

EN

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Answer given by Mr Tzitzikostas  
on behalf of the European Commission  
(4.8.2025)

Under EU law, EU air carriers are entitled to freely operate aircraft under wet lease from other EU air carriers, except where this would lead to endangering safety<sup>1</sup>. Air carriers are also required to inform passengers at the time of reservation of the identity of the operating air carrier or carriers, or where the identity is not known at the time of reservation, as soon as such identity is established<sup>2</sup>.

1. The Commission regularly monitors developments in the EU air services market, and notes that wet leasing is a common practice to increase operational flexibility. Updated information on levels of wet leasing will be gathered to support the impact assessment for the review of Regulation 1008/2008<sup>3</sup>.

2. The Commission is aware of concerns about labour practices such as false self-employment or which undermine social or labour standards. They have also been discussed through the subgroup on social matters related to aircrews<sup>4</sup> that has developed several recommendations<sup>5</sup> to Member States and stakeholders to tackle them, since it is for Member States authorities to enforce the applicable laws for aircrews operating in their jurisdiction. Such practices are not a feature of wet leasing per se, although some ACMI (Aircraft, Crew, Maintenance and Insurance) air carriers have been criticised for alleged use of such practices.

3. As part of the review of Regulation 1008/2008, the Commission is looking at possible measures to support the enforcement of applicable labour law, including in case of wet lease. The forthcoming open public consultation<sup>6</sup> will provide an opportunity for stakeholders to comment on this and other issues related to wet leasing.

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<sup>1</sup> Article 13 of 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 (Recast), *OJ L 293 31.10.2008*, p. 3, <https://eur-lex.europa.eu/eli/reg/2008/1008/oj/eng>.

<sup>2</sup> Article 11 of Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC, *OJ L 344, 27.12.2005*, p. 15–22.

<sup>3</sup> <https://eur-lex.europa.eu/eli/reg/2008/1008/oj/eng>.

<sup>4</sup> <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3118>.

<sup>5</sup> For example, see below the link to the paper on ‘enforcement of applicable law’ prepared by the working group on self-employment and enforcement of applicable law. The paper includes recommendations aiming to improve the situation at national and EU level. <https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=22235&fromExpertGroups=true>.

<sup>6</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14620-Aviation-EU-air-services-rules-revision-\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14620-Aviation-EU-air-services-rules-revision-_en).