



European Commission

Directorate General Regional Policy
Directorate General Employment, Social Affairs and Equal Opportunities
Directorate General Agricultural and Rural Development
Directorate General Maritime Affairs and Fisheries

SFC2007

Force Majeure - External Procedure

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Authors:	Alan CONNELL
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1. INTRODUCTION

1.1. Purpose

This document is meant to describe when and how Force Majeure can be invoked for the SFC2007 application.

2. DEFINITION OF FORCE MAJEURE

Force Majeure can be defined as a situation in which a Member State is unable to transmit documents to the European Commission through the web-application interface of the SFC2007 system due to reasons under the responsibility of the European Commission.

The unavailability of the SFC2007 web-services which are provided as an extra tool for to facilitate the use of the system for Member States are not covered by Force Majeure. It is expected that users of the web-services will have procedures in place to be able to use the web-application in the case of the web-services being unavailable.

Examples of situations where a member-state is unable to transmit documents and/or data to the European Commission could include:

- The unavailability of the SFC2007 because of an unexpected incident:
 - Power-outage
 - Server problems
 - Natural disaster
- A bug or error in the SFC2007 system which prevents the Member State from entering or sending their data/documents.

Examples of situations which are not accepted as reason for Force Majeure are:

- Technical problems in the Member State
- Loss of internet connectivity in the Member State
- The Member State has too much data to enter and/or are under-resourced to be able to meet the deadline.
- The web-services are unavailable, and connectivity to SFC2007 is normally made this way.

Please note that the above lists of examples are non-exhaustive and non-binding.

3. HOW IS FORCE MAJEURE DECIDED

The invocation of Force Majeure must come as a decision from the SFC2007 Project Management Committee.

It is not allowed for a unilateral declaration of Force Majeure to be made by either a Member State or by a geographical desk in the Commission. Instead either the Member State or the Commission geographical desk must request that Force Majeure is invoked to the SFC2007 Project Management Committee.

4. PROCEDURE FOR THE INVOCATION OF FORCE MAJEURE

As mentioned earlier, only the SFC2007 Project Management Committee can decide to invoke Force Majeure.

The section below describes the flow in order to have a request for Force Majeure approved by the Project Management Committee.

4.1. Step by step flow of procedure

- A Member State finds that there is a problem with SFC2007 which prevents them from sending data to the Commission for which there is a definite and regulatory deadline.
- This is notified to either:
 - the geographical desk responsible for this user
 - And they forward this to the SFC2007 helpdesk
 - the SFC2007 Helpdesk (sfc2007-info@ec.europa.eu)
- This notification is forwarded to the Project Management Committee.
- The project management make a decision on whether Force Majeure should be invoked or not:
 - If yes, then the Member State(s) affected will be notified that Force Majeure is applicable, and that they may send their documents in paper format. The Member State must be aware however that when the SFC2007 is available again, it is their responsibility to enter the data through the system as soon as possible regardless of whether a paper version was sent to the European Commission.
 - If no, the Member States will be informed that Force Majeure does not apply, and that they are obliged to continue to use the SFC2007 system to enter their data before any applicable legislative deadline.

5. CONCLUSION

Only the Project Management Committee can invoke Force Majeure for SFC2007. The procedure for this is described in section 4 of this document.

Force Majeure applies only to the web-application, and not to the web-services.

If Force Majeure has been invoked because of the inability of a Member State to transmit documents to the European Commission through the SFC2007 web-application, the Member State is still obliged to enter all the necessary data and documents as soon as possible after SFC2007 is available to them again.