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→ **SAMPLE STATEMENTS – UNDER “OPERATIONAL CONTINUITY” IN THE AGREEMENT**

1 General

Development of operational continuity will be promoted by aiming at the parties signing agreements requiring – at least in any agreements on critical services – compliance with the recommendations on operational continuity both from their primary contractual partner and the partner’s subcontracting companies and network partners.

The examples and instructions provided in these application instructions aim at making it as easy as possible for companies to require compliance to operational continuity from their partners.

2 Instructions on using the sample statements

The purpose of the sample statements is to include recommendations on operational continuity management as appendices to the actual agreement (hereinafter “Main Agreement”).

The sample statements have been created based on the assumption that the operational continuity recommendations are included as Appendix 1 to the Main Agreement. Naturally, the numbering must be checked so that the numbering of the Main Agreement appendices corresponds with the actual appendices included.

In the sample statements, the company acquiring a service is called “Client” and the company providing the service “Service Provider”. Compatibility of these terms must be checked, and the terms must be edited to comply with the Main Agreement, if necessary.

One sample statement cannot be used under all circumstances, and thus the sample statements have been roughly divided into two types of service acquisition situations:

- a subcontracting scheme where the client purchases services from a subcontractor and the subcontractor assures that it will comply with the recommendations; and
- a partnership scheme where both parties assure that they will comply with the recommendations.

There are four sample statements to be used in agreements. The statements can be edited to suit the actual situation. The Main Agreement and all its appendices must always be reviewed to ensure that the entity is functional for both contracting parties and that it meets the specified business objectives. The best results will be achieved by proactively eliminating any controversy within the Main Agreement and its appendices.

The sample statements assist companies in integrating the operational continuity management recommendations as part of the Main Agreement but the statements do not address the other parts of the Main Agreement or any other stipulations, such as order of priority or consequences of contractual violations.



In addition to compliance with the recommendations, it may be necessary to separately agree on other terms and conditions relating to operational models developing service production capabilities.

An organization implementing operational continuity planning may not necessarily be able to comply with all the recommendations from the very beginning, and some time may be required to achieve compliance with all the recommendations. If the parties agree that compliance with the recommendations will not be necessary until at a later time, this may be taken into account by entering the following statement at the end of the section in question: “Compliance with the recommendations shall be achieved by XX XX 20XX”, or a similar statement.

A contracting party may affirm its best intentions towards service production capabilities and compliance with the recommendations without any unambiguous commitment – the statements required in different situations differ from each other. Thus, the sample statements are based on two levels of commitment: absolute compliance and declaration of intent.

3 Examples of contractual statements

3.1 Absolute subcontracting scheme

“Operational continuity

Production capability of the services agreed in this agreement is of utmost importance.

The contracting parties agree that endurance against disruptions and service production capability of the Service Provider may be developed by implementing an operational continuity planning model. Furthermore, the parties stress the importance of cooperation when managing production capability. Therefore, the parties include as Appendix 1 to this agreement recommendations on operational continuity management.

The Service Provider has studied the recommendations, compared its business with them and assures the Client that its activities comply with the recommendations during the validity of this agreement.

During the validity of this agreement, the Service Provider is obliged – based on a separate request by the Client – to submit to the Client a report on how the Service Provider has complied with the recommendations included in Appendix 1.”

3.2 Absolute partnership scheme

“Operational continuity

Production capability of the services agreed in this agreement is of utmost importance.



The contracting parties agree that endurance against disruptions and service production capability of the parties may be developed by implementing an operational continuity planning model. Furthermore, the parties stress the importance of cooperation when managing production capability. Therefore, the parties include as Appendix 1 to this agreement recommendations on operational continuity management.

The parties have studied the recommendations, compared their business with them and assure each other that their activities comply with the recommendations during the validity of this agreement.

During the validity of this agreement, each party is obliged – based on a separate request by the other party – to submit to the other party a report on how they have complied with the recommendations included in Appendix 1.”

3.3 Declaration of intent, subcontracting scheme

“Operational continuity

The contracting parties agree that endurance against disruptions and service production capability of the Service Provider may be developed by implementing an operational continuity planning model. Furthermore, the parties stress the importance of cooperation when managing production capability. Therefore, the parties include as Appendix 1 to this agreement recommendations on operational continuity management.

The Service Provider has studied the recommendations and compared its activities with them. The Service Provider shall take the recommendations into account in its activities and strive, where justified from a financial perspective, to comply with the recommendations during the validity of this agreement.”

3.4 Declaration of intent, partnership scheme

“Operational continuity

The contracting parties agree that endurance against disruptions and service production capability of the parties may be developed by implementing an operational continuity planning model. Furthermore, the parties stress the importance of cooperation when managing production capability. Therefore, the parties include as Appendix 1 to this agreement recommendations on operational continuity management.

The parties have studied the recommendations and compared their activities with them. The parties shall take the recommendations into account in their activities and strive, where justified from a financial perspective, to comply with the recommendations during the validity of this agreement.”