

Procedures applicable to force majeure requests

Force majeure – definition

1 Force majeure is defined as an event or occurrence in which a designated operator (DO) fails, in part or in full, countrywide or only in affected areas, to fulfil its obligations relating to quality of service owing to reasons external to the DO that are unforeseeable, unavoidable and due to an impediment beyond its reasonable control, and which are not attributable to any act or failure to take preventive action by the DO concerned.

Events that may constitute force majeure

- 2 Force majeure may thus comprise, without limitation, events such as:
- War, whether declared or not, civil war, riots and revolutions, acts of piracy, acts of sabotage, acts of terrorism;
 - natural disasters, such as violent storms, cyclones, volcanic activity, earthquakes, tidal waves, floods, destruction by lightning;
 - explosions, fires, or destruction of machines, of factories, or of any kind of installation;
 - acts of authority, whether lawful or unlawful;
 - pandemic and epidemic diseases that affect the postal service;
 - disruption of information technology networks owing to events (such as cyber attacks) beyond the control of the DO concerned.
- 3 Lack of authorizations, licences or approvals necessary for conducting postal business or delivery operations shall not count as force majeure.

Minimum duration of an event for it to qualify for force majeure consideration

4 The duration of any force majeure event or its effects must be at least three consecutive days. Events that occur during weekends may also be declared as force majeure events. The exclusion of weekends, holidays and non-working days shall only apply to the period reserved for a DO to communicate a force majeure event.

Submission to open a case

5 DOs shall notify the International Bureau (IB) by e-mail within three working days of the occurrence of the event (excluding weekends, holidays and non-working days), using the “Open case” force majeure form.

Submission to close a case

6 DOs shall inform the IB by e-mail within three working days of the end of the event (excluding weekends, holidays and non-working days), using the “Close case” force majeure form.

Ability for DOs to request recalculation of results

7 Any requests for recalculation of results shall be made within 30 calendar days of the end of the event justifying the request, and shall be sent by e-mail. Any request that does not comply with that deadline and is not sent by e-mail shall be deemed inadmissible.

8 If a force majeure situation continues beyond 31 December for the quality link to terminal dues (QS Link) and the supplementary remuneration programme (SRP), and beyond 31 January and 31 July for inward land rates (ILRs), any request concerning the period until 31 December for the QS Link and SRP, and until 31 January and 31 July for ILRs, must be submitted within 30 calendar days of the reporting period end date.

9 Any request for deduction of items must be signed by the UPU member country of the DO submitting the request.

Requirement to provide evidence to support the force majeure request

10 The DO shall provide relevant information on the effect on its performance.

11 The types of information used to support force majeure cases may include the following:

- Official declarations issued by governmental bodies;
- Police reports;
- Media coverage (e.g. newspaper articles, television news reports);
- Weather reports (e.g. Internet, meteorological service);
- Written reports by the DO describing the situation.

12 In addition, the following reporting requirements shall apply:

- The DO shall describe how the event affected and disrupted its postal operations;
- The level of information provided shall be commensurate with the case in question, depending on factors such as the availability of objective information, the severity of the case, the impact on the quality result, the level of international media coverage, and the existing level of knowledge on the case among other countries;
- Force majeure situations may occur throughout a member country or in parts thereof. The latter may be accepted and lead to requests for partial deduction of items.

13 If applicable, it is recommended that a DO submitting a force majeure request concerning part of the country identify the postcode areas affected by the event.

Specific procedure for deduction requests

14 The DO where the force majeure event occurs may request the exclusion of inbound items.

15 The DO where the force majeure occurs may request the partial exclusion of inbound items. In case of a force majeure situation with a minimum duration of 72 hours that does not affect all major transport systems, the receiving DO may request a partial deduction of items. The deduction shall consist of all items to the postcode areas for which the DO proves that it was impossible to deliver items on time owing to the force majeure situation or its effects.

16 For the QS Link, a deduction may be requested for all items arriving at the office of exchange (OE) before the critical tag time (CTT) of the start date of the force majeure situation, up to and including the CTT of the last day of the force majeure situation, with a minimum duration of 72 hours.

17 The DO shall have the possibility of requesting the reopening of its request for discussion in accordance with the relevant procedures on the reopening of decisions provided for in the POC Rules of Procedure.

Eligibility conditions for opening and closing force majeure requests and submitting deduction requests

18 The IB shall assess if the requests submitted by DOs meet the required criteria described above in detail. These criteria are as follows:

- Submitted by e-mail;
- Compliance with deadlines;
- Duration of events; and
- Completion of relevant forms.