



Emily O'Reilly
European Ombudsman
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11 December, 2016

Re: EC Tender No. Move/C2/2016-363 [1]

"Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication"

Dear Ombudsman O'Reilly,

The Global Cabin Air Quality Executive (GCAQE) and the European Cabin Crew Association (EurECCA), have recently submitted a formal complaint to the EU Ombudsman via your website. Please accept this letter as supporting our complaint. A response has recently been received from the DG (attached), however we do not accept the points made in their response to us. Please find attached our further letter of complaint to the DG regarding their reply to us.

Our original complaint (attached) involves the tender published by the European Commission DG Mobility and Transport (DG MOVE) involving the *'Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication'* – Tender Move/C2/2016-363, to be known as the *2016 EC project*. We consider that DG MOVE's actions amount to maladministration and failure to meet the principles of good administration, a principle of European law.

We are specifically dissatisfied with the following aspects and request the Ombudsman to address our concerns:

1. The process by which the tender was published, including selective prioritization of specific stakeholders and competitive disadvantage resulting from time frames;
2. The contents of the tender;
3. The unsatisfactory response from DG MOVE (3/11/16) regarding our initial complaint.

Background:

The cabin air contamination issue dates back over six decades and is a global problem that affects all aircraft and all people who breathe the air supplied to aircraft cabins. Cabin air contamination is a design issue, in which a system was implemented to supply air drawn unfiltered through the engines. It was recognized early on that the oil seals had to allow low levels of oil to leak in-order to function and could allow greater contamination to occur under certain conditions. However this problem has not been adequately addressed by the aviation industry or governments. An increasing number of studies have been

undertaken over recent years. However, elementary scientific concerns raised by many with expertise specific to cabin air contamination, including worker organisations, academics, scientists and doctors, amongst others have not been suitably addressed. Even after decades questions that are needed to be answered in order to protect the public health have not been addressed by authorities, since the current tender focusses again primarily on air measurements, effectively ignoring diagnosed health consequences and studies.

Specific aspects of the complaint:

1. The process by which the tender was published, including selective prioritization of industry stakeholders and time frames:

EASA highlighted in November 2015, that a two million euro 2016 EC project was planned to be announced in the first quarter of 2016 [2]. This was to be a follow-up to the already underway EASA in-flight measurements campaign (EASA.2014.OP.16) [3]. EASA clearly highlighted that the proposed 2016 EC project as shown in attachment 1 ([2], p11), would cover further measurement of cabin air contaminants during flight, investigation of contamination in the aircraft air-conditioning system and assessment of the cabin interior's contribution to cabin air contamination only. This diverges substantially from the tender as published.

Our concern that this tender was favoured toward selected aviation stakeholders is acknowledged on p9 of the tender itself [1]. The document states the *“European Commission, supported by EASA and various aviation stakeholders, decided to start a new initiative aimed at collecting additional scientific evidence on which to root more robust policies in this subject area.”* To date it is still unknown who these aviation stakeholders are, whereas at the same time workers and passengers stakeholders were neither invited, nor aware of these meetings.

Various other communications involving DG MOVE and the Commission demonstrate similar previous attempts to come to a similar study design. None of these included workers or passenger stakeholders addressing the cabin air issue.

A February 2012 industry held workshop cited the need for further research on the cabin air topic. No independent stakeholders regarding the cabin air issue were invited to attend the workshop [4].

In June 2013 a US Federal Aviation Administration (FAA) funded aviation industry Airliner Cabin Environment Research (ACER) report [5] as shown in attachment 2, p4/5, highlighted the development of a large EU cabin air project. The project, at the time considered by the European Union was then known as EU MAC 3. It was *“An industry-led consortium of 15 organizations from airframe manufacturers, airlines, suppliers, research institutes and standards development bodies proposed a comprehensive initiative to address the issue of bleed air contamination for aircraft flying in Europe”* [5]. This project had been initially prepared to be part of the EU Framework 7 initiative, however it remained unfunded at the time of the 2013 report, but stated that *‘efforts continue to be made by the consortium to move forward with critical parts of the work’* [5]. The work packages outlined in the 2013 report are very similar to the current 2016 EC project. This holds strong clues that the current 2016 EC project was a continuation of previous industry led initiatives without any other stakeholder participation.

Another example is a European Parliament Hansard response in 2014 referencing large scale in-flight air monitoring campaign and development of systems to remove contaminants to be funded under Horizon 2020. [6]

The GCAQE, and EurECCA were very surprised to hear about the EC 2016 project tender in the 3rd week of September 2016, despite the fact that it was published and available publicly on the 26/8/16 [7]. We are most concerned that:

- 1) We were unaware who the aviation stakeholders were that were part of developing this tender process;
- 2) As key stakeholders in this issue, we were not advised that the tender had been published, particularly as we are all involved in the CEN, European standards TC 436 development of a cabin air quality standard, that is already addressing some of this work;
- 3) EASA who supported this tender is also part of the CEN TC 436, but did not advise the CEN committee or its stakeholders of the substantial changes in what was initially announced to be a measurement campaign only. Neither did EASA inform the CEN committee or its stakeholders about the actual commencement of the tender;
- 4) The short 5 week time-span – The tender was released on 26/8/16 and open till the 30/9/16 only- a total of 5 weeks only. The tender was actually extended for 1 week, but 6 weeks for such an extensive tender is still far too short a time period.

We do not believe that this has been a fair process and we feel that stakeholders have been discriminated against and not provided an equal opportunity to engage in this research. It is simply not possible to prepare a major research submission with various partners in a 5-week time frame. The European taxpayers are entitled to be assured that the work will be undertaken in a fair and independent manner and this does not appear to have been the case.

2. The contents of the tender:

The letter of complaint that we originally sent in, outlines the scope of the tender and various tasks. We have great concerns about this and have highlighted these on many occasions. We do not believe that large scale air monitoring is required to determine the extent of the problem at the expense of more urgently needed research to protect the European public and the public outside of the EU. The problem is already known along with the mechanism for exposure. This is an engineering design issue that was clearly identified in the 1950s. Enough information is already available to develop prevention and support mechanisms, however aviation industry stakeholders continually call for more research.

Defining individual substances and concentrations in the fumes and then interpreting them in terms of European legislation on indoor air quality and professional exposure limits is completely inappropriate. Our concerns are validated in the independent scientific community and cover the following areas, however the aviation industry, aviation regulators and the transport government departments globally have failed to address these concerns along with the following:

- The presence of hazardous substances in normal air quality and cabin air contamination events are understood and do not require further identification before being mitigated;
- Extensive reliable data is already available concerning the hazards of the relevant substances and short and long-term health effects, yet this has been continually ignored;

- If any study needs to be undertaken, it ought to be a comprehensive assessment of the exposure to the heated mixture of the oils and fluids in a reduced pressure environment under realistic in-flight conditions. This was done in the 1950s and problems were identified, but at that time no corrective actions were taken. While EASA has funded a second study [8] relating to pyrolysis of the oils, the approximately 200,000 euro 10 month study is too small to undertake any meaningful research.

3. DG MOVE response:

The response provided by DG MOVE is completely unacceptable as it has failed to respond to the key concerns identified in our complaint and as also shown in our further response to the DG reply. Both documents are attached.

Summary:

We believe there is clear evidence that the European Commission and EASA have favoured a particular aviation industry position by way of the incorrect scope and aims of this research and the tender period that was clearly far too short for organisations outside the key industry stakeholders. Favouring a specific position, especially when this involves the subject of regulation (requirements for clean air) amounts to maladministration. To fail to address our concerns is unacceptable, to publish an inappropriate research project is even more inappropriate. Thereby EASA, being the regulator and DG-MOVE, being the Directorate-General of the European Commission and its Commissioner have all failed to engage in a fair tender process and have further failed their answerability.

We would appreciate the Ombudsman looking into our complaint and specifically addressing the following:

- 1) The short-time frame of the tender process;
- 2) The selective prioritization of selected unidentified aviation industry stakeholders;
- 3) Who were the aviation industry stakeholders mentioned in the tender?;
- 4) A complete review of the scope and main aims of the research tender;
- 5) We further request coordination of future activities with the CEN/TC 436;
- 6) That the tender process is re-opened with a fair chance for other consortiums with reasonable preparation time;
- 6) That the tender's execution is stopped until these matters are resolved.

Sincerely,

Daniel Tandoi
Chairman
Global Cabin Air Quality Executive

Christoph Drescher
European Cabin Crew Association AISBL
General Secretary, EurECCA



Attachment 1: [2], P 11
Attachment 2: [5], P 4/5
Attachment 3 (Response from DG- MOVE 3/11/16
Attachment 4 (Reply from GCAQE & EurECCA to DG-MOVE, 11/12/16

1. European Commission (2016) – DG mobility and Transport. Call for Tenders: No. MOVE/C2/2016-363. Research study- "Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication". Tender specifications
2. EASA (2015) Cabin Air Quality Background & Perspectives. , Presentation given at EU CEN TC436 meeting, Dublin, 23-24 November, 2015
3. EASA (2014) European Aviation Safety Agency. Tender: EASA.2014.OP.16 (CAQ) Preliminary Cabin Air Quality Measurement Campaign.
4. BRE. (2012) BRE Cabin Air Quality Workshop, Hunton Park, Watford. 20/21 February 2012: Available at: Available at: Sect.1.18.7.3 http://www.fomento.gob.es/NR/rdonlyres/2718DE15-D1A5-4A9D-83BA-5B7FF2F51B58/139459/2013_008_A_ENG.pdf
5. Overfelt, R. and Jones, B. (2013) RITE-ACER-CoE-2013-02. Proposed Test Plans For A Study Of Bleed Air Quality In Commercial Airliners. Auburn: RITE/ACER.
6. EU Parliament (2014) Question raised for answer by Hiltrud Breyer (Verts/ALE). 23 April, 2014. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2014-005381+0+DOC+XML+V0//EN&language=fr>
7. European Commission (2016) E tendering - Calls for tenders from the European institutions Available at: <https://etendering.ted.europa.eu/cft/cft-documents.html?cftId=1737>
8. EASA (2015) European Aviation Safety Agency. Tender : EASA.2015.HVP.23 (Characterisation of the Toxicity of Aviation Turbine Engine Oils After Pyrolysis (AVOIL)).

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