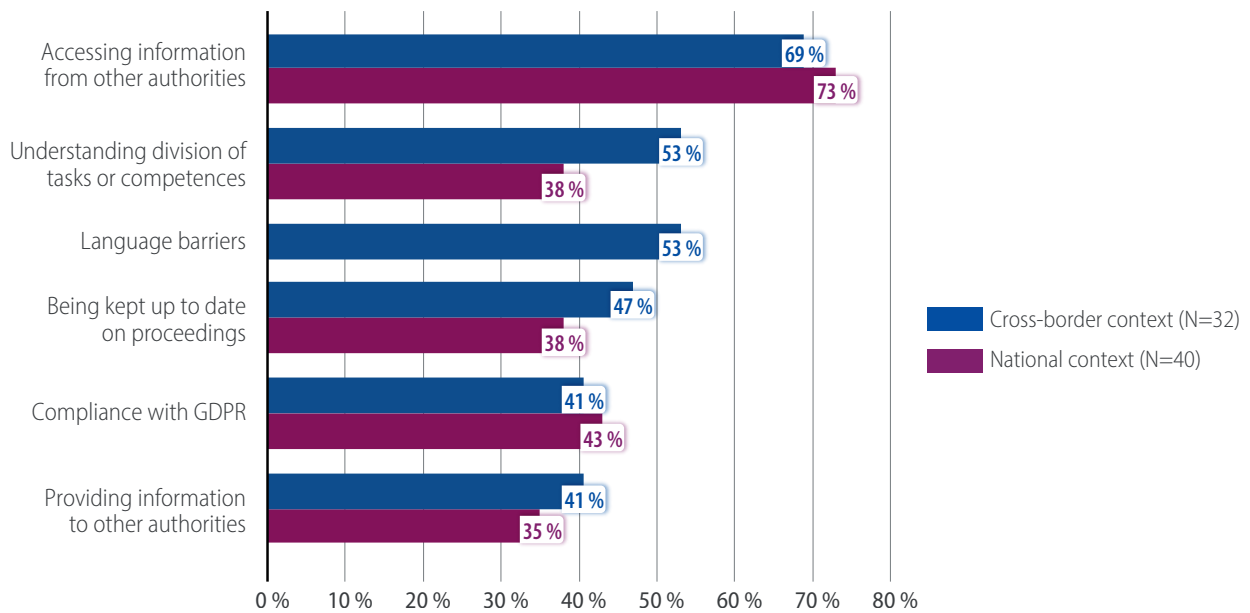
“There can be conflicts of interest between different countries, as each country wants to retain the financial benefits of having companies and workers within their jurisdiction. This can lead to difficulties in obtaining timely and accurate information from foreign authorities. [...]”

— Interviewee from labour inspectorate

Italy



Main challenges when cooperating and/or exchanging information in a national and cross-border context



→ Difficulties in scheduling interviews due to aircrew mobility.

→ Restricted access to airport premises.

“The importance of interviewing aviation personnel during their often-brief presence at the airport should not be underestimated. [...] 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 social inspection authority



Belgium

“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. [...] For us, it is necessary that the inspection sometimes takes place unannounced, so this is also a certain challenge.”

— Interviewee from labour inspectorate



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Luxembourg: Publications Office of the European Union, 2026

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Print: HP-01-26-027-EN-C PDF: HP-01-26-027-EN-N



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