

Force majeure rules and procedures for EMS Cooperative reports (v5.0)

1 Objective

The main objective of this document is to define the rules, conditions and procedures for cases of force majeure that may affect EMS operators' performance and reporting in EMS Cooperative reports.

These rules and procedures constitute a living document that may be updated according to changes in the technology and procedures used by the EMS Cooperative.

<i>Version</i>	<i>Description</i>
1.0	Initial version. Includes only rules for problems affecting delivery performance and tracking information
2.0	Use of forms added
3.0	Definition of the scope of force majeure implementation
4.0	Addition of customer service and form update
5.0	Update and addition to force majeure events (modification of 4 d and addition of 4 e)

2 Introduction

The following reports and programmes may be adjusted to take account of cases of force majeure:

- Quarterly and annual report cards.
- Monthly and quarterly Pay-for-performance reports.
- Monthly and quarterly customer service performance reports.

3 Definition of force majeure

Force majeure is the term used to describe a situation or event which has caused an EMS operator to fail to perform its obligations owing to an impediment beyond its reasonable control.

4 Force majeure

Force majeure may comprise events such as:

- a war, whether declared or not, civil war, riots and revolutions, acts of piracy, acts of sabotage, acts of terrorism;
- b natural disasters, such as violent storms, cyclones, volcanic activity, earthquakes, tidal waves, floods, destruction by lightning;
- c explosions, fires, destruction of machines, of factories, and of any kind of installation;
- d external strikes that disrupt the service (force majeure may be applied in such cases only when the EMS operator provides precise information on the areas and delivery office codes affected);
- e government-imposed measures (force majeure may be applied in such cases only when the EMS operator provides a copy of official government notification of such measures as well as precise information on the area(s) and delivery office code(s) affected);

- f disruption of the POST*Net and/or GXS postal networks:
- The Postal Technology Centre (PTC) monitors the POST*Net network.
 - International Post Corporation (IPC) monitors the GXS network.
 - In case of problems with the networks, either the PTC or IPC must notify the EMS Unit within 24 hours of the technical problem occurring.
 - The EMS Unit will broadcast this information to all EMS operators.
 - When the network is back to normal, either the PTC or IPC must inform the EMS Unit within 24 hours of this occurring.
 - The EMS Unit will broadcast the information to all EMS operators.
 - For reporting purposes, the days in which the networks were disrupted will be excluded from the performance calculation.
- g disruption of the EMS customer service system:
- In case of problems with the system, the system provider must notify the EMS Unit within 24 hours of the technical problem occurring.
 - The EMS Unit will broadcast this information to all EMS operators.
 - When the system is back to normal, the system provider must inform the EMS Unit within 24 hours of this occurring.
 - The EMS Unit will broadcast this information to all EMS operators.
 - For reporting purposes, the days in which the networks were disrupted will be excluded from the performance calculations.

Important notes

- Only EMS Cooperative members with validated delivery standards may invoke force majeure.
- The EMS Unit will confirm in each case whether force majeure will be applied, according to the rules.
- Any failure to inform the EMS Unit within the timeframe defined below will constitute grounds for non-application of force majeure and in such cases reports will not be rerun.

Implementation of force majeure

- EMS operators must notify the EMS Unit by e-mail or fax within 24 hours of the incident, using part 1 of the force majeure form (open case).
- The EMS Unit will broadcast this information to all EMS operators.
- When the service has resumed, the EMS operator must inform the EMS Unit by e-mail or fax within 24 hours from the moment that the service went back to normal, using part 2 of the force majeure form (close case).
- The EMS Unit will broadcast this information to all EMS operators.
- For reporting purposes the days and/or area in which the EMS service was disrupted will be excluded from the performance calculation.
- In cases where the disruption occurs close to the end of the month and continues beyond the cut-off date for the reports, thereby affecting two or more months, the EMS operator must contact the EMS Unit by the last day of the month and by the 10th day of the following month to reconfirm that the problem is still in place and that actions are being taken to resolve the problem. The relevant reports will discount these days in the current month and in the following one.
- The above process is also applied if the disruption affects only one part of the national coverage. However, in this case, the EMS operator shall make clear to the EMS Unit what areas are affected and their respective delivery office codes, which will be excluded from the measurement during the period of disruption.

5 Appeal process

In the event that the EMS Unit fails to confirm the application of an EMS Cooperative member's force majeure request as a result of different interpretations of the rules, the EMS Cooperative members may present the circumstances of the dispute to the EMS Cooperative Board. The Board will review and decide on the case and provide clarification on aspects of the rules above which are in dispute.