



# European Union Aviation Safety Agency

## GUIDELINES

### **TRANSPORT OF CARGO IN PASSENGER COMPARTMENT - EXEMPTIONS UNDER ARTICLE 71(1) OF REGULATION 2018/1139 (THE BASIC REGULATION)**



## 1. Purpose of these Guidelines

The purpose of this document is to provide guidelines for national competent authorities (NCAs) to consider when granting exemptions under Art. 71(1) of Regulation (EU) 2018/1139 (hereinafter, the Basic Regulation) allowing the Transport of Cargo in Passenger Compartments, during the current COVID-19 outbreak.

Air cargo services are vital for the economy and for fighting COVID-19, and European 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. The purpose of this document is to provide guidelines to the competent authorities (CAs) for transporting cargo in a cabin certified to carry only passengers.

For airworthiness aspects regarding transport of cargo on seats in the passenger compartment this document provides the NCA with technical information and related aspects for the issuance of an Exemption to an operator when no approved design change exists or related technical investigations are on-going.

Guidelines published by the aircraft manufacturers Airbus (ref.: FOT-999-0028-20-00) and Boeing (ref.: MOM-MOM-20-0239) have been issued.

## 2. Scope of exemptions

**2.1.** When applying Article 71(1) of the Basic Regulation (BR) to exempt operators from certain requirements of Regulation 748/2012 and Air OPS- Regulation 965/2012,<sup>1</sup> the NCAs should specify the following:

- a) The period of exemption: the period should refer to the duration of the COVID-19 outbreak in the Member State, but in any case should be less than 8 months.
- b) The scope of exemption: as applicable.
- c) The exempted provisions should be limited to:
  - CAT.IDE.A.100 "Instrument and Equipment/General, if applicable
  - CAT.OP.MPA.160 "Stowage of Baggage and Cargo",
  - Part 21.A.181 Duration and continued validity (of the airworthiness certificate)

**2.2.** The exemption should allow, on a temporary basis and as applicable or necessary, the transport of cargo in the passenger cabin including on installed seats, with adequate restraint systems/means.

**2.3.** Exemptions to the requirements to use/install only approved equipment and aircraft configurations should be limited to cases when no approved design data are available.

## 3. Operational aspects for Transport of Cargo in passenger compartment

Cargo shall only be transported by Operators holding valid Cargo transport approvals.

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<sup>1</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

### 3.1. Crew composition

- a) Operations without passengers shall still require one or more crew members to survey and access all areas of the cabin during all phases of flight. Any fire that might occur must be discovered and extinguished immediately utilizing existing emergency equipment.
- b) Extra crew has to seat on seats which are not located near the cargo (i.e. first rows).

### 3.2. Procedures

- a) A risk assessment shall be performed in order to identify hazards related to operating cargo flights using cabin configurations which have been approved for transporting only passengers.
- b) Checks shall be made before take-off, before landing and whenever requested by the captain to ensure that cargo is properly stowed and secured.
- c) Operators shall establish procedures to manage emergencies in the cabin.
- d) Operators shall publish temporary revisions to the OM to include the new type of operations and the related procedures.

### 3.3. Loading, Mitigations (Focus areas for the competent authorities) for transport of cargo in passenger compartment including on passenger seats

- a) Exact cargo weight and position in the cabin and in the cargo hold shall be reflected in the mass and balance documentation (load sheet).
- b) The Pilot in Command (PIC) shall be informed of the content of all the cargo using Notice to Captain (NOTOC).
- c) The operator shall load the aircraft considering the different levels of available fire protections of the loading areas.
- d) For the bulkheads that have a placard indicating maximum capacity, the cargo items stowed in these bulkheads shall not exceed the maximum capacity indicated in the placard.
- e) The maximum capacity limitations in the required safety placards (on or adjacent to the cargo approved stowage locations) shall not be exceeded. All stowage instructions specified in the placards apply.
- f) The mass of the cargo shall not exceed the structural loading limits of the floor or seats, as published in the aircraft documentation (e.g. Limitation chapter of the Weight and Balance Manual). Compliance with CS 25.561 and CS 25.789 is expected.
- g) The cargo placed in enclosed stowage areas shall not be of such size that they prevent latched doors from being closed securely.
- h) The cargo items shall be stowed only in a location that is capable of restraining it.
- i) The cargo stowage location shall be such that, in the event of an emergency evacuation, it will not hinder aisle access and egress.
- j) The cargo shall not be placed where it can impede access to emergency equipment.
- k) The cargo shall be checked to ensure proper stowage in the following instances (at the minimum):
  - Before take-off,
  - Before landing,
  - Under orders of the Pilot in Command (PIC).



- l) The aisles shall remain free of cargo to enable access to the seats and the goods in case of smoke or fire.
- m) Any smoke/ fire within the cabin must be easily detected and extinguished using the existing emergency equipment. Thoroughly briefed crew/supernumeraries shall be on-board to survey and access all areas of the cabin during all flight phases. There must be an adequate number of trained crew/supernumeraries acting as fire-fighter (not part of the flight crew) with sufficient amount of firefighting equipment. This equipment may be stowed in the cabin using existing stowage provisions (overhead bins, stowage's) provided that the location is identifiable for the crew. Specific details must be coordinated with local regulatory authorities.
- n) Occupants should be placed on existing cabin crew seats. Otherwise, occupants must not share seat rows with cargo. There must be a clear separation of areas occupied by occupants and those fitted with cargo during taxi, take-off and landing. At least one empty seat row between cargo and reserved occupant seats must be established.
- o) 'Under seat stowage' is allowed only if the seat is equipped with a restraint bar system and the cargo items can be placed fully underneath the seat. The loading of the cargo under each seat should not exceed 9 kg (20 lbs).
- p) The cargo packaging shall be able to equalize the pressure so that it can handle the Delta Pressure (DP) during the flight, as applicable.
- q) All smoke and fire detectors shall be maintained as per Maintenance Manual instructions.
- r) The Air Conditioning system shall be set taking into account the nature of the cargo transported in the cabin and the number and distribution of cabin occupants.
- s) The load should be evenly distributed across the seat row. The loading on each seat should not exceed 77 kg (170 lbs) in the case of cargo transportation.
- t) The vertical center of gravity (CG) of the cargo must be equal to or lower than the passenger CG of the seat, provided by the seat supplier.
- u) The cargo on seats shall be adequately restrained and the restraints must be attached to the existing seat belt or to the seat itself. The restraint shall address in particular upward, forward and sideward load cases. Seat backrest are typically not designed to hold emergency landing forward loads induced by cargo.

## 4. Transport of Dangerous Goods

### 4.1. Dangerous goods (DG) shall only be transported by Operators holding an approval (SPA.DG)

- a) In the absence of passengers, the limits for the dangerous goods can be those established in the Technical Instructions for Cargo Aircraft, instead of Passenger Aircraft. The operator shall nevertheless include this aspect in the risk assessment performed.
- b) Additional training/briefing shall be given to the crew, particularly letting them know whether the limits have been increased from those applicable to passengers to those applicable to cargo. This should, at least, include the following:
  - o the risks and consequences of increasing the amount of DG in the hold;
  - o any changes in the emergency procedures and the emergency equipment that may be on board.
- c) Relevant information on dangerous goods (e.g. affecting emergency procedures) shall be included in the briefing given to other people occupying the aircraft.



- d) Dangerous goods shall not be carried in the passenger cabin and always be carried in the hold and shall be transported under the conditions established by the Technical Instructions.
- e) Nobody other than a crew member, an operator's employee in an official capacity, an authorised representative of an appropriate national authority or an authorised person accompanying a consignment or other cargo may be present on board. Any other person will be considered a passenger and, therefore, the aircraft will no longer be able to use the provisions applicable to cargo aircraft as regards the transport of dangerous goods.

## 5. Airworthiness aspects for transport of cargo in the passenger cabin of Large Aeroplanes

In order to enable an early availability of a transport solution in the frame of the current COVID-19 situation, EASA supports the use of the provisioning of Article 71.1 of the Basic Regulation 2018/1139, also for on-going projects, through the present guidelines and additional support to NCAs and operators as required.

For a permanent use, a design change approval is required.

### 5.1. Transport of medical supplies under a design change approval

In the context of the emergency situation created by the Covid-19 pandemic, Approved Design Organizations may reclassify such modification as "Minor Change" and approve such modifications, under their DOA-privileges, allowing for the use of cabin seats when related to the transportation of medical supplies (e.g. masks, gloves, clothing, etc.) provided they are not classified as dangerous goods. This has to be indicated in the approval documents and AFM Supplement.

Since this kind of installation is a change in the scope of operation of the aeroplane, and in the absence of dedicated operational requirements covering this kind of operation, the installation and the procedures for operation have to be addressed taking into account the specific configuration of each aeroplane model affected.

Further guidance can be found in the operational aspects of this guideline document and should be taken into account.

### 5.2. Transport of other cargo under a design change approval

For transport of cargo other than medical supplies as well as in case removal of seats are necessary to allow fixation of cargo onto the aircraft structure for cargo operation, a Major Change or STC application is required and will be processed by EASA with priority.

## 6. Information

For the purpose of notification of exemptions, NCAs are invited to inform EASA of the granted exemptions through EASA Flexi tool.

## 7. Other applicability

For flights not falling under the scope of the Basic Regulation, the NCA may use these Guidelines with the necessary adaptations.

