
Cabin Air Quality; A Passenger's Right to Know

Position Paper

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Introduction:

This Position Paper is published with the goal of examining and creating a strategy for Consumers on the issue of Cabin Air Quality (CAQ).

About the Author:

I am a retired Police Officer and a self-funded Solicitor. I work extensively in the media, providing comment principally on Travel Consumer related issues. I am not connected to nor do I work within or with any Law Firm or other Legal entity.

In the last 10 years, I have provided extensive comment to the UK & EU about Travel Consumer issues, creating over 60 reports to highlight detriment suffered by Consumers and solutions to resolve those difficulties.

For 14 years, I was the Consumer Director of the Independent Travel Consumer Organisation, HolidayTravelWatch (HTW), until I left that post in July of this year.

I have some 20 years experience, both in the handling of holiday claims and latterly as a Consumer Campaigner, helping Consumers deal with their Travel Complaints. Whilst at the helm of HTW, we proudly aided 97.5% of holidaymakers to self-resolve their complaints and worked with specialist lawyers to help progress less than 2% of holidaymakers cases, where it was clear that they would not be capable of settlement by self-resolution methods.

I do not receive any funding from any source and my continuing work to independently advocate the Consumer position is entirely self-funded.

I am registered on the EU Transparency Register (261256827913-10) and I also voluntarily subscribe to the Nolan Principles of Public Life.

Opening Comments:

The Social Contract for Consumers

The Concept:

The creation of a Social Contract for Consumers, in a post-brexite Britain, creates an opportunity to energise the Consumer & Commercial Sector, through active engagement and partnership. That partnership is to be developed across multiple platforms thereby creating personal and commercial profit through an enhanced relationship model.

The Consumer Objective:

Preamble: Since 1973, Consumers have enjoyed a joint equality with Commerce, through a system of European Law. If a post-brexite Britain is created, that joint equality must take centre-stage in any new regulatory world. The following should be considered to be the principal goals but these should not be considered to be exhaustive:

1. The **Primary Objective** must be to replicate the provision within the Charter of Fundamental Rights of The European Union, where the UK will introduce, either through Statute or within any Rights Framework, the Fundamental Right that ***'UK policies shall ensure a high level of Consumer Protection'***;

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2. The **Second Objective** must ensure that within any new regulatory framework of the UK, that the Consumer is given special status and equal rights of access to government. Such a right is not just held exclusively for the Consumer Establishment, but extended to all Citizens/Consumers in an open, transparent and fully engaged methodology;
 3. The **Third Objective** shall provide that individual Consumers and not just the Consumer Establishment, will have equal right of access to law-making, standards-making, commercial development, not just within the UK but across Europe and any other National body where the rights of Consumers and Commerce are discussed and developed;
 4. The **Fourth Objective** will ensure that Consumer education will become paramount in any National legislative, standards, regulatory or commercial development framework, so empowering individual Consumers;
 5. The **Fifth Objective** will produce the Right of Equal Access to Law where disputes arise, such an access will not be impeded by any device that acts as a disincentive to access this Right. In accessing such a Right full regard will be given to assistance provided to all parties and that extra-routes to resolution are not defeated by device, a lack of independence or transparency or a lack of ease-of-use of an effective Appeal process. The creation of this Objective will ensure that Consumers as Stakeholders in the Commercial Market can act as a spur/encouragement to the development of that Market, where it fails them;
 6. The **Sixth Objective** shall create through reciprocal agreements or other legal devices, the ability of Consumers to transact with ease across any Commercial Market anywhere in the world. In developing this Objective, due regard must be had to the Right of Equal Access to Law within those Markets.

The Social Contract for Consumers:

Structure:

The Structure of the Social Contract for Consumers will have its base within the Consumer Objectives. The structure of such a contract must first recognise the different Consumer Product or Service types. Its membership, paid for by Public Funds, must be open to all Consumers and not just the Consumer Establishment. The structure should positively attract engagement regardless of issue, politics, race, gender or sexuality. The structure will positively promote all aspects of inclusiveness and diversity and be open and transparent in all its dealings. The Contract should attract due diligence and good governance and should operate within those principles through the assistance of a Board, answerable to its Membership through regular annual meetings. The structure should establish named contacts within all National and Local government offices and departments along with developing a Special Relationship with the Speaker of the House of Commons. It should encourage best practice in the development of Consumer Policy and Law and seek to ensure that the UK adopts mirror benefits from other jurisdictions. The Contract will actively engage with other Consumer Groups & Individuals and not just from the Consumer Establishment; such engagement is to also be encouraged with any country outside the UK. The Contract will engage in creating surveys to extract information and of Consumer trends & opinions. The Contract will actively engage in Consumer messages and work with Commercial entities and Legislatures to ensure an Effective Rights Process and an Equality of Arms within Consumer Products & Services.

Representation:

The Social Contract for Consumers shall ensure, through government enacted legislation, that Consumer Representatives (not just from the Consumer Establishment) sit as active members on the boards of UK Companies (more than 100 employees). Consumers will also be empowered to sit on Regulatory Boards and Standards-making Bodies and their Committees as Equal Representatives, advocating the Consumer position. Advocacy of the Consumer position will not serve as a block to development of Products or Services, but add a unique perspective of use and experience of those Products or Services.

Operational Goals:

The operational goals of the Social Contract for Consumers will be to:

1. Highlight deficits within the development, nature, sales or delivery of Products or Services;
2. Act as an equal Stakeholder to help define and develop solutions;
3. To actively promote and develop law, standards and policy, thereby ensuring a high standard of Products & Services & Equal Treatment for all;
4. To be central to the development and creation of Public Information Campaigns;
5. To actively understand, define, promote and develop solutions within any Cross-Border digital and commercial activity;
6. To advocate for effective National or Cross-Border enforcement methodologies.

Future Proofing:

By following the Consumer Objective and the Structure of the Social Contract for Consumers, it will ensure that Rights that have endured since 1973, will maintain their central position in Civil Society. The benefits of those Rights will endure within a radical structure, thereby maintaining the Social Element for Consumers and thus maintaining a fairness for the Commercial Market. Apart from the traditional forms of engagement, the new Social Contract should deploy new methodologies to encourage inclusiveness and diversity of opinion and contribution by adopting technology such as:

- Blockchain;
- Global Governance Participation;
- Social Media;
- Behavioural Transformations within Media and Social Mediums;
- Trans-National Actors Participation;
- Trans-National Connectivity;
- Trans-National Linking;
- The Internet of Things;
- Virtual & Augmented Realities.

Final Recommendations:

It is imperative that mere soundbites do not take the place of positive action for Consumers.

It is clear that the brexit scenario has some way to go and in the absence of any written policy from government, the purpose of this paper is to offer a vision of Consumers and their Rights, within any soft/hard brexit outcome.

It is important to re-state the conclusions within an impact policy paper prepared for the European Parliament & DG Internal Policies. On Consumer Protection they have concluded:

"However, from the time of withdrawal the consumer protection legislation of the EU and the UK are likely to drift apart. Even if the UK autonomously adopts all EU legislation in the field of consumer protection, interpretation of such legislation will differ, as the UK courts will not be subordinated to the European Court of Justice. As it is unclear, how the consumer protection level in the UK will develop, the protection of EU27 consumers by means of EU consumer law will depend on the applicability of EU consumer protection law and its enforceability. The applicable regime for questions of jurisdiction, conflict-of-laws and enforceability is uncertain after Brexit".

Government and its Ministers no longer have the luxury of simply sitting on the sidelines. They should remember that the very Consumers subject of this report are indeed their own constituents; they are not some abstract concept.

Consumers suffer real detriment and if this government is not clear in its Consumer Strategy, intended or unintended consequences will not be received lightly, irrespective of whether those same Citizens voted to Leave or Remain. One such 'unintended' consequence will be the development of a new case-type of law, where lawyers will take advantage of the uncertainty created in adopted law. This 'unintended' consequence will deliver a Consumer dissatisfied; a disempowered Consumer!

It is therefore my view, that government should urgently review its Consumer Strategy and define clearly the role that Consumers can play in the hoped-for dynamic economy.

A failure to look at that economy simply ignores the greatest resource the Commercial world relies upon, the Consumer!

In addition, government must move beyond their mid-20th Century thinking and enhance the protections for Consumers as this continent and the world beyond moves into a new Industrial Revolution period; Consumer Protection must be fit for purpose and not reliant on an ideology of a past commercial or industrial methodology.

I therefore strongly recommend that government reads and considers the issues within this paper and dare to deliver an even stronger status for Consumers!

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