

Decision on the request submitted by CTT, pursuant to article 6 of the Universal Postal Service Quality Convention, to deduct records of non-priority mail and priority mail affected by air transport disruptions in the Autonomous Region of the Azores, between 11 and 14 March 2013

1. The Universal Postal Service Quality Convention (Quality Convention), concluded on 10 July 2008 between ICP - Autoridade Nacional das Comunicações (ICP-ANACOM) and CTT – Correios de Portugal, S.A. (CTT), temporarily in force under paragraph 7 of article 57 of Law No 17/2012, of 26 April, establishes the parameters and minimum levels of quality of service of the universal postal service which CTT undertakes to provide every year¹.
2. The Quality Convention lays down in article 6, paragraph 1, that “should any *force majeure* or phenomenon situation take place, the burst and evolution of which are clearly outside the control of CTT, and have an impact on the quality of service provided by CTT, the latter may request, for the purpose of calculation of QSI [...], the deduction of records for the concerned periods of time and geographic flows”.
3. Paragraph 2 of article 6 establishes that *force majeure* or events mentioned in paragraph 1 mean “[...] unpredictable or insurmountable natural events and/or facts attributable to third parties, that are triggered, evolve, or the effects of which occur regardless of CTT’s will and ability to control, such as acts of war or subversion, epidemics, cyclones, earthquakes, fire, lightning, floods, general strikes and any other similar events that may impair normal conditions of clearance, sorting, transport and distribution of mail items.”
4. The request for deduction activation must be submitted in writing by CTT, together with the respective grounds, within 60 [working] days at the most from the date on which the events have taken place, according to paragraph 4 of article 6.
5. Paragraph 5 of article 6 establishes that the decision as to whether CTT’s request should be taken into consideration is incumbent upon ICP-ANACOM, and must be notified to CTT within 30 [working] days at the most from the date on which such request is received. In case ICP-ANACOM decides to reject this request, the Authority must duly justify its decision. Regardless of the request for deduction, CTT undertakes to try to find

¹ [Universal postal service quality convention.](#)

the best alternatives for the period the situations mentioned in paragraphs 1 and 2 of article 6 take place.

6. In the month of March 2013, specifically between 11 and 14 March, bad weather conditions hit the Autonomous Region of the Azores, affecting air operations, especially Azorean aerodromes.
7. By letter of 23.05.2013, CTT informed that due to the referred restrictions in the national airspace, conditions of mail air transport to and from the Autonomous Region of the Azores were also seriously affected, between 11 and 14 March 2013, due to the cancellation of most flights operated by SATA and TAP, preventing several air transport connections in the flows with the Autonomous Region of the Azores from taking place, causing mail delivery delays which affected the performance of quality of service in the flows to and from the Autonomous Regions of the Azores during the month of March of 2013.
8. To minimize the impact of this situation in the quality of service and to reduce as quickly as possible the delays caused by air transport anomalies, CTT informed that, after the period of largest national airspace disruptions, the company used the maximum transport capacity allowed by airlines (TAP and SATA), stepping up deliveries via Lisbon and Oporto, as well as distribution activities within the Autonomous Region of the Azores, in the same period.
9. Invoking the nature and causes of the anomalous situation occurred in March 2013, the burst and effects of which were outside CTT's control, the company requested ICP – ANACOM, pursuant to and for the purposes of article 6 of the Quality Convention, to deduct, for calculation of QSI for March 2013, the records of ordinary mail between 6 and 14 March (inclusive) and of priority mail between 7 and 14 March (inclusive) directly affected by use restrictions of the national airspace, caused by storms in the Azores, for all flows to and from the Autonomous Region of the Azores, except for internal deliveries within each island of the Azores. Affected flows are thus as follows:
 - a) from the Mainland to the Autonomous Region of the Azores and vice-versa;
 - b) from the Autonomous Region of the Azores to the Autonomous Region of Madeira and vice-versa;

c) between islands within the Autonomous Region of the Azores.

10. Given the standard service for:

a) ordinary mail - mail delivery up to 3 working days after clearance - the referred restrictions are likely to affect ordinary mail deliveries between 6 and 14 March;

b) priority mail in CAM flows - mail delivery up to 2 working days after clearance - the referred fact was likely to affect priority mail deliveries between 7 and 14 March.

11. According to information provided by CTT, the quality of service in the month of March is lower, for ordinary mail and priority mail deliveries to and from the Autonomous Region of the Azores, in case deliveries sent during that period are taken into consideration.

12. Therefore, considering:

- i. information conveyed by CTT by letter of 23.05.2013;
- ii. provisions laid down in the above-mentioned paragraphs 1 and 2 of the Quality Convention;
- iii. that, between 11 and 14 March, bad weather conditions hit the Autonomous Region of the Azores, disrupting the air transport system in the period from 11 to 14 March 2013, for all flows to and from the Autonomous Region of the Azores, except for internal deliveries within each island of the Azores;
- iv. that the referred disruptions, notified by CTT, influenced deliveries to and from the Autonomous Region of the Azores of ordinary mail between 6 and 14 March (inclusive) and of priority mail between 7 and 14 March (inclusive), notwithstanding the fact that CTT implemented a set of measures aimed at minimizing their impact;
- v. that facts alleged by CTT qualify as events triggered and which evolved regardless of CTT's will and ability to control, affecting the performance of its quality of service, and impairing the regular transport conditions of ordinary and priority mail items to and from the Autonomous Region of the Azores, except for internal deliveries within each island of the Azores;

- vi. that pursuant to article 10 of the Quality Convention, CTT must send to ICP-ANACOM quarterly reports, by the end of the month following the end of the quarter, with the evolution of values achieved for QSI, so that such values may be followed up and monitored,

the Management Board of ICP-ANACOM, in the exercise of powers conferred under article 6, paragraph 1 b), d), h) and n), and article 26 b), all of its Statutes, approved by Decree-Law no. 309/2001, of 7 December, and pursuant to paragraph 5 of article 6 of the Universal Postal Service Quality Convention, of 10 July 2008, as amended on 10 September 2010, hereby determines as follows:

1. To grant the deduction of records of ordinary mail between 6 and 14 March (inclusive) and of priority mail between 7 and 14 March (inclusive), directly affected by use restrictions of the national airspace, caused by storms in the Azores, for the following flows:
 - a) from the Mainland to the Autonomous Region of the Azores and vice-versa;
 - b) from the Autonomous Region of the Azores to the Autonomous Region of Madeira and vice-versa;
 - c) between islands within the Autonomous Region of the Azores.
2. To order CTT to submit to ANACOM, within fifteen working days:
 - a) QSI figures obtained for the 1st quarter of 2013, with and without the deduction of the referred records;
 - b) Data, preferably in an Excel or Access file, on each of the records deducted by CTT in the calculation of the respective QSI, namely: mail item identifying code, expected and actual delivery date, mail item origin and destination, distribution date, transit time;
3. To order CTT, when calculating QSI figures for the whole year of 2013, to submit to ICP - ANACOM values obtained with and without the deduction of the referred records, as well as a copy of the database used to calculate QSI defined in the Quality Convention, with and without records deducted in 2013.