

GACA Exemption No. 2020-117

In the matter of the petition of Flynas (GACA AOC-008) for an exemption from the requirement of GACAR §121.1225(a) to allow time limited repurposing of passenger aircraft cabin for transporting cargo only, whereas seats remain installed, without full compliance with GACA airworthiness and operational requirements as established in accordance with GACAR Parts 91 and 121.

GRANT OF EXEMPTION NO. 2020-117

Applicability:

Flynas Airbus A320 Family aircraft:

HZ-NS22 (8443), HZ-NS23 (8756), HZ-NS24 (9040), HZ-NS25 (9163), HZ-NS26 (9225), HZ-NS27 (9531), VP-CQL (3802), VP-CXC (2171), VP-CXD (2182), VP-CXE (2199), VP-CXG (1965), VP-CXH (3256), VP-CXI (3218), VP-CXK (4055), VP-CXL (4735), VP-CXM (2776), VP-CXN (2569), VP-CXO (3868), VP-CXP (3889), VP-CXQ (3933), VP-CXR (3894), VP-CXS (3787), VP-CXT (3817), VP-CXV (3809), VP-CXW (3475), VP-CXX (3425), VP-CXY (3396), VP-CXZ (3361), VP-CYC (4061), VP-CYD (4699), VP-CYE (1866), VP-CYF (1872).

Purpose:

By Petition for Regulatory Exemption Application (GACA S&ER Form 1001) dated 23 April 2020 along with attachments, Flynas petitioned the General Authority of Civil Aviation (GACA) for exemption from the requirement of the following GACA regulation:

§ 121.1225 *Carriage of Cargo in Passenger Compartments.*

(a) *Notwithstanding the carriage of cargo requirements in GACAR § 91.53 and except as provided in paragraph (b), (c), or (d) of this section, no certificate holder may carry cargo in the passenger compartment of an aircraft.*

This exemption allows the operator to conduct the intended cargo operations during COVID-19 outbreak without obtaining approved data for aircraft design change (Major Change or Supplemental Type Certificate - STC).

The petitioner supports his request with the following information:

This information is quoted from Flynas' petition, with minor edits for clarity

1. FYNAS intends to transport medical and non-medical supplies to international destinations to address the global cargo requirements during the COVID-19 outbreak. This request does not include the carriage of dangerous goods as specified in IATA DG technical instruction.
2. For this purpose, Flynas will utilize the cabin seats, in addition to existing approved stowage compartments located in the cabin, on temporary period, without obtaining Airworthiness & Operational approvals for aircraft design change. There is no approved data for aircraft design change (Major Change or Supplemental Type Certificate - STC) yet.
3. In EU, several airlines are already operating cargo-only configurations of passenger aircraft in conjunction with COVID-19 crisis. In order to enable such operations in this context, Airbus developed a set of technical and operational recommendations shown in Flight

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Operations Transmission (FOT) ref. 999.0028/20 Rev 02 dated 22 April 2020, and In-Service Information Ref. 00.00.00370 dated 21 April 2020. Adherence to these recommendations allows safe and efficient cargo operations in passenger aircraft.

4. Such operation is authorized by the European Union Aviation Safety Agency (EASA) through an exemption that is valid for the duration of the COVID-19 crisis but not to exceed 8 months. Refer to EASA guidelines document "Transport of Cargo in Passenger Compartment -Exemptions under Article 71(1) of Regulation 2018/1139" revision 3 dated 24 April 2020.
5. Flynas Engineering Department has reviewed the technical specifications of the cabin and has ascertained that carrying cargo in the cabin seats, with the exception of dangerous goods, will not have any impact on the safe operation of the aircraft provided that all precautionary measures (e.g., load limits, seat loading, restraint systems, weight and balance, fire protection, etc.) have complied. An adequate restrain system/means to the cabin seats will be used as per the guidelines developed by the aircraft manufacturer (Airbus).
6. Granting of such exemption is in best interest of the Kingdom of Saudi Arabia for the following reasons:
 - Demand for passenger travel may not exist during the COVID-19 outbreak, but global supply chains still demand aircraft cargo capacity.
 - As a vaccine against COVID-19 becomes available, air transport will play a crucial role in expediting global distribution safely and speedily.
 - Air transport ensures that vital supply chain can be upheld and that food and other necessities, in addition to medical supplies, reach populations when life stands still.
 - With the COVID-19 creating an increased need to keep the global supply chain moving, Flynas will use its network capabilities and personnel to get vital shipments such as food and necessities to areas that need them most.

The GACA's analysis:

The petitioner requests exemption from the requirement in GACAR § 121.1225(a) to allow time limited repurposing of passenger aircraft cabin for transporting cargo only. GACA has reviewed the supporting documents presented by the petitioner and conclude that GACA may be relieved such requirement based on the safety risk assessment performed by the operator in addition to adopting the conditions and risk mitigations shown in EASA and Airbus guidelines.

Although the petitioner is seeking GACA exemption from GACAR § 121.1225(a), GACA has decided to extend its analysis to the following regulations:

- GACAR §91.53 Carriage of Cargo
All cargo must be carried in an approved cargo rack, bin, or compartment installed in the aircraft.

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- GACAR § 121.457 Cargo and Baggage Compartments
As passenger cabin will not be considered as a Class C or D cargo compartment, it will not be required to have ceiling and sidewall liner panels constructed of specified materials.

Airworthiness Aspects:

Flynas aircraft cabin is not approved for cargo transportation in accordance with its type certification. Therefore, it does not meet the applicable requirements for the transportation of cargo. In addition, there are no approved design data made available yet. However, Flynas is using technical information recognized by the state of design (EASA) along with guidelines published by the Industry (aircraft OEMs, SAE) as provisions and risk mitigations for, but not limited to, fire risks, fixation of cargo, changes of aircraft center of gravity, structural strength and emergency evacuation of occupants. These guidelines & technical publications would present an acceptable level, on a temporary basis, for airworthiness certification aspects regarding transport of cargo in the passenger cabin of large airplane.

Operational Aspects:

Flynas is a certified air operator under GACAR Part 121, with a valid cargo transport approval. In addition, Flynas is using technical information recognized by the state of design (EASA) along with guidelines published by the Industry (aircraft OEMs, SAE) as provisions and mitigations for, but not limited to, crew compensation, procedures, and cargo loading. These guidelines & technical publications would present an acceptable level, on a temporary basis, for operational certification aspects regarding transport of cargo in the passenger cabin of large aeroplane.

Best Interests for the Kingdom of Saudi Arabia:

Air cargo services are vital for the economy and for fighting COVID-19, and Saudi Arabian and global supply chains depend on them being operated unhindered. Air cargo should therefore be able to continuously deliver critical products such as food, medical supplies and personal protective equipment (PPE), and other products which are vital for the functioning of sensitive supply chains. Following this more and more operators are required to fly cargo using passengers' aircraft.

Thus, an exemption would be granted, on a temporary basis and as applicable or necessary, to allow the transport of cargo during the COVID-19 outbreak, for less than 8 months.

Approval:

I find that a grant of the exemption from the requirement of GACAR §91.53(a)(1), GACAR §121.1225(a), and § 121.457 is in the best interest of the Kingdom of Saudi Arabia and it is not likely to adversely affect the level of safety provided by the regulations. Therefore, pursuant of the authority contained in *Article 16 of the Civil Aviation Law* and delegated to the President of the General Authority of Civil Aviation, I grant the exemption to the regulation noted above subject to conditions and validity listed herein.

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Conditions:

This exemption is subject to the conditions and limitations below:

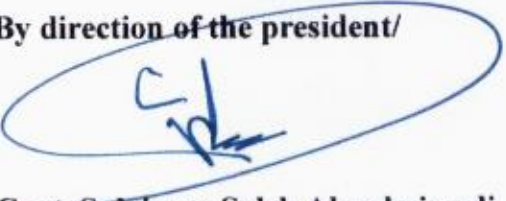
1. The operator must utilize their Safety Management Systems (SMS) to conduct a safety risk assessment in order to identify the hazards and develop appropriate controls to mitigate any associated risks. Areas of consideration should include Weight and Balance, Fire Detection, Fire Protection, Fire Suppression, and Smoke Penetration.
2. Cargo operations in support of COVID-19 requests where cargo is to be carried in passenger compartments must be operated with a NO Passengers limitation.
3. These operations are to be allowed only on a temporary basis and as necessary given the current COVID-19 situation. The transport of cargo on passenger seats, or, in the passenger compartment, will require adequate restraint systems/means which must address the ground, flight, turbulence, take-off, landing, and emergency landing conditions.
4. The operator must comply with the applicable conditions and mitigations shown in the following technical publications:
 1. Airbus Flight Operations Transmission Ref. FOT 999.0028/20 Rev. 02 dated 22 April 2020, or later revision.
 2. Airbus In-Service Information Ref. 00.00.00370 dated 21 April 2020, or later revision.
 3. EASA guidelines document "Transport of Cargo in Passenger Compartment - Exemptions under Article 71(1) of Regulation 2018/1139" revision 3 dated 24 April 2020, or later revision.
 4. Federal Aviation Administration (FAA) Safety Alerts for Operators (SAFO) 20008, Transporting Cargo on Transport-Category Airplanes Configured to Carry Passengers, dated 15 April 2020, or later revision.
 - a. Any other guidelines published by the aircraft manufacturers related to repurposing of passenger aircraft cabin for transporting cargo only.

Validity:

This exemption is valid until 03 January 2021 (eight (8) months from date of issuance).

Issued on 10 Ramadan 1441 / 3 May 2020.

By direction of the president/


Capt. Sulaiman Saleh Almuhaimeedi
Assistant President, Aviation Standards
General Authority of Civil Aviation