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RE: Request to suspend, revise, and reissue EC Tender No. MOVE/C2/2016-36

Dear Commissioner Bulc and Director-General Hololei:

As liaison members of the Comité European Normalisation Technical Committee (CEN/TC) 436 "Cabin air quality on civil aircraft: Chemical agents," we are writing on behalf of our respective organizations to request the suspension and review of the European Commission (EC) Tender N° MOVE/C2/2016-36 - *"Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication."* The tender needs to be revised, as described below, and reissued with an extended submission period (6 months).

The CEN/TC 436 committee first met on April 20, 2015, specifically to develop an aircraft air quality standard that includes (but is not limited to) on board monitoring for chemical agents, with a focus on chemicals in the bleed air supply. The tender was published on 26 August 2016. Despite the fact that the subject matter (and, thus, our expertise) significantly overlaps with the above EC tender, the CEN/TC 436 membership as a whole was not officially notified of the existence of the tender until Sept. 20, 2016, despite it being published 25 days prior with a 36-day window to submit applications.

And, even then, CEN/TC 436 discussion of the tender was added to the Sept. 20, 2016 meeting agenda only in response to a request from the ETF liaison member in attendance. The ETF liaison had only been made aware of the tender by the ECA representative, who had been

notified of it by a third party just a few days before the Paris meeting, and had immediately sent the information to the CEN/TC 436 Secretariat, Chairman, and fellow crewmember organizations. To be clear, then, the existence of the tender appeared to come as a surprise to most stakeholders of CEN/TC 436. The representative for the CEN HQ in attendance, as well as the CEN/TC 436 Secretariat and Chairman, all explicitly stated that they had not known about the tender prior to the ECA email a few days prior. The degree to which our CEN TC was uninformed of this tender is unacceptable, and the CEN/TC 436 Chairman will also be sending a letter of complaint to DG Move on behalf of the full committee.

The development and then notice of a tender is supposed to provide an open and fair process by which interested parties with appropriate expertise can submit proposals. But the way that DG Move mismanaged the process generates many questions: How can interested and expert parties submit proposals if they are not made aware of the tender? How could the EC fail to notify our committee of this tender when we are such an obvious source of expertise and interest, and when there is such clear overlap between the scope of the tender and the scope of our standard-setting activity? Finally, even if all parties had been notified of the tender on August 26, 2016, how can the EC expect them to compile a team of experts and draft a quality proposal, all within a 36-day time-frame?

EASA's response to the publication of the tender document also raises significant concerns. Specifically, EASA, is supporting and facilitating this tender (EC, 2016, p.9;10;24), but did not inform its fellow members of CEN/TC 436 of the tender, once issued. The EASA representative did communicate at the CEN/TC 436 23 November 2015 meeting that a €2M tender with the following scope will be launched in the first quarter of 2016:

- Measurements of cabin air contaminants during commercial flights
- Investigation of ECS Packs contaminations [sic]
- Assessment of cabin interiors contribution to cabin air contamination

However, the above communication cannot be regarded as prior knowledge of the current tender given its different (albeit, related) scope and different publication timeline (third quarter, not first quarter, of 2016). The current scope of the tender duplicates some of the CEN/TC 436 work in which EASA has been fully engaged but, still, EASA chose not to notify CEN/TC 436.

Since the official notification on 20 Sept. 2016, we have consulted other parties and several key EU institutions and universities with long-lasting expertise in this subject. We note that none of them were aware of this initiative and that, under the current time limitation, they would be disqualified from bidding for this tender. The author of the tender states: *"The European Commission, supported by EASA and various aviation stakeholders [emphasis added] decided to start a new initiative aimed at collecting additional scientific evidence on which to root more robust policies in this subject area."* (EC, 2016, p. 9) Which "various aviation stakeholders" were involved, and why did both the EC and EASA fail to include airline worker and passenger stakeholders, despite being funded by EU taxpayers, not industry funds?

Regarding the scope of the tender, the duplication of some of the work already assigned to CEN/TC 436 is problematic. The EC is using public funds and, thus, has a responsibility to minimize duplication of work. The apparent lack of coordination and communication between different levels of EU government (CEN, EC, and EASA) is troubling. The tender itself notes that completing the project *"will call for a new ecosystem of collaborations between the scientific and the industrial communities at large, to mobilise the multitude of disciplines and*

expert skills that can make the whole idea feasible" (EC, 20016, p.9). Why is collaboration absent now?

Not only will parts of the current scope result in duplication, other parts are seriously lacking. This is rather ironic given the tender's lofty goal to establish a: *"robust scientific and experimental baseline towards enabling step-advances on the understanding of the causes and effects of cabin air contamination"* (EC, 2016, p.9). Most notably, the tender pointedly fails to reference the need to investigate and more clearly define the toxicity of inhaling the relevant types of complex chemical mixtures (e.g., engine oil fumes) in the reduced pressure aircraft environment. Defining the concentrations of individual chemical constituents of these fumes and then comparing them to often-outdated exposure limits that were never intended for supply air quality on aircraft, is hardly "robust"; it has been accomplished already and will not enable any of the claimed "step-wise advances." Had DG Move consulted with airline worker representative stakeholders, or even conducted a proper literature review, then this deficit would have been obvious to agency officials, too. So DG Move failed to responsibly define and address the hazards in question, despite its responsibility to apply the "Precautionary Principle", in which the EC notes that: *"Decision-makers faced with an unacceptable risk, scientific uncertainty and public concerns have a duty to find answers."*¹ The scope of the existing tender will not satisfy this duty.

Regarding scientific neutrality we are even more concerned about a recent reply from Mr. Hoang on behalf of DG Move in a personal e-mail communication that included a direct copy to one of our own stakeholders, stating that: *"According to the state of the art, air quality in cabin is generally safe but we still need to demonstrate it. [emphasis added]"* (Personal communication Mr. Hoang, 2016). DG Move appears to have already drawn a conclusion about cabin air quality; hardly "robust" or "scientific."

In summary, our concerns are as follows:

1. The lack of consultation with the spectrum of stakeholders, including CEN/TC 436 members prior to issuing the tender. In terms of EU governing principles, the CEN/TC 436 expert group should have been consulted in advance, or at least notified on the day that the tender was issued once published. Our collective expertise could have added value to the proposed tender;
2. The lack of transparency in the drafting of the tender and in the notification of the publication of the tender;
3. The lack of coordination and consultation, leading to duplication of work between the parties that receive the public funds to satisfy the tender and the standard-setting activity of CEN/TC 436;
4. The short time-framework for submitting comments (one month) which is unrealistic and unreasonable, especially when one considering the ways in which the tender was prepared and disseminated; and
5. The unsuitable definition of the purpose and scope of the tender in relation to existing legislation on indoor air quality and professional exposure limits.

¹EU. (2000). Communication from the commission on the precautionary principle. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52000DC0001&from=EN>

We jointly and formally request to be advised which “aviation stakeholders” were part of the development of this research program? Additionally we request that a review of the scope and main aims be undertaken that includes consultation with key stakeholders, and for the tender to be republished with a six month time frame. This will allow for a more carefully defined tender document and comprehensive and well-considered proposals from interested and expert parties. We also jointly and formally request that DG Move provides, in writing, a description of the rationale for the proposed tender, including the literature review methods (that would ensure a balanced and comprehensive overview) and the stakeholders that were consulted during the process, as mentioned in the tender. We can say with certainty that crew and passenger stakeholders were not consulted. Furthermore, we request the tender design to study the effects of complex chemical mixtures in the actual aircraft environment. We also ask to assess the effect on the weakest endpoints, which include cognitive effects in relation to crew duties and protection of vulnerable passenger groups, such as elderly people or the unborn. We further request coordination of future activities with the CEN/TC 436. If insufficient remedies are taken, our organisations will envisage a complaint to the Ombudsman.

Sincerely,

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Global Cabin Air Quality Executive



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European Cabin Crew Association AISBL
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