

Quality Link User Group – Rules of Procedure

Chapter I – Definitions

- 1 Global Monitoring System (GMS): a core global system to measure letter-post inbound quality of service linked to terminal dues.
- 2 Quality link to terminal dues: The ultimate objective of the GMS for UPU member countries is to link terminal dues remuneration to their quality of service performance, as described in article 28.5 of the Convention and articles 30-109 and 30-111 of the Regulations to the Convention.
- 3 GMS technical specifications: the technical specifications (measurement design) that participants in UPU-agreed measurement systems will use.
- 4 Quality Link User Group (QLUG): a group reporting to the POC whose members are users of UPU-agreed measurement systems linking their terminal dues to quality of service performance according to articles 30-109 and 30-111 of the Regulations to the Convention.
- 5 UPU-agreed measurement system: any measurement system recognized under the provisions of articles 30-109 and 30-111 of the Regulations to the Convention and operated on the basis of the GMS technical specifications.
- 6 Measurement system provider: the provider(s) or manager(s) of a UPU-agreed measurement system.

Chapter II – Constitution

Article 1

Constitutional foundation

- 1 The QLUG shall function in accordance with the UPU Acts, resolutions of the Postal Operations Council, the present Rules of Procedure and the user manual.
- 2 The QLUG shall constitute the framework for the members to decide on issues relating to the implementation of the UPU Acts and of the decisions made by the UPU bodies with respect to the quality link to terminal dues.
- 3 The contractual relationship between the designated operators and their respective measurement system provider concerning the operation of the UPU-agreed measurement system falls outside the scope of the QLUG.

Article 2

Membership

- 1 Each designated operator whose terminal dues remuneration is based on quality of service performance measured through a UPU-agreed quality of service measurement system according to articles 30-109 and 30-111 of the Regulations to the Convention shall be considered to be a member of the QLUG.

- 1.1 A designated operator of a target system country that decides not to participate in a UPU-agreed measurement system may give notice to the Secretariat that it has chosen to opt out, under the conditions described in 30-109.2.
 - 1.2 A designated operator wishing to participate in a UPU-agreed measurement system, in accordance with 30-109 or 30-111, must give notice of its intention to the Secretariat no later than seven months (1 June) before the beginning of the calendar year during which performance results will be measured.
- 2 Participating designated operators must agree to these Rules of Procedure.
 - 3 Any member may withdraw from the QLUG, provided that it gives the Secretariat written notice by 30 November of the calendar year preceding that in which the quality of service is measured for terminal dues purposes. The notification deadline concerns only the management of the QS Link and not the contractual relationships referred to in article 1.3.

Article 3

Voting rights

- 1 Each member of the QLUG shall have one vote.
- 2 All members may vote on issues relating to the implementation of the UPU Acts and of the decisions made by the UPU bodies with respect to the Quality Link, including such issues as the calculation and validation of performance results, or matters related to the payment of quality-linked terminal dues.

Article 4

Rights and responsibilities

- 1 QLUG members may participate in the activities of the User Group.
- 2 QLUG members shall receive reports showing their performance against set standards and targets.
- 3 QLUG members shall receive terminal dues payments based on their quality of service performance.
- 4 QLUG members shall be responsible for their own costs, including travel and daily expenses, with respect to their participation in the GMS QL User Group activities.

Article 5

Data transfer and access

- 1 Each member of the QLUG shall conclude an agreement concerning data transfer and access, on the basis of principles defined by the POC.

Chapter III –QLUG structures and functions

Article 6

QLUG Assembly

- 1 The QLUG Assembly shall be comprised of the members of the QLUG.

- 2 The regular assemblies of the QLUG shall take place, in principle, twice a year during the annual sessions of the Postal Operations Council (POC) and Council of Administration (CA).
- 3 An extraordinary assembly shall be convened if at least one half of the membership so requests.
- 4 A QLUG member that is unable to attend a meeting may arrange to be represented by another member, provided that written notice is given to the Secretariat. A QLUG member may vote by proxy on behalf of only one other member.
- 5 Votes on QLUG Assembly decisions shall be accepted by registered mail, fax or e-mail.
- 6 Within the framework of its activities, the QLUG Assembly shall ensure compliance with the UPU Acts and the decisions of the UPU permanent bodies, particularly those concerning quality of service measurement and the terminal dues link to quality of service performance.
 - 6.1 The Quality Link Rules of Procedure, and amendments thereto, shall be submitted to and approved by the POC.
- 7 The QLUG Assembly shall take decisions on the basis of a two-thirds majority of votes cast, with at least half of the members of the QLUG casting ballots, in the following cases:
 - 7.1 Appeals against Validation and Review Committee decisions on performance result queries and change requests;
 - 7.2 Matters brought to those members by the Validation and Review Committee concerning technical parameters of the measurement system.
- 8 The QLUG Assembly shall take decisions on the basis of a simple majority of votes cast, with at least half of the members of the QLUG casting ballots, in the following cases:
 - 8.1 The QLUG Assembly shall elect its Chair and Vice-Chair, who shall serve a four-year term.
 - 8.2 Election *ad personam* of five members of the Validation and Review Committee. The criteria for selection shall be decided by the members, but should include expertise in UPU Quality Link and quality of service measurement activities.
- 9 In the following cases, when such matters cannot be decided by common consent, the QLUG Assembly shall take decisions on the basis of a simple majority of votes cast, with at least half of the members of the QLUG casting ballots:
 - 9.1 proposals for amending the Rules of Procedure;
 - 9.2 exceptions to the applicable rules, especially in cases of force majeure, as provided for in these QLUG Rules of Procedure;
 - 9.3 decisions to change the provisions of the user manual other than the decisions taken by Congress, the POC or the QLUG;
 - 9.4 technical and operational questions related to or arising from the application of the statistical design, performance calculation rules, customs and security authority inspections, placement of gates at offices of exchange, questions relating to the application of critical tag times (CTTs), etc.;
 - 9.5 matters brought up for decision by the Validation and Review Committee;
 - 9.6 recommendations for the decision of the appropriate POC body on proposals to include provisions relating to the UPU QS Link in the UPU Acts and in POC resolutions;
 - 9.7 submission of requirements for further study to the appropriate body of the POC for changes to the GMS design technical specifications.

10 The QLUG may invite and/or accept requests to attend QLUG Assembly meetings from member countries and/or designated operators that are not members of the QLUG, from any international organization or from any qualified enterprise or person when it is deemed to be in the interest of the QLUG. Invitees shall not have the right to vote, but may speak after being so authorized by the Chair.

Article 7 Chair and Vice-Chair of the QLUG Assembly

1 The Chair shall lead the meetings of the QLUG Assembly and ensure that an annual report is presented by the QLUG Assembly to the POC.

2 The members shall ensure that the persons elected are available sufficiently often to carry out their functions.

3 The Vice-Chair shall act as Chair of the meetings of the QLUG Assembly if the Chair is prevented from attending the meeting. If the Chair and the Vice-Chair are prevented from attending the meeting, the Chair shall appoint a person or persons to exercise the function of Chair of the meeting.

Article 8 Steering Committee

1 The activities of the QLUG shall be coordinated by its Steering Committee, which shall be made up of the QLUG Assembly Chair, Vice-Chair, and Validation and Review Committee Chair.

2 The Steering Committee shall convene, in principle, every six months. It shall also convene if at least one half of its members so request.

3 The Quality Link Steering Committee shall be responsible for the following functions:

3.1 Coordinating the activities of the QLUG, in order to ensure the smooth functioning of the QLUG and its relations with the POC, the Secretariat and the measurement system providers.

3.2 Making recommendations to the QLUG Assembly on proposals relating to the UPU QS Link in the UPU Acts and in POC resolutions; on communication of quality performance results; and on proposals related to the inclusion of new participants in UPU-agreed measurement systems, including implementation calendars for testing and commencement of measurement.

3.3 Providing guidance to the Secretariat on QLUG matters, including matters relating to the preparation and execution of the budget and other QLUG administration matters.

3.4 Taking on tasks as requested by the QLUG Assembly.

Article 9 Validation and Review Committee

Structure

1 The Validation and Review Committee (VRC) shall comprise five members of the QLUG who shall be suitably qualified experts elected *ad personam* by the QLUG Assembly. Members of the VRC shall serve a four-year term. There shall be no restriction as to the number of terms served by a member of the VRC. A VRC Chair and Vice-Chair shall be elected from among the VRC members.

- 1.1 The VRC may invite and/or accept requests to attend VRC meetings from any international organization or any qualified enterprise or person when it is deemed to be in the interest of the QLUG. Invitees shall not have the right to vote, but may speak after being so authorized by the Chair.

Functions

- 2 Monitors the functioning of the UPU-agreed measurement systems.
- 2.1 Examines and decides on the requests made by members to amend or correct operational data in accordance with articles 14 and 16 of these Rules of Procedure, and in accordance with the detailed procedures described in the user manual.
- 2.2 Studies appeals received by the Secretariat and issues decisions, subject to a further appeal made to the QLUG Assembly.
- 2.3 Can examine and provide recommendations to the QLUG Assembly in relation to the performance results by the measurement systems (methodology and quality procedures) in case of a deficiency against the GMS Technical Design specifications.
- 2.4 Validates transponder data for those queries that cannot be resolved by the member and the measurement system providers.
- 2.5 Studies operational issues following the instructions of the QLUG Assembly and reports back with recommendations, where appropriate.
- 2.6 Examines issues raised by the QLUG Assembly concerning the calculation of results based on data received from the measurement system providers.
- 2.7 Reports to the QLUG Assembly.

Meetings

- 3 The meetings of the VRC shall take place as often as required.
- 3.1 The VRC shall take its decisions on the basis of a majority of its members, either by consensus or by vote.
- 3.2 The QLUG members shall ensure that the members of the VRC are available sufficiently often to carry out their functions.

Article 10

Task forces

- 1 The QLUG Assembly may decide on the creation of temporary task forces whenever such a need arises.
- 2 The task forces shall accomplish the tasks assigned by the QLUG Assembly and make reports to it.
- 3 At the conclusion of their work, the task forces shall cease to exist.

Article 11

Secretariat

- 1 The Secretariat shall be provided by the International Bureau of the UPU.
- 2 The Secretariat shall have the following functions:

- 2.1 Serves as an organ of execution, support, liaison, information and consultation for the QLUG members, Steering Committee and VRC.
- 2.2 Updates and publishes the user manual, in accordance with decisions of the QLUG, including the regulatory contexts, the measurement system operational procedures and parameters, these Rules of Procedure and any other document of use to members.
- 2.3 Manages the daily quality link to terminal dues activities, in accordance with POC and QLUG Assembly instructions, and in coordination with the Steering Committee.
- 2.4 Implements decisions taken by the POC and/or the QLUG Assembly.
- 2.5 Communicates to the members of the QLUG:
 - 2.5.1 decisions of the QLUG Assembly and the VRC;
 - 2.5.2 measurement reports issued by the system providers;
 - 2.5.3 results of the calculations for the terminal dues remuneration adjustments on the basis of quality of service performance;
 - 2.5.4 requests for review;
 - 2.5.5 appeals, which must be sent to members at least 30 days before the opening of the session during which they are to be examined;
 - 2.5.6 information about the entry or withdrawal of a member from the QLUG;
 - 2.5.7 other information requested by the Steering Committee;
- 2.6 Organizes procedures to enable the assessment of change requests, requests for exceptions due to force majeure, appeals and arbitration, in accordance with QLUG Assembly decisions.

Article 12

Measurement system provider(s)

- 1 The measurement system provider(s) shall have the following functions:
 - 1.1 Ensures the running of the measurement system and the provision of quality performance results to the users.
 - 1.2 Selects contractors and manages the contracts to ensure the smooth running of the measurement system.
 - 1.3 Reports to the measurement system users the validated data and the data concerning the measurement results.

Article 13

Languages

- 1 The working languages of the QLUG shall, in principle, be French and English.

Chapter IV – Procedures for requests and appeals

Article 14

Review procedure for queries and change requests

- 1 The procedure is dependent upon the type of query or change requested. There are two types:

- 1.1 Queries concerning quality measurement: A QLUG member may request the measurement system provider to review specific test items with questionable transponder reads or performance patterns of panellists.
- 1.2 Change requests (non-systemic changes to the measurement system parameters): a QLUG member may make a request of a broader nature concerning issues such as placement of terminal dues or customs gates, city weighting, CTTs, or a request for an exception due to force majeure.
- 2 Treatment of the query or change request.
 - 2.1 Queries: all queries shall be submitted by the QLUG member to the measurement system provider (by registered mail, fax or e-mail), according to the deadlines agreed upon by the members. If no query is made before the agreed deadline, the measurement results for the period in question shall be regarded as having been accepted. The query shall indicate the member's conclusions, reasons and supporting evidence.
 - 2.1.1 If the query concerns an error in calculation, the measurement system provider and/or the Secretariat shall rectify the error, thus concluding the procedure.
 - 2.1.2 If the query cannot be mutually resolved between the member and its measurement system provider, it will be forwarded to the Secretariat for review, assessment and decision by the Validation and Review Committee.
 - 2.2 Change requests.
 - 2.2.1 All requests for non-systemic changes shall be submitted by the member to the Secretariat (by registered mail, fax or e-mail) within 30 days from the date of the measurement system provider's notification of monthly results. If no request for review is made within that period, the results shall be regarded as having been accepted. The request shall indicate the member's conclusions, reasons and supporting evidence. The Secretariat will forward a request to the Validation and Review Committee for its assessment and decision.
 - 2.2.2 Requests for changes of an operational nature, e.g. changes in gates, entry points or CTTs, shall be notified in advance. The Secretariat will forward a request to the Validation and Review Committee for its assessment and decision.
 - 2.3 The Validation and Review Committee's decision shall be communicated to the member requesting the review. If the member accepts the Validation and Review Committee's conclusions in writing within 30 days of their transmission, the procedure shall be concluded. If it does not, the Validation and Review Committee shall issue its final decision, taking into account any new evidence provided by the member. These decisions shall be communicated to the QLUG members.
 - 2.4 If the member concerned, or any other member of the QLUG, is not satisfied with the final decision of the Validation and Review Committee, it may lodge an appeal.
 - 2.5 The review request shall not have the effect of suspending the adjusted remuneration of terminal dues linked to quality of service for all members for the period in dispute. Adjustments shall be made once a final binding decision has been taken.

Article 15

Appeal and arbitration procedure

- 1 A decision by the Validation and Review Committee may be the subject of an appeal lodged by a member with the QLUG Assembly.
 - 1.1 The duly justified appeal shall be sent to the Secretariat by registered mail, fax or e-mail within 30 days from the date of the Secretariat's notification to the member of the Validation and Review Committee's decision. If no appeal is lodged within the period, the decision shall be regarded as final and binding.

- 1.2 The appeal must be sent to the Secretariat at least 60 days before the opening of the session during which it is to be examined.
- 1.3 Having assessed the record prepared by the member, the QLUG Assembly shall decide on the appeal on the basis of the record.
- 2 A member dissatisfied with the decision of the QLUG Assembly may request arbitration.
 - 2.1 The request for arbitration shall be sent within 30 days from the date of the Secretariat's notification to the member of the QLUG Assembly's decision. If no request for arbitration is made within the period, the decision shall be regarded as final and binding.
 - 2.2 Upon receipt of the arbitration request, the Secretariat shall inform the QLUG Assembly Chairman, who, with the member having requested arbitration, shall form an arbitration panel within 60 days.
 - 2.3 The member having requested arbitration and the Chair of the QLUG shall each select one representative from within the QLUG membership. A third member shall be chosen jointly by both parties to the appeal. These three representatives shall comprise the arbitration panel.
 - 2.4 The decision made by the arbitration panel shall be final and binding.
- 3 The appeal or arbitration request shall not have the effect of suspending the adjusted remuneration of terminal dues linked to quality of service for those members that link their terminal dues to quality for the period in dispute. Adjustment shall be made once a final binding decision has been taken.

Article 16

Case of force majeure

- 1 Any member may invoke a case of force majeure to justify a request for an exception.
- 2 A case of force majeure shall include any event beyond the control of the member invoking such a case, or which prevents that member from fulfilling its obligations relating to the quality of service link to terminal dues. A member is not liable for failure to perform any of its obligations insofar as it proves: that the failure was due to an impediment beyond its reasonable control; that it could not reasonably be expected to have taken the impediment and its effect upon its ability to perform into account at the time of joining the GMS and/or the QLUG; and that it could not have reasonably avoided or overcome such an impediment, or at least its effects. In general, a strike by postal employees shall not be considered to be a case of force majeure. However, strikes by postal employees that take place under specific circumstances may be examined by the QLUG, under conditions described in the user manual.
- 3 The duly justified request shall be sent to the Secretariat by registered mail, fax or e-mail, and accompanied by supporting evidence.
- 4 The request for an exception shall be made within 30 days from the end of the event justifying the request (sent by registered mail, fax or e-mail). Any request that does not comply with that deadline shall be inadmissible.
- 5 To justify the request, the effect of the case of force majeure must last at least 72 hours.
- 6 The request shall be submitted by the Secretariat to the Validation and Review Committee for assessment and preparation of a technical report. In preparing its report, the Validation and Review Committee may consult with the appropriate POC body or measurement system provider as necessary. The Validation and Review Committee's technical report shall be communicated to the member requesting the exception. If the member accepts the Validation and Review Committee's conclusions in writing within 30 days of their transmission, the request procedures

shall be concluded. If it does not, the Validation and Review Committee shall issue its final decision, taking into account any new evidence provided by the member.

Chapter V – Final performance results

Article 17

Publication of the final performance results

- 1 The Secretariat shall publish the full-year performance results of all participants in the quality of service link to terminal dues.
- 2 The members of the QLUG shall have up to 30 days to challenge the full-year performance results.
 - 2.1 If no requests in relation to review the full-year performance results have been submitted to the secretariat in writing within 30 days of the publication of these results, then the full-year performance results shall be deemed final.
 - 2.2 Any request to review the full-year performance results shall be subject to the same procedures as defined in these rules of procedure.
 - 2.3 The performance results shall be regarded as provisional until such time as the secretariat explicitly communicates the published results as being final.
 - 2.4 The final performance results shall be published by the secretariat and used for the calculation of the final terminal dues in accordance with article 30-111 of the Regulations to the Convention.

Chapter VI – Secretariat resources and costs

Article 18

Secretariat resources

- 1 Secretariat resources, including staffing costs, support costs and secretariat travel to attend meetings outside Berne which are attributable to the functioning of the QLUG, shall be borne by the UPU regular budget and approved by the POC and CA as part of the Union Programme and Budget.
 - 1.1 The secretariat resource requirements shall be presented to and approved by the QLUG Assembly, subject to final approval of the UPU Programme and Budget by the CA.

Article 19

Costs

- 1 Measurement system management costs, including costs related to the provision and installation of technology and equipment, recruitment and training of panellists, data management and reports, and system provider staffing costs, shall be borne by the individual QLUG participants, subject to agreement between the system provider and members. These costs are outside the scope of these Rules of Procedure.
- 2 Members' own costs, including the purchase of technology and equipment, postage costs for test letters, IT and data transmission costs, and staffing costs shall be borne by each QLUG member. These costs are outside the scope of these Rules of Procedure.

Chapter VII – Final provisions

Article 20

Entry into force and termination

1 These Rules of Procedure shall enter into force once adopted by the Postal Operations Council and shall remain in force until such time as decided by the Postal Operations Council.