

From: "European Ombudsman (Do not reply)"
<noreply@ombudsman.europa.eu>
Subject: [EOWEB#35229] New complaint from: gcaqe@gcaqe.org -
Date: 6 July 2021 at 10:09:08 BST
To: gcaqe@gcaqe.org

Your complaint has been submitted to the European Ombudsman. We will send you an acknowledgement of receipt within a few days.

NB - Please note that this e-mail was sent from a notification only e-mail address. If you wish to contact technical support, please use the link below:

[Contact technical support](#)

Sender

From: gcaqe@gcaqe.org
Date: 06/07/2021 09:09:07

Complaint about maladministration

Part 1 - Contact information

First name:	Tristan
Surname:	Lorraine
Nationality	Irish
Address line 1:	Global Cabin Air Quality Executive
Address line 2:	First Floor, 10 Queen Street Place
Town/City:	London
County/State/Province:	London
Postcode:	EC4R 1BE
Country:	United Kingdom
Tel.:	
Language preference	English
On behalf of (if applicable):	Company
E-mail address:	gcaqe@gcaqe.org
Entity Name	Global Cabin Air Quality Executive
Address line 1:	First Floor,
Address line 2:	10 Queen Street Place
Town/City:	London
County/State/Province:	London
Postcode:	EC4R 1BE
Country:	United Kingdom

Part 2 - Against which European Union (EU) institution or body do you wish to complain?

European Commission

Part 3 - What is the decision or matter about which you complain? When did you become aware of it? Add annexes if necessary.

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
Directorate C-Innovative and sustainable mobility Unit C2 Research and Innovative Transport Systems
CALL FOR TENDERS
N° 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

This research study (2016-2019) has since been called FACTS -<https://www.facts.aero/index.php/the-project> (FRESHAIRCRAFT)

This study was supposed to be completed in 2019. We were advised that a final report was due out in 2020. There is still no final report.

Part 4 - What do you consider that the EU institution or body has done wrong?

The DG MOVE FACTS study (MOVE/C2/2016-363) was to be completed in 2019. A final report is still not available. Why has this final report not been published & when will it be published?

<https://etendering.ted.europa.eu/cft/cft-documents.html?cftId=1737>

List of the deliverables – Scope and Due Dates

A preliminary final report was due to be published as follows:

See tender document:page 23

D7 -Draft Final Report

Task 6

Report and presentation - RE (restricted)

T0 + 34m

This study commenced in early 2017. Therefore 34 months would have been around the start of 2020.

D8

Final payment conditioned upon approval of Final report

Task 6

Report and presentation -PU (public)

Following art.I.5.3 of the service contract

While this report has not been released, a new study has been put out to tender in December 2020. <https://etendering.ted.europa.eu/document/document-old-versions.html?docId=83798>

We think it is quite inappropriate to

1. Not produce a final report
2. Start a new study following on from the earlier study that has not been published.

Part 5 - What, in your view, should the institution or body do to put things right?

Produce a final report of the FACTS study (2016-2019) - N° MOVE/C2/2016-363

Part 6 - Have you already contacted the EU institution or body concerned in order to obtain redress?

Yes (please specify and submit copies of the relevant correspondence)

1. General information:

The GCAQE submitted a complaint to the EU Ombudsman in October, 2016 about this study. Complaint 1802/2016/ANA

While part of our complaint related to administrative issues, the major concern was that the study was asking the wrong scientific research questions. The EU ombudsman dismissed our complaint in December 2018.

In your letter dismissing (terminating) our complaint on 11/12/2018, you said:

"It will be for the Commission to assess whether the work performed by the consortium complies with the requirements set out in the call for tenders and the contract. Since this work has not yet been completed, it may be premature to raise this with the Commission. If, at a future stage, you do so and are not satisfied with the Commission's reply, you can submit a new complaint to my Office."

"That said, in my letter to the Commission closing this inquiry, I have drawn its attention to your point about the importance of ensuring that all stakeholders, whatever their positions, are heard by the Commission on the issue of cabin air quality."

The GCAQE is not satisfied with the work undertaken & we are therefore raising a new complaint.

A. See letters written to EASA/EU Commission & replies asking for a copy of the final report.

1) GCAQE letter to DG MOVE- 16.11.20

2) Reply from DG MOVE 11.12.20 - Received March 2021. This letter stated "For those reasons, the European Commission launched, in December 2016, a study ("Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication", more commonly known by the acronym FACTS) to systematically investigate and contribute to the understanding of these matters. Unfortunately, the results of this project, for reasons that have been discussed and detailed elsewhere, did not fully meet the existing expectations and EASA is currently working on the preparation of a follow-up project."

3. Letter (via email) from GCAQE (T Loraine) - 17.2.21 to DG MOVE. Asking them to attend the March 2021 Aircraft Cabin Air Conference (aircraftcabinair.com) to which they had refused to present their findings from their research (2016-2020).

4. EC (DG MOVE -Aviation safety) letter to GCAQE 8.3.21. This letter stated: "We remain committed to the strategy previously explained to you and, as you know, after the study "Investigation of the quality level of the air inside the cabin of large transport aeroplanes and its health implication", more commonly known by the acronym FACTS, a follow-up study will be launched soon. I would therefore like to propose to you that we organise a meeting when this follow-up study will have delivered its results."

5. GCAQE email to DG MOVE 17.3.21. (S Michaelis, Head of Research). This email stated: "Can you please advise if the previous EASA FACTS report is going to be published soon? You mentioned at the 2019 meeting that it would be published by April 2020 and it was stated at the previous January 2020 EASA workshop it would be out shortly. We were advised by the IATA representative when speaking at the conference on Monday that it would be out soon in 2021." Clearly IATA knew more than the GCAQE and others did.

B. The GCAQE was called to a meeting in Brussels on 11/12/2019 under the chair of Robert Missen. We were advised that the FACTS project had failed to meet its objectives, with data from 1 flight obtained only. We were advised that the EC (DG MOVE) was going to terminate the project and not allow an extension or extension of funding.

See (Nov 2019) email invitation to meeting with DG MOVE , EASA, GCAQE and ECA- 12/12/19. We were advised at this meeting that a final report would be out in early 2020.

C. EASA/DG MOVE Cabin air Quality workshop- Jan 30-31 2020- Cologne.

<https://www.easa.europa.eu/newsroom-and-events/events/easa-workshop-future-cabin-air-quality-research>

This invitation (Jan 2020) states: "Cabin air quality is the subject of divergent opinions and for that reason its assessment has been included in the European Framework Programme for Research and Innovation (Horizon 2020). The results obtained so far allow for a better understanding of possible cabin air pollutants but do not enable to conclude on the ever evolving questions regarding potential health effects. As a consequence and on the basis of the experience gained with this projects, the definition of appropriate measurement methods onboard aircraft as well as further investigation of the causal relationship between health symptoms and cabin air contamination should be the main objectives of the next studies and research programmes in this domain."

The GCAQE (T Loraine) and our our head of research, S Michaelis (representing the University of Stirling) attended the workshop & gave presentations. EASA/EC (DG MOVE) failed to present any results from the FACTS research & failed to advise when the final report would be out beyond saying soon. Instead there was a total focus on the 2nd lot of research & a complete failure to acknowledge the results and failures of the FACTS study.

There is still no EASA/EC final report for the FACTS study available. This study cost EU taxpayers in excess of 2 million euros.

Instead of publishing a final FACTS study report, EASA/EC (DG MOVE) have: 1) ignored the ongoing calls for the study findings to be made fully public & 2) put out a tender for the follow up study.

<https://etendering.ted.europa.eu/document/document-old-versions.html?docId=83798>

It is quite clear that the deliverables from the EASA/EC FACTS study were not achieved as required, however there has been a shift to a follow up study (2021-2024), without the benefit of an open and transparent process, attained via the publication of a final FACTS report.

As previously advised to the EU Ombudsman in the prior complaint, the GCAQE and selected experts were asked to meet with EASA/ the FACTS scientific committee and DG MOVE on at least 2 occasions. We advised that we were concerned they were not asking the correct scientific questions and advised the questions that ought to be asked & they type of research that could answer the questions. This was effectively ignored on all occasions. The lack of a final report for the FACTS study would appear to confirm our concerns were valid.

Part 7 - If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired?

Not applicable

Part 8 - Has the object of your complaint already been settled by a court or is it pending before a court?

No

Part 9 - Please confirm that you have read the information below

You have read the information note on data processing and confidentiality

Part 10 - Do you agree that your complaint may be passed on to another institution or body (European or national), if the European Ombudsman decides that he is not entitled to deal with it?

Yes