



Miscellaneous No. 4 (2010)

# Sixth Additional Protocol

to the

Constitution of the Universal Postal Union,  
General Regulations of the Universal Postal Union,  
Declarations made on signature of the Acts,  
Constitution of the Universal Postal Union,  
Rules and Procedures of Congresses,  
Universal Postal Convention with Final Protocol, and  
Postal Payment Services Agreement

Beijing, 15 September 1999

[These Agreements have not been ratified by the United Kingdom]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
November 2010*

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**Note concerning printing of the Sixth Additional Protocol to the Constitution of the Universal Postal Union, the General Regulations of the Universal Postal Union, the Declarations made on signature of the Acts, the Constitution of the Universal Postal Union the Rules of Procedure of Congresses, the Universal Postal Convention, Final Protocol and the Postal Payment Services Agreement**

All titles are printed in bold type.

All other characters printed in bold type in the texts of the Sixth Additional Protocol to the Constitution of the Universal Postal Union, the General Regulations of the Universal Postal Union, the Declarations made on signature of the Acts, the Constitution of the Universal Postal Union and the Rules of Procedure of Congresses show the changes compared with the Acts amended or adopted by the 1994 Seoul Congress:

All other characters printed in bold type in the texts of the Universal Postal Convention and Final Protocol show the changes compared with the text as recast by the CA and submitted to the Beijing Congress as Congrès-Doc36.Add 1:

All other characters printed in bold type in the text of the Postal Payment Services Agreement show the changes compared with the text as recast by the CA and submitted to the Beijing Congress as Congrès-Doc41.Add 1:

The Constitution of the Universal Postal Union signed at Vienna in 1964 and amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul and 1999 Beijing Additional Protocols, as well as the Rules of Procedure of Congresses adopted by the 1999 Beijing Congress are reproduced for information in this Command Paper but do not form part of the Acts signed at Beijing

## SIXTH ADDITIONAL PROTOCOL TO THE CONSTITUTION OF THE UNIVERSAL POSTAL UNION

The plenipotentiaries of the Governments of the member countries of the Universal Postal Union, met in Congress at Beijing, in view of article 30, paragraph 2, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964<sup>1</sup>, have adopted, subject to ratification, the following amendments to that Constitution.

### ARTICLE I

(ARTICLE 22 AMENDED)

#### Acts of the Union

1. The Constitution shall be the basic Act of the Union. It shall contain the organic rules of the Union.
2. The General Regulations shall embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all member countries.
3. The Universal Postal Convention, **the Letter Post Regulations and the Parcel Post Regulations** shall embody the rules applicable throughout the international postal service and the provisions concerning the letter-post **and postal parcels** services. These Acts shall be binding on all member countries.
4. The Agreements of the Union, and **their Regulations**, shall regulate the services other than those of the letter post **and postal parcels** between those member countries which are parties to them. They shall be binding on those countries only.
5. **The Regulations**, which shall contain the rules of application necessary for the implementation of the Convention and of the Agreements, shall be drawn up by the Postal Operations Council, bearing in mind the decisions taken by Congress.
6. The Final Protocols annexed to the Acts of the Union referred to in paragraphs 3, 4 and 5 shall contain the reservations to those Acts.

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<sup>1</sup> Treaty Series No. 70 (1966) Cmnd 3141.

## ARTICLE II

(ARTICLE 25 AMENDED)

### **Signature, authentication, ratification and other forms of approval of the Acts of the Union**

1. The Acts of the Union arising from the Congress shall be signed by the plenipotentiaries of the member countries.
2. **The Regulations** shall be authenticated by the Chairman and the Secretary-General of the Postal Operations Council.
3. The Constitution shall be ratified as soon as possible by the signatory countries.
4. Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.
5. When a country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified or approved them.

## ARTICLE III

(ARTICLE 29 AMENDED)

### **Presentation of proposals**

1. The postal administration of a member country shall have the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which its country is a party.
2. However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress.
3. **Moreover, proposals concerning the Regulations shall be submitted direct to the Postal Operations Council but must first be transmitted by the International Bureau to the postal administrations of all member countries.**

## ARTICLE IV

### **Accession to the Additional Protocol and to the other Acts of the Union**

1. Member countries which have not signed the present Protocol may accede to it at any time.

2. Member countries which are party to the Acts renewed by Congress but which have not signed them shall accede thereto as soon as possible.

3. Instruments of accession relating to the cases set forth in paragraphs 1 and 2 shall be sent to the Director-General of the International Bureau, who shall notify the Governments of the member countries of their deposit.

#### ARTICLE V

#### **Entry into force and duration of the Additional Protocol to the Constitution of the Universal Postal Union**

This Additional Protocol shall come into force on **1 January 2001** and shall remain in force for an indefinite period.

In witness whereof the plenipotentiaries of the Governments of the member countries have drawn up this Additional Protocol, which shall have the same force and the same validity as if its provisions were inserted in the text of the Constitution itself, and they have signed it in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Beijing, 15 September 1999.**

[Here follow the signatures]

## GENERAL REGULATIONS OF THE UNIVERSAL POSTAL UNION

The undersigned plenipotentiaries of the Governments of member countries of the Union, having regard to article 22, paragraph 2, of the Constitution of the Universal Postal Union, concluded at Vienna on 10 July 1964, have, by common consent, and subject to article 25, paragraph 4, of the Constitution, drawn up in these General Regulations the following provisions securing the application of the Constitution and the functioning of the Union.

### CHAPTER I

#### Functioning of the Union's bodies

##### ARTICLE 101

###### **Organization and convening of Congresses and Extraordinary Congresses**

1. The representatives of member countries shall meet in Congress not later than five years after the date on which the Acts of the preceding Congress come into operation.
2. Each member country shall arrange for its representation at Congress by one or more plenipotentiaries furnished by their Government with the necessary powers. It may, if need be, arrange to be represented by the delegation of another member country. Nevertheless it shall be understood that a delegation may represent only one member country other than its own.
3. In debates, each country shall be entitled to one vote, **subject to the sanctions provided for in article 126.**
4. In principle, each Congress shall designate the country in which the next Congress will be held. If that designation proves inapplicable, the Council of Administration shall be authorized to designate the country where Congress is to meet, after consultation with the latter country.
5. After consultation with the International Bureau, the host Government shall fix the definitive date and the precise locality of Congress. In principle one year before that date the host Government shall send an invitation to the Government of each member country of the Union. This invitation may be sent direct or through the intermediary of another Government or through the Director-General of the International **Bureau.**
6. When a Congress has to be convened without a host Government, the International Bureau, with the agreement of the Council of Administration and after consultation with the Government of the Swiss Confederation, shall take the necessary steps to convene and organize the Congress in the country in which the

seat of the Union is situated. In this event the International Bureau shall perform the functions of the host Government.

7. The meeting place of an Extraordinary Congress shall be fixed, after consultation with the International Bureau, by the member countries which have initiated that Congress.

8. Paragraphs 2 to 6 shall be applicable by analogy to Extraordinary Congresses.

## ARTICLE 102

### **Composition, functioning and meetings of the Council of Administration**

1. The Council of Administration shall consist of forty-one members who shall exercise their functions during the period between two successive Congresses.

2. The chairmanship shall devolve by right on the host country of Congress. If that country waives this right, it shall become a de jure member and, as a result, the geographical group to which it belongs shall have at its disposal an additional seat, to which the restrictive provisions of paragraph 3 shall not apply. In that case, the Council of Administration shall elect to the chairmanship one of the member countries belonging to the geographical group of the host country.

3. The forty other members of the Council of Administration shall be elected by Congress on the basis of an equitable geographical distribution. At least a half of the membership shall be renewed at each Congress; no member may be chosen by three successive Congresses.

4. Each member of the Council of Administration shall appoint its representative, who shall be competent in postal matters.

5. The office of member of the Council of Administration shall be unpaid. The operational expenses of this Council shall be borne by the Union.

6. The Council of Administration shall have the following functions:

6.1 to supervise the activities of the Union between Congresses, ensuring compliance with the decisions of Congress, studying questions with respect to governmental policies on postal issues, and taking account of international regulatory developments such as those relating to trade in services and to competition;

6.2 to consider and approve, within the framework of its competence, any action considered necessary to safeguard and enhance the quality of and to modernize the international postal service;



- 6.3 to promote, coordinate and supervise all forms of postal technical assistance within the framework of international technical cooperation;
- 6.4 to consider and approve the annual budget and accounts of the Union;
- 6.5 to authorize the ceiling of expenditure to be exceeded, if circumstances so require, in accordance with article 125, **paragraphs 3, 4 and 5**;
- 6.6 to lay down the Financial Regulations of the UPU;
- 6.7 to lay down the rules governing the Reserve Fund;
- 6.8 to lay down the rules governing the Special Fund;
- 6.9 to lay down the rules governing the Special Activities Fund;
- 6.10 to lay down the rules governing the Voluntary Fund;
- 6.11 to provide control over the activities of the International Bureau;
- 6.12 to authorize election of a lower contribution class, if it is so requested, in accordance with the conditions set out in article **127**, paragraph 6;
- 6.13 to authorize a change of geographical group if it is so requested, taking into account the views expressed by the countries which are members of the geographical groups concerned;**
- 6.14** to lay down the Staff Regulations and the conditions of service of the elected officials;
- 6.15** to create or abolish International Bureau posts taking into account the restrictions imposed by the expenditure ceiling fixed;
- 6.16 to lay down the Regulations of the Social Fund;
- 6.17 to approve the annual report **and the Financial Operating Report** on the work of the Union prepared by the International Bureau and where appropriate to furnish observations on **them**;
- 6.18 to decide on the contacts to be established with postal administrations in order to carry out its functions;
- 6.19 after consulting the Postal Operations Council, to decide on the contacts to be established with the organizations which are not de jure observers, to consider and approve the reports by the International Bureau on UPU relations with other international bodies and to take the decisions which it considers appropriate on the conduct of such relations and the action to be taken on them; to designate in due course

the intergovernmental and nongovernmental international organizations which should be invited to be represented at a Congress and to instruct the Director-General to issue the necessary invitations;

- 6.20 to establish principles, as may be considered necessary, for the Postal Operations Council to take into account in its study of questions with major financial repercussions (charges, terminal dues, transit charges, basic airmail conveyance rates and the posting abroad of letter-post items), to follow closely the study of these questions, and to review and approve, for conformity with the aforementioned principles, Postal Operations Council proposals relating to these questions;
- 6.21 to study, at the request of Congress, the Postal Operations Council or postal administrations, administrative, legislative and legal problems concerning the Union or the international postal service; it shall be for the Council of Administration to decide, in the above-mentioned fields, whether it is expedient to undertake the studies requested by postal administrations between Congresses;
- 6.22 to formulate proposals which shall be submitted for the approval either of Congress or of postal administrations in accordance with article 122;
- 6.23 to approve, within the framework of its competence, the recommendations of the Postal Operations Council for the adoption, if necessary, of regulations or of a new procedure until such time as Congress takes a decision in the matter;
- 6.24 to consider the annual report prepared by the Postal Operations Council and any proposals submitted by the Council;
- 6.25 to submit subjects for study to the Postal Operations Council for examination in accordance with article 104, paragraph 9.16;
- 6.26 to designate the country where the next Congress is to be held in the case provided for in article 101, paragraph 4;
- 6.27 to determine in due course and after consulting the Postal Operations Council, the number of Committees required to carry out the work of Congress and to specify their functions;
- 6.28 to designate, after consulting the Postal Operations Council and subject to the approval of Congress, the member countries prepared:
  - to assume the vice-chairmanships of Congress and the chairmanships and vice-chairmanships of the Committees, taking as much account as possible of the equitable geographical distribution of the member countries; and

– to sit on the restricted Committees of Congress;

**6.29** to review and approve the draft Strategic Plan for presentation to Congress developed by the Postal Operations Council with the support of the International Bureau; to review and approve annual revisions of the Plan approved by Congress on the basis of recommendations from the Postal Operations Council, and to consult with the Postal Operations Council on the development and annual updating of the Plan.

**7.** At its first meeting, which shall be convened by the Chairman of Congress, the Council of Administration shall elect four Vice-Chairmen from among its members and draw up its Rules of Procedure.

**8.** On convocation by its Chairman, the Council of Administration shall meet in principle once a year, at Union headquarters.

**9.** The Chairman, the Vice-Chairmen **and** the Committee Chairmen of the **Council of Administration** and the Chairman of the Strategic Planning Working **Party shall** form the Management Committee. This Committee shall prepare and direct the work of each session of the Council of Administration. **It shall approve, on behalf of the Council of Administration, the annual report prepared by the International Bureau on the work of the Union and it shall take on any other task which the Council of Administration** decides to assign to it or the need for which arises in the course of the strategic planning process.

**10.** The representative of each of the members of the Council of Administration participating in its meetings, except for meetings which take place during Congress, shall be entitled to reimbursement of the cost of either an economy class return air ticket or first class return rail ticket, or expenses incurred for travel by any other means subject to the condition that the amount does not exceed the price of the economy class return ticket. The same entitlement shall be granted to each member of its Committees, Working Parties or other bodies when these meet outside Congress and the sessions of the Council.

**11.** The Chairman of the Postal Operations Council shall represent that body at meetings of the Council of Administration on the agenda of which there are questions of interest to the body which he directs.

**12.** To ensure effective liaison between the work of the two bodies, the Postal Operations Council may designate representatives to attend Council of Administration meetings as observers.

**13.** The postal administration of the country in which the Council of Administration meets shall be invited to take part in the meetings in the capacity of observer, if that country is not a member of the Council of Administration.

14. The Council of Administration may invite any international body, any representative of an association or enterprise, or any qualified person whom it wishes to associate with its work to its meetings, without the right to vote. It may also invite, under the same conditions, one or more postal administrations of member countries concerned with questions on its agenda.

15. The members of the Council of Administration shall take an active part in its work. Member countries not belonging to the Council of Administration may, at their request, cooperate in the studies undertaken, subject to such conditions as the Council may establish to ensure the efficiency and effectiveness of its work. They may also be invited to chair Working Parties when their experience or expertise justifies it. The participation of member countries not belonging to the Council of Administration shall be carried out without additional expense for the Union.

#### ARTICLE 103

##### **Documentation on the activities of the Council of Administration**

1. After each session, the Council of Administration shall inform the member countries of the Union and the Restricted Unions about its activities by sending them, inter alia, a summary record and its resolutions and decisions.
2. The Council of Administration shall make to Congress a comprehensive report on its work and send it to postal administrations at least two months before the opening of Congress.

#### ARTICLE 104

##### **Composition, functioning and meetings of the Postal Operations Council**

1. The Postal Operations Council shall consist of forty members who shall exercise their functions during the period between successive Congresses.
2. The members of the Postal Operations Council shall be elected by Congress on the basis of qualified geographical distribution. Twenty-four seats shall be reserved for developing countries and sixteen seats for developed countries. At least **one third** of the members shall be renewed at each Congress.
3. The representative of each of the members of the Postal Operations Council shall be appointed by the postal administration of his country. This representative shall be a qualified official of the postal administration.
4. The operational expenses of the Postal Operations Council shall be borne by the Union. Its members shall not receive any payment. Travelling and living expenses incurred by representatives of **postal** administrations participating in the Postal Operations Council shall be borne by those administrations. However, the

representative of each of the countries considered to be disadvantaged according to the lists established by the United Nations shall, except for meetings which take place during Congress, be entitled to reimbursement of the price of an economy class return air ticket or first class return rail ticket, or expenses incurred for travel by any other means, subject to the condition that the amount does not exceed the price of the economy class return air ticket.

5. At its first meeting, which shall be convened and opened by the Chairman of Congress, the Postal Operations Council shall choose from among its members a Chairman, a Vice-Chairman, the Committee Chairmen and the Chairman of the Strategic Planning Working Party.

6. The Postal Operations Council shall draw up its Rules of Procedure.

7. In principle, the Postal Operations Council shall meet every year at Union headquarters. The date and place of the meeting shall be fixed by its Chairman in agreement with the Chairman of the Council of Administration and the Director-General of the International Bureau.

8. The Chairman, the Vice-Chairman **and** the Committee Chairmen **of the Postal Operations Council** and the Chairman of the Strategic Planning Working Party **shall** form the Management Committee. This Committee shall prepare and direct the work of each meeting of the Postal Operations Council and take on all the tasks which the latter decides to assign to it or the need for which arises in the course of the strategic planning process.

9. The functions of the Postal Operations Council shall be the following:

9.1 to conduct the study of the most important operational, commercial, technical, economic and technical cooperation problems which are of interest to postal administrations of all member countries, including questions with major financial repercussions (charges, terminal dues, transit charges, airmail conveyance rates, parcel-post rates, and the posting abroad of letter-post items), and to prepare information, opinions and recommendations for action on them;

9.2 to revise **the Regulations** of the Union within six months following the end of the Congress unless the latter decides otherwise; in case of urgent necessity, the Postal Operations Council may also amend the said Regulations at other sessions; in both cases, the Operations Council shall be subject to Council of Administration guidance on matters of fundamental policy and principle;

9.3 to coordinate practical measures for the development and improvement of international postal services;

9.4 to take, subject to Council of Administration approval within the framework of the latter's competence, any action considered necessary

to safeguard and enhance the quality of and to modernize the international postal service;

- 9.5 to formulate proposals which shall be submitted for the approval either of Congress or of postal administrations in accordance with article 122; the approval of the Council of Administration is required when these proposals concern questions within the latter's competence;
- 9.6 to examine, at the request of the postal administration of a member country, any proposal which that **postal** administration forwards to the International Bureau under article 121, to prepare observations on it and to instruct the International Bureau to annex these observations to the proposal before submitting it for approval to the postal administrations of member countries;
- 9.7 to recommend, if necessary, and where appropriate after approval by the Council of Administration and consultation of all the postal administrations, the adoption of regulations or of a new procedure until such time as Congress takes a decision in the matter;
- 9.8 to prepare and issue, in the form of recommendations to postal administrations, standards for technological, operational and other processes within its competence where uniformity of practice is essential; it shall similarly issue, as required, amendments to standards it has already set;
- 9.9 **to examine** in consultation with and with the approval of the Council of Administration, the draft Strategic Plan **drawn up by the International Bureau** for consideration by Congress; to revise **each year** the Plan approved by Congress **with the assistance of the Strategic Planning Working Party and** of the International Bureau **as well as with** the approval of the Council of Administration;
- 9.10 to approve those parts of the annual report on the work of the Union prepared by the International Bureau which concern the responsibilities and functions of the Postal Operations Council;
- 9.11 to decide on the contacts to be established with postal administrations in order to carry out its functions;
- 9.12 to study teaching and vocational training problems of interest to the new and developing countries;
- 9.13 to take the necessary steps to study and publicize the experiments and progress made by certain countries in the technical, operational, economic and vocational training fields of interest to the postal services;

- 9.14 to study the present position and needs of the postal services in the new and developing countries and to prepare appropriate recommendations on ways and means of improving the postal services in those countries;
- 9.15 to take, in consultation with the Council of Administration, appropriate steps in the sphere of technical cooperation with all member countries of the Union and in particular with the new and developing countries;
- 9.16 to examine any other questions submitted to it by a member of the Postal Operations Council, by the Council of Administration or by any **postal** administration of a member country.

10. The members of the Postal Operations Council shall take an active part in its work. The postal administrations of member countries not belonging to the Postal Operations Council may, at their request, cooperate in the studies undertaken, subject to such conditions as the Council may establish to ensure the efficiency and effectiveness of its work. Such postal administrations may also be requested to chair Working Parties where their expertise or experience justify it.

11. **On the basis of the UPU Strategic Plan adopted by Congress and, in particular the part relating to the strategies of the Permanent Bodies of the Union,** the Postal Operations Council shall, at its **first** session **after** Congress, prepare a draft basic work programme, **containing a number of tactics aimed at implementing strategies.** This basic work programme, which shall include a limited number of **projects** on topical subjects of common interest, shall be **revised** annually in the light of new realities and priorities, **as well as of changes made to the Strategic Plan.**

12. In order to ensure effective liaison between the work of the two bodies, the Council of Administration may designate representatives to attend Postal Operations Council meetings as observers.

13. The Postal Operations Council may invite the following to take part in its meetings without the right to vote:

- 13.1 any international body or any qualified person whom it wishes to associate with its work;
- 13.2 postal administrations of member countries not belonging to the Postal Operations Council;
- 13.3 any association or enterprise that it wishes to consult with respect to its work.

## ARTICLE 105

### **Documentation on the activities of the Postal Operations Council**

1. After each session, the Postal Operations Council shall inform the member countries of the Union and the Restricted Unions about its activities by sending them, inter alia, a summary record and its resolutions and decisions.
2. The Postal Operations Council shall prepare for the Council of Administration an annual report on its work.
3. The Postal Operations Council shall prepare for Congress a comprehensive report on its work and send it to postal administrations of member countries at least two months before the opening of Congress.

## ARTICLE 106

### **Rules of Procedure of Congresses**

1. For the organization of its work and the conduct of its debates, Congress shall apply the Rules of Procedure of **Congresses**.
2. Each Congress may amend these Rules under the conditions laid down in the Rules of Procedure themselves.

## ARTICLE 107

### **Working language of the International Bureau**

The working languages of the International Bureau shall be French and English.

## ARTICLE 108

### **Languages used for documentation, for debates and for official correspondence**

1. For the documentation of the Union, the French, English, Arabic and Spanish languages shall be used. The Chinese, German, Portuguese and Russian languages shall also be used provided that only the most important basic documentation is produced in these languages. Other languages may also be used on condition that the member countries which have made the request shall bear all of the costs involved.
2. The member country or countries which have requested a language other than the official language constitute a language **group**.



3. Documentation shall be published by the International Bureau in the official language and in the languages of **the duly** constituted language groups, either directly or through the intermediary of the regional offices of those groups in conformity with the procedures agreed with the International Bureau. Publication in the different languages shall be effected in accordance with a common standard.
4. Documentation published directly by the International Bureau shall, as far as possible, be distributed simultaneously in the different languages requested.
5. Correspondence between the postal administrations and the International Bureau and between the latter and outside entities may be exchanged in any language for which the International Bureau has available a translation service.
6. The costs of translation into any language, including those resulting from the application of paragraph 5, shall be borne by the language group which has asked for that language. **The member countries using the official language shall pay, in respect of the translation of non-official documents, a lump-sum contribution, the amount of which per contribution unit shall be the same as that borne by the member countries using the other International Bureau working language.** All other costs involved in the supply of documents shall be borne by the Union. The ceiling of the costs to be borne by the Union for the production of documents in Chinese, German, Portuguese and Russian shall be fixed by a Congress resolution.
7. The costs to be borne by a language group shall be divided among the members of that group in proportion to their contributions to the expenses of the Union. These costs may be divided among the members of the language group according to another system, provided that the countries concerned agree to it and inform the International Bureau of their decision through the intermediary of the spokesman of the group.
8. The International Bureau shall give effect to any change in the choice of language requested by a member country after a period which shall not exceed two years.
9. For the discussions at meetings of the Union's bodies, the French, English, Spanish and Russian languages shall be admissible, by means of a system of interpretation – with or without electronic equipment – the choice being left to the judgment of the organizers of the meeting after consultation with the Director-General of the International Bureau and the member countries concerned.
10. Other languages shall likewise be admissible for the discussions and meetings mentioned in paragraph 9.
11. Delegations using other languages shall arrange for simultaneous interpretation into one of the languages mentioned in paragraph 9, either by the

system indicated in the same paragraph, when the necessary technical modifications can be made, or by individual interpreters.

12. The costs of the interpretation services shall be shared among the member countries using the same language in proportion to their contributions to the expenses of the Union. However, the costs of installing and maintaining the technical equipment shall be borne by the Union.

13. Postal administrations may come to an understanding about the language to be used for official correspondence in their relations with one another. In the absence of such an understanding the language to be used shall be French.

## CHAPTER II

### **International Bureau**

#### ARTICLE 109

#### **Election of the Director-General and Deputy Director-General of the International Bureau**

1. The Director-General and the Deputy Director-General of the International Bureau shall be elected by Congress for the period between two successive Congresses, the minimum duration of their term of office being five years. Their term of office shall be renewable once only. Unless Congress decides otherwise, the date on which they take up their duties shall be fixed at 1 January of the year following that in which Congress is held.

2. At least seven months before the opening of Congress, the Director-General of the International Bureau shall send a memorandum to the Governments of member countries inviting them to submit their applications, if any, for the posts of Director-General and Deputy Director-General and indicating at the same time whether the Director-General and Deputy Director-General in office are interested in a renewal of their initial term of office. The applications, accompanied by a curriculum vitae, must reach the International Bureau at least two months before the opening of Congress. The candidates must be nationals of the member countries which put them forward. The International Bureau shall prepare the election documents for Congress. The election of the Director-General and that of the Deputy Director-General shall take place by secret ballot, the first election being for the post of Director-General.

3. If the post of Director-General falls vacant, the Deputy Director-General shall take over the functions of Director-General until the expiry of the latter's term of office; he shall be eligible for election to that post and shall automatically be accepted as a candidate, provided that his initial term of office as Deputy Director-General has not already been renewed once by the preceding Congress and that he

declares his interest in being considered as a candidate for the post of Director-General.

4. If the posts of Director-General and Deputy Director-General fall vacant at the same time, the Council of Administration shall elect, on the basis of the applications received following notification of the vacancies, a Deputy Director-General for the period extending up to the next Congress. With regard to the submission of applications, paragraph 2 shall apply by analogy.

5. If the post of Deputy Director-General falls vacant, the Council of Administration shall, on the proposal of the Director-General, instruct one of the Assistant Directors-General at the International Bureau to take over the functions of Deputy Director-General until the following Congress.

## ARTICLE 110

### **Duties of the Director-General**

1. The Director-General shall organize, administer and direct the International Bureau, of which he is the legal representative. He shall be empowered to classify posts in grades G 1 to D 2 and to appoint and promote officials in those grades. For appointments in grades P 1 to D 2, he shall consider the professional qualifications of the candidates recommended by the postal administrations of the member countries of which the candidates are nationals or in which they exercise their professional activities, taking into account equitable geographical distribution with respect to continents and languages. **The posts of Assistant Director-General shall as far as possible be filled by candidates from different regions and from regions other than those from which the Director-General and Deputy Director-General originate, bearing in mind the paramount consideration of the efficiency of the International Bureau.** In the case of posts requiring special qualifications, the Director-General may seek applications from outside. He shall also consider, for the appointment of a new official, that, in principle, persons occupying grade D 2, D 1 and P 5 posts must be nationals of different member countries of the Union. For the promotion of an official of the International Bureau to grades D 2, D 1 and P 5, he shall not be bound to apply that principle. Moreover, the requirements of equitable geographical and language distribution shall rank behind merit in the recruitment process. The Director-General shall inform the Council of Administration once a **year of** appointments and promotions in grades P 4 to D 2.

2. The Director-General shall have the following duties:

2.1 to act as depositary of the Acts of the Union and as intermediary in the procedure of accession and admission to and withdrawal from the Union;

- 2.2** to notify the decisions taken by Congress to all the Governments of member countries;
- 2.3** to notify all **postal** administrations of **the Regulations** drawn up or revised by the Postal Operations Council;
- 2.4** to prepare the draft annual budget of the Union at the lowest possible level consistent with the requirements of the Union and to submit it in due course to the Council of Administration for consideration; to communicate the budget to the member countries of the Union after approval by the Council of Administration and to execute it;
- 2.5** to execute the specific activities requested by the bodies of the Union and those assigned to him by the Acts;
- 2.6** to take action to achieve the objectives set by the bodies of the Union, within the framework of the established policy and the funds available;
- 2.7** to submit suggestions and proposals to the Council of Administration or to the Postal Operations Council;
- 2.8** to prepare, for the Postal Operations Council and on the basis of directives issued by the latter, the draft Strategic Plan to be submitted to Congress and the draft annual revision;
- 2.9** to ensure the representation of the Union;
- 2.10** to act as an intermediary in relations between:
  - the UPU and the Restricted Unions;
  - the UPU and the United Nations;
  - the UPU and the international organizations whose activities are of interest to the Union;
  - the UPU and the international organizations or the associations or enterprises that the bodies of the Union wish to consult or associate with their work;
- 2.11** to assume the duties of Secretary-General of the bodies of the Union and supervise in this capacity and taking into account the special provisions of these General Regulations, in particular:
  - the preparation and organization of the work of the Union's bodies;

- the preparation, production and distribution of documents, reports and minutes;
- the functioning of the secretariat at meetings of the Union's bodies;

**2.12** to attend the meetings of the bodies of the Union and take part in the discussions without the right to vote, with the possibility of being represented.

## ARTICLE 111

### **Duties of the Deputy Director-General**

1. The Deputy Director-General shall assist the Director-General and shall be responsible to him.
2. If the Director-General is absent or prevented from discharging his duties, the Deputy Director-General shall exercise his functions. The same shall apply in the case of a vacancy in the post of Director-General as mentioned in article 109, paragraph 3.

## ARTICLE 112

### **Secretariat of the Union's bodies**

The secretariat of the Union's bodies shall be provided by the International Bureau under the responsibility of the Director-General. It shall send all the documents published on the occasion of each session to the postal administrations of the members of the body, to the postal administrations of countries which, while not members of the body, cooperate in the studies undertaken, to the Restricted Unions and to postal administrations of other member countries which ask for them.

## ARTICLE 113

### **List of member countries**

The International Bureau shall prepare and keep up to date the list of member countries of the Union showing therein their contribution class, their geographical group and their position with respect to the Acts of the Union.

## ARTICLE 114

### **Information. Opinions. Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts**

1. The International Bureau shall be at all times at the disposal of the Council of Administration, the Postal Operations Council and postal administrations for the purpose of supplying them with any necessary information on questions relating to the service.
2. In particular it shall collect, collate, publish and distribute all kinds of information of interest to the international postal service, give an opinion, at the request of the parties involved, on questions in dispute, act on requests for interpretation and amendment of the Acts of the Union and, in general, carry out such studies and editorial or documentary work as are assigned to it by those Acts or as may be referred to it in the interest of the Union.
3. It shall also conduct inquiries requested by **postal** administrations to obtain the views of other postal administrations on a particular question. The result of an inquiry shall not have the status of a vote and shall not be formally binding.
4. It **may** act as a clearing house in the settlement of accounts of all kinds relating to the postal **service**.

## ARTICLE 115

### **Technical cooperation**

The International Bureau shall develop postal technical assistance in all its forms within the framework of international technical cooperation.

## ARTICLE 116

### **Forms supplied by the International Bureau**

The International Bureau shall be responsible for arranging the manufacture of international reply coupons and for supplying them, at cost, to postal administrations ordering them.

## ARTICLE 117

### **Acts of Restricted Unions and Special Agreements**

1. Two copies of the Acts of Restricted Unions and of Special Agreements concluded under article 8 of the Constitution shall be sent to the International

Bureau by the offices of such Unions, or failing that, by one of the contracting parties.

2. The International Bureau shall see that the Acts of Restricted Unions and Special Agreements do not include conditions less favourable to the public than those which are provided for in the Acts of the Union and shall inform postal administrations of the existence of such Unions and Agreements. The International Bureau shall notify the Council of Administration of any irregularity discovered through applying this provision.

#### ARTICLE 118

##### **Union periodical**

The International Bureau shall publish, with the aid of the documents made available to it, a periodical in Arabic, Chinese, English, French, German, Russian and Spanish.

#### ARTICLE 119

##### **Annual report on the work of the Union**

The International Bureau shall make an annual report on the work of the Union, which shall be sent, after approval by the Council of Administration, to postal administrations, the Restricted Unions and the United Nations.

#### CHAPTER III

##### **Procedure for the submission and consideration of proposals**

#### ARTICLE 120

##### **Procedure for submitting proposals to Congress**

1. Subject to the exceptions provided for in paragraphs 2 and 5, the following procedure shall govern the submission of proposals of all kinds to Congress by postal administrations of member countries:

- (a) proposals which reach the International Bureau at least six months before the date fixed for Congress shall be accepted;
- (b) no drafting proposal shall be accepted during the period of six months preceding the date fixed for Congress;

- (c) proposals of substance which reach the International Bureau in the interval between six and four months before the date fixed for Congress shall not be accepted unless they are supported by at least two **postal** administrations;
- (d) proposals of substance which reach the International Bureau in the interval between four and two months preceding the date fixed for Congress shall not be accepted unless they are supported by at least eight **postal** administrations; proposals which arrive after that time shall no longer be accepted;
- (e) declarations of support shall reach the International Bureau within the same period as the proposals to which they refer.

2. Proposals concerning the Constitution or the General Regulations shall reach the International Bureau not later than six months before the opening of Congress; any received after that date but before the opening of Congress shall not be considered unless Congress so decides by a majority of two thirds of the countries represented at Congress and unless the conditions laid down in paragraph 1 are fulfilled.

3. Every proposal must, as a rule, have only one aim and contain only the changes justified by that aim.

4. Drafting proposals shall be headed "Drafting proposal" by the **postal** administrations which submit them and shall be published by the International Bureau under a number followed by the letter R. Proposals which do not bear this indication but which, in the opinion of the International Bureau, deal only with drafting points shall be published with an appropriate annotation; the International Bureau shall draw up a list of these proposals for Congress.

5. The procedure prescribed in paragraphs 1 and 4 shall not apply either to proposals concerning the Rules of Procedure of Congresses or to amendments to proposals already made.

## ARTICLE 121

### **Procedure for submitting proposals between Congresses**

1. To be eligible for consideration every proposal concerning the Convention or the Agreements submitted by a postal administration between Congresses shall be supported by at least two other **postal** administrations. Such proposals shall lapse if the International Bureau does not receive, at the same time, the necessary number of declarations of support.

2. These proposals shall be sent to other postal administrations through the intermediary of the International Bureau.



3. Proposals concerning **the Regulations** shall not require support but shall not be considered by the Postal Operations Council unless the latter agrees to the urgent necessity.

## ARTICLE 122

### **Consideration of proposals between Congresses**

1. Every proposal concerning the Convention, the Agreements and their Final Protocols shall be subject to the following procedure: a period of two months shall be allowed to postal administrations of member countries for consideration of the proposal notified by an International Bureau circular and for forwarding their observations, if any, to the Bureau. Amendments shall not be admissible. The replies shall be collected by the International Bureau and communicated to postal administrations with an invitation to vote for or against the proposal. Those which have not sent in their vote within a period of two months shall be considered as abstaining. The aforementioned periods shall be reckoned from the dates of the International Bureau circulars.

2. Proposals for amending **the Regulations** shall be dealt with by the Postal Operations Council.

3. If the proposal relates to an Agreement or its Final Protocol, only the postal administrations of member countries which are parties to that Agreement may take part in the procedure described in paragraph 1.

## ARTICLE 123

### **Notification of decisions adopted between Congresses**

1. Amendments made to the Convention, the Agreements and the Final Protocols to those Acts shall be sanctioned by notification thereof to the Governments of member countries by the Director-General of the International Bureau.

2. Amendments made to **the Regulations** and their Final Protocols by the Postal Operations Council shall be communicated to postal administrations by the International Bureau. The same shall apply to the interpretations referred to in article **64.3.2** of the Convention and in the corresponding provisions of the Agreements.

## ARTICLE 124

### **Entry into force of the Regulations and of the other decisions adopted between Congresses**

1. **The Regulations** shall come into force on the same date and shall have the same duration as the Acts laid down by Congress.
2. Subject to paragraph 1, decisions on amending the Acts of the Union which are adopted between Congresses shall not take effect until at least three months after their notification.

## CHAPTER IV

### **Finance**

## ARTICLE 125

### **Fixing and regulation of the expenditure of the Union**

1. Subject to the provisions of paragraphs 2 to 6, the annual expenditure relating to the activities of bodies of the Union may not exceed the following sums for **2000** and subsequent years:

**36 680 816** Swiss francs for **2000**;

**37 000 000** Swiss francs for **the years 2001 to 2004**.

The basic limit for **2004** shall also apply to the following years in case the Congress scheduled for **2004** is postponed.

2. The expenditure relating to the convening of the next Congress (travelling expenses of the secretariat, transport charges, cost of installing simultaneous interpretation equipment, cost of reproducing documents during the Congress, etc) shall not exceed the limit of **2 948 000** Swiss francs.

3. The Council of Administration shall be authorized to exceed the limits laid down in paragraphs 1 and 2 to take account of increases in salary scales, pension contributions or allowances, including post adjustments, approved by the United Nations for application to its staff working in Geneva.

4. The Council of Administration shall also be authorized to adjust, each year, the amount of expenditure other than that relating to staff on the basis of the Swiss consumer price index.

5. Notwithstanding paragraph 1, the Council of Administration, or in case of extreme urgency, the Director-General, may authorize the prescribed limits to be exceeded to meet the cost of major and unforeseen repairs to the International Bureau building, provided however that the amount of the increase does not exceed 125 000 Swiss francs per annum.

6. If the credits authorized in paragraphs 1 and 2 prove inadequate to ensure the smooth running of the Union, these limits may only be exceeded with the approval of the majority of the member countries of the Union. Any consultation shall include a complete description of the facts justifying such a request.

7. Countries which accede to the Union or are admitted to the status of members of the Union as well as those which leave the Union shall pay their contributions for the whole of the year during which their admission or withdrawal becomes effective.

8. Member countries shall pay their contributions to the Union's annual expenditure in advance on the basis of the budget laid down by the Council of Administration. These contributions shall be paid not later than the first day of the financial year to which the budget refers. After that date, the sums due shall be chargeable with interest in favour of the Union at the rate of 3 percent per annum for the first six months and of 6 percent per annum from the seventh month.

**9. Where the arrears of mandatory contributions, not including interest, owed to the Union by a member country are equal to or more than the amount of the contributions of that member country for the preceding two financial years, such member country may irrevocably assign to the Union all or part of the credits owed it by other member countries, in accordance with the arrangements laid down by the Council of Administration. The conditions of this assignment of credit shall be determined by agreement reached between the member country, its debtors/creditors and the Union.**

**10. A member country which, for legal or other reasons, cannot make such assignment shall undertake to conclude a schedule for the amortization of its arrears.**

**11. Other than in exceptional circumstances, recovery of arrears of mandatory contributions owed to the Union may not extend over more than ten years.**

12. In exceptional circumstances, the Council of Administration may release a member country from all or part of the interest owed if that country has paid the full capital amount of its debts in arrears.

13. A member country may also be released, within the framework of an amortization schedule approved by the Council of Administration for its accounts in arrears, from all or part of the interest accumulated or to accrue; such release

shall, however, be subject to the full and punctual execution of the amortization schedule within an agreed period of **ten** years at most.

**14.** To cover shortfalls in Union financing, a Reserve Fund shall be established the amount of which shall be fixed by the Council of Administration. This Fund shall be maintained primarily from budget surpluses. It may also be used to balance the budget or to reduce the amount of member countries' contributions.

**15.** As regards temporary financing shortfalls, the Government of the Swiss Confederation shall make the necessary short-term advances, on conditions which are to be fixed by mutual agreement. That Government shall supervise, without charge, book-keeping and accounting of the International Bureau within the limits of the credits fixed by Congress.

## ARTICLE 126

### Automatic sanctions

**1.** Any member country unable to make the assignment provided for in paragraph 9 of article 125 and which does not agree to submit to an amortization schedule proposed by the International Bureau in accordance with article 125, paragraph 10, or which does not comply with such a schedule shall automatically lose its right to vote at Congress and at meetings of the Council of Administration and the Postal Operations Council and shall no longer be eligible for membership of these two Councils.

**2.** Automatic sanctions shall be lifted as a matter of course and with immediate effect as soon as the member country concerned has paid its arrears of mandatory contributions owed to the Union, in capital and interest, or has agreed to submit to a schedule for the amortization of the arrears.

## ARTICLE 127

### Contribution classes

**1.** Member countries shall contribute to defraying Union expenses according to the contribution class to which they belong. These classes shall be the following:

class of 50 units;

class of 40 units;

class of 35 units;

class of 25 units;

class of 20 units;

class of 15 units;

class of 10 units;

class of 5 units;

class of 3 units;

class of 1 unit;

class of 0.5 unit, reserved for the least advanced countries as listed by the United Nations and for other countries designated by the Council of Administration.

2. Notwithstanding the contribution classes listed in paragraph 1, any member country may elect to contribute more than 50 units.

3. Member countries shall be included in one of the above-mentioned contribution classes upon their admission or accession to the Union in accordance with the procedure laid down in article 21, paragraph 4, of the Constitution.

4. Member countries may subsequently change contribution class on condition that this change is communicated to the International Bureau **at least two months** before the opening of Congress. This notification, which shall be brought to the attention of Congress, shall take effect on the date of the entry into force of the financial provisions drawn up by Congress. **Member countries that have not made known their wish to change contribution class within the required time shall remain in the class to which they belonged up to that time.**

5. Member countries may not insist on being lowered more than one class at a **time**.

6. Nevertheless, in exceptional circumstances such as natural disasters necessitating international aid programmes, the Council of Administration may authorize a **temporary** reduction in contribution class **once between two Congresses** when so requested by a member country if the said member establishes that it can no longer maintain its contribution at the class originally chosen. **In the same circumstances, the Council of Administration may also authorize a temporary reduction for the non-least developed countries already in the class of 1 unit by placing them in the class of 0.5 unit.**

7. **The temporary reduction in contribution class in application of paragraph 6 may be authorized by the Council of Administration for a maximum period of two years or up to the next Congress, whichever is earlier. On expiry of the specified period, the country concerned shall automatically revert to its original contribution class.**

8. Notwithstanding paragraphs 4 and 5, changes to a higher class shall not be subject to any restriction.

#### ARTICLE 128

##### **Payment for supplies from the International Bureau**

Supplies provided by the International Bureau to postal administrations against payment shall be paid for in the shortest possible time and at the latest within six months from the first day of the month following that in which the account is sent by the Bureau. After that period the sums due shall be chargeable with interest in favour of the Union at the rate of 5 percent per annum reckoned from the date of expiry of that period.

#### CHAPTER V

##### **Arbitration**

#### ARTICLE 129

##### **Arbitration procedure**

1. If a dispute has to be settled by arbitration, each of the postal administrations party to the case shall select a postal administration of a member country not directly involved in the dispute. When several **postal** administrations make common cause, they shall count only as a single administration for the purposes of this provision.
2. If one of the **postal** administrations party to the case does not act on a proposal for arbitration within a period of six months, the International Bureau, if so requested, shall itself call upon the defaulting **postal** administration to appoint an arbitrator or shall itself appoint one ex officio.
3. The parties to the case may agree to appoint a single arbitrator which may be the International Bureau.
4. The decision of the arbitrators shall be taken by a majority of votes.
5. In the event of a tie the arbitrators shall select another postal administration, not involved in the dispute either, to settle the matter. Should they fail to agree on the choice, this **postal** administration shall be appointed by the International Bureau from among **postal** administrations not proposed by the arbitrators.

6. If the dispute concerns one of the Agreements, the arbitrators may be appointed only from among the **postal** administrations that are parties to that Agreement.

## CHAPTER VI

### **Final provisions**

#### ARTICLE 130

##### **Conditions for approval of proposals concerning the General Regulations**

To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member countries represented at Congress. At least two thirds of the member countries of the Union shall be present at the time of voting.

#### ARTICLE 131

##### **Proposals concerning the Agreements with the United Nations**

The conditions of approval referred to in article 130 shall apply equally to proposals designed to amend the Agreements concluded between the Universal Postal Union and the United Nations, in so far as those Agreements do not lay down conditions for the amendment of the provisions they contain.

#### ARTICLE 132

##### **Entry into force and duration of the General Regulations**

These General Regulations shall come into force on **1 January 2001** and shall remain in operation until the entry into force of the Acts of the next Congress.

In witness whereof the plenipotentiaries of the Governments of the member countries have signed these General Regulations in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at Beijing, **15 September 1999**.

**[Here follow the signatures]**

## DECLARATIONS MADE ON SIGNATURE OF THE ACTS

### I

*On behalf of the Argentine Republic:*

"Argentina reiterates the reservation made on ratification of the Constitution of the Universal Postal Union signed in Vienna, Austria, on 10 July 1964, by which the Argentine Government expressly stated that article 23 of the Constitution neither referred to nor included the Islas Malvinas, South Georgia, the South Sandwich Islands or Argentine Antarctica. The Argentine Republic therefore reaffirms its sovereignty over those territories which form an integral part of its national territory. It also recalls that the United Nations General Assembly adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the existence of a dispute about sovereignty is recognized and in which the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland are requested to enter into negotiations with a view to settling the dispute and finding a peaceful and final solution to the problems outstanding between the two countries, including all questions concerning the future of the Islas Malvinas, in accordance with the Charter of the United Nations.

"Similarly, the Argentine Republic points out that the provision contained in article RE 1301 of the Detailed Regulations of the Universal Postal Convention on the circulation of postage stamps valid in the country of origin will not be considered obligatory for the Republic where any such postage stamps distort Argentina's geographic and legal reality, without prejudice to the application of paragraph 15 of the joint Argentine-British Declaration of 1 July 1971 on communications and movement between Argentina's continental territory and the Islas Malvinas, approved by exchange of letters between the two Governments on 5 August 1971."

(Congrès-Doc 86)

### II

*On behalf of the Islamic Republic of Iran:*

"The Islamic Republic of Iran reserves the right to use the term "charge on overdue payments" instead of "interest" in all UPU Acts and Regulations each time the question arises of payment of an additional charge for non-compliance with a payment deadline, in view of the fact that the practice of interest is contrary to the Islamic religion."

(Congrès-Doc 86.Add 1)



### III

*On behalf of Australia:*

"Australia will apply the Acts and Regulations adopted by this Congress in full compliance with its rights and obligations under the World Trade Organization Agreement, and in particular the General Agreement on Trade in Services."

(Congrès-Doc 86.Add 2)

### IV

*On behalf of the United Kingdom of Great Britain and Northern Ireland:*

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to United Kingdom sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory. In this context attention is drawn to article IV of the Antarctic Treaty to which both the United Kingdom and Argentina are parties.

"The United Kingdom Government therefore does not accept the declaration of the Argentine Republic claiming to contest United Kingdom sovereignty over the above-mentioned territories, nor does it accept the declaration of the Argentine Republic concerning article RE 1301 of the Seoul Convention (now article RE 305 of the recast Universal Postal Convention).

"As regards other matters mentioned in the declaration of the Argentine Republic, the position of the United Kingdom Government is reserved."

(Congrès-Doc 86.Add 3)

### V

*On behalf of Iceland, the principality of Lichtenstein, and Norway:*

"The delegations of Iceland, the Principality of Liechtenstein, and Norway declare that their countries will apply the Acts adopted by this Congress in accordance with their obligations pursuant to the agreement establishing the European Economic Area."

(Congrès-Doc 86.Add 4)

## VI

*On behalf of New Zealand:*

"New Zealand will apply the Acts and regulations adopted by this Congress insofar as they are consistent with its other international obligations, in particular, the General Agreement on Trade in Services."

(Congrès-Doc 86.Add 5)

## VII

*On behalf of the United States of America:*

"The United States of America supports the terminal dues system as adopted by the Beijing Congress, acknowledging it as a significant but incomplete measure that moves the system toward a sound economic basis for compensating postal administrations. It is the policy of the government of the United States of America to pursue vigorously further terminal dues reform, which will maintain a viable, efficient and universal international mail service, provide proper compensation to postal administrations for the delivery costs they incur, and review the need for article 40 restrictions. Further, the United States of America anticipates that such a system should be adopted no later than the year 2005, and substantially earlier for exchanges of mail between industrialized countries.

"The United States of America urges the Universal Postal Union to collaborate with the World Customs Organization on development of principles and standards for non-discriminatory customs clearance for both public and private operators. These principles and standards should respect the needs of both public and private operators to move goods expeditiously and without undue impedance and the needs of customs administrations to maintain border controls required to protect the public interest. The United States of America is further of the view that nothing in the Acts of the Union precludes member countries from establishing customs clearance procedures for private operators that are comparable to the procedures for public postal operators."

(Congrès-Doc 86.Add 6)

## VIII

*On behalf of the Republic of Austria, Belgium, the Kingdom of Denmark, the Republic of Finland, the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, Channel Islands and Isle of Man, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden.:*

"The delegations of the member countries of the European Union declare that their countries will apply the Acts adopted by this Congress in accordance with their obligations pursuant to the Treaty establishing the European Union and the General Agreement on Trade in Services (GATS) of the World Trade Organization."

IX

*On behalf of Viet Nam*

"Viet Nam reserves the right of its Government to take the necessary measures to protect its interests in the event that certain members do not comply with the articles of the UPU Acts or issue a declaration that may be detrimental to the postal services or the sovereignty of its nation."

(Congrès-Doc 86.Add 8)

X

*On behalf of the Republic of Turkey:*

"Basing itself on the fact that the island of Cyprus has two peoples, the Greek and the Turkish communities, the Republic of Turkey declares that the Greek Cypriot administration has no legal authority to represent Cyprus as a whole, and still less the Turkish Cypriot people.

"Consequently, the Republic of Turkey does not recognize the representation of the whole island by the Greek Cypriot postal administration at the 22nd UPU Congress in Beijing and asks for the rights of the postal administration of the Turkish Republic of Northern Cyprus to be safeguarded."

(Congrès-Doc 86.Add 9)

XI

*On behalf of the former Yugoslav Republic of Macedonia:*

"The Delegation of the Government of the Republic of Macedonia is signing, with submitting of this document for signing, the Final Acts of the 22nd Congress of the UPU, held in Beijing from 23 August to 15 September 1999 in conformity with the full power entrusted to the delegation, by the Credentials, signed by the Prime Minister of the Government of the Republic of Macedonia Mr Ljubco Georgievski, and submitted to the Secretariat of the Congress."

(Congrès-Doc 86.Add 10)

## XII

*On behalf of the Syrian Arab Republic:*

"The postal administration of the Syrian Arab Republic declares that its signature of the Acts does not imply an obligation to perform or accept any transaction with the Israeli postal administration."

(Congrès-Doc 86.Add 11)

## XIII

*On behalf of the People's Democratic Republic of Algeria, the State of Bahrain, the Islamic Republic of Iran, the Republic of Iraq, the State of Kuwait, the Lebanese Republic, the Socialist People's Libyan Arab Jamahiriya, the Islamic Republic of Mauritania, the Islamic Republic of Pakistan, the Kingdom of Saudi Arabia, the Republic of Sudan, the Syrian Arab Republic, the Republic of Tunisia, the United Arab Emirates and the Republic of Yemen:*

"Considering  
the fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War,

"Recalling  
that Zionism exhibits all the characteristics of imperialism owing to the fact that it is a constant source of conflict and of war with the (adjacent) countries of the Middle East,

"Noting  
that, by its basic philosophy, Zionism practises an avowed expansionism because it is occupying territories recognized de facto and de jure as belonging to free and independent countries which are members of the international community,

"Aware  
that the Palestinian people are suffering the horrors of the conditions of occupation which are imposed on them and that, as a consequence, their defence is a just cause as it is designed to restore their human and social rights and their right to self-determination and to construct their right to self-determination and to construct their own independent State on the territory of Palestine,

"Considering  
that Israel is the spearhead of this philosophy of imperialism, expansionism and racism,

"Confirm  
their declaration No IX made at the 1964 Vienna Congress, their declaration No III made at the 1969 Tokyo Congress, their declaration No III made at the 1974

Lausanne Congress, their declaration No V made at the 1979 Rio de Janeiro Congress, their declaration No XXVII made at the 1984 Hamburg Congress, their declaration No III made at the 1989 Washington Congress and their declaration No IV made at the 1994 Seoul Congress,

"And reaffirm

that their signature of all the Acts of the Universal Postal Union (1999 Beijing Congress) as well as any subsequent ratification of those Acts by their respective Governments are not valid vis-à-vis the member inscribed under the name of Israel and in no way imply its recognition."

(Congrès-Doc 86.Add 12)

XIV

*On behalf of Israel:*

"The delegation of Israel to the 22nd Congress of the Universal Postal Union rejects unreservedly and in their entirety, all declarations or reservations made by certain member countries of the Union at the Union's 15th Congress (Vienna 1964), 16th Congress (Tokyo 1969), 17th Congress (Lausanne 1974), 18th Congress (Rio de Janeiro 1979), 19th Congress (Hamburg 1984), 20th Congress (Washington 1989), 21st Congress (Seoul 1994) and 22nd Congress (Beijing 1999), purporting to disregard Israel's rights of membership in the UPU, as incompatible with the status of the State of Israel as a member of the UN and the UPU. Further, these declarations were made with the intention of not applying the provisions of the Acts of the UPU, and therefore contravene the letter and the spirit of the Constitution, Convention and Agreements. The delegation of Israel accordingly considers these declarations and reservations as illegal and null and void."

(Congrès-Doc 86.Add 13)

XV

*On behalf of the Republic of Cyprus:*

"The Turkish delegation for yet another time attempted to dispute the representation of the Republic of Cyprus by the legal postal administration of Cyprus at the 22nd UPU Congress.

"It is an undisputable fact that the postal administration of the Republic of Cyprus is the only internationally recognized administration on the island of Cyprus and a member of the UPU since 23 November 1961.

"There is only one state in Cyprus, the Republic of Cyprus which enjoys international recognition and is a member of the United Nations and other international organizations.

"The so-called TRNC' is an illegal entity established by the Turkish occupation forces which invaded Cyprus in 1974 and till today they occupy 37 percent of its territory from which they have expelled all the Greek Cypriot lawful inhabitants.

"The illegal entity has been condemned by the international community and the UN Security Council in its resolutions 541/83 of 1983 and 550/84 of 1984 which calls inter alia. upon all states to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus and calls upon all states not to recognize the purported state of the TRNC' set up by secessionist acts; it also calls upon them not to facilitate or in any way assist the aforesaid secessionist entity.

"The relevant texts are attached hereto."

(Congrès-Doc 86.Add 14)

**UNITED NATIONS SECURITY COUNCIL RESOLUTION 541  
(18 NOVEMBER 1983)**

The UN Security Council adopted on 18 November 1983 resolution 541 (1983) by 13 votes in favour, one against (Pakistan) and one abstention (Jordan). Following is the text of the resolution:

"The Security Council,

Having heard the statement of the Foreign Minister of the Government of the Republic of Cyprus,

Concerned at the declaration by the Turkish Cypriot authorities issued on 15 November 1983 which purports to create an independent state in northern Cyprus,

Considering that this declaration is incompatible with the 1960 Treaty concerning the establishment of the Republic of Cyprus and the 1960 Treaty of Guarantee,

Considering, therefore, that the attempt to create a "Turkish Republic of Northern Cyprus" is invalid, and will contribute to a worsening of the situation in Cyprus,

Reaffirming its resolutions 365 (1974) and 367 (1975),

Aware of the need for a solution of the Cyprus problem based on the mission of good offices undertaken by the Secretary-General,

Affirming its continuing support for the United Nations Peace-keeping Force in Cyprus,

Taking note of the Secretary-General's statement of 17 November 1983,

1. Deplores the declaration of the Turkish Cypriot authorities of the purported secession of part of the Republic of Cyprus;
2. Considers the declaration referred to above as legally invalid and calls for its withdrawal;
3. Calls for the urgent and effective implementation of its resolutions 365 (1974) and 367 (1975);
4. Requests the Secretary-General to pursue his mission of good offices, in order to achieve the earliest possible progress towards a just and lasting settlement in Cyprus;
5. Calls upon the parties to cooperate fully with the Secretary-General in his mission of good offices;

6. Calls upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus;
7. Calls upon all states not to recognize any Cypriot state other than the Republic of Cyprus;
8. Calls upon all states and the two communities in Cyprus to refrain from any action which might exacerbate the situation;
9. Requests the Secretary-General to keep the Security Council fully informed."

**UNITED NATIONS SECURITY COUNCIL RESOLUTION 550  
(11 MAY 1984)**

The Security Council adopted by a vote of 13 in favour (U.S.S.R, People's Republic of China, United Kingdom, France, India, Egypt, Peru, Ukraine (S.S.R), Upper Volta, Zimbabwe, Netherlands, Malta, and Nicaragua), to one against (Pakistan) with one abstention (United States of America), resolution 550 (1984) on Cyprus. The resolution reads as follows:

"The Security Council,

Having considered the situation in Cyprus at the request of the Government of the Republic of Cyprus,

Having heard the statement made by the President of the Republic of Cyprus,

Taking note of the report of the Secretary-General (S/16519),

Recalling its resolutions 365 (1974), 367 (1983) and 544 (1983),

Deeply regretting the non-implementation of its resolutions, in particular resolution 541 (1983),

Gravely concerned by the further secessionist acts in the occupied part of the Republic of Cyprus which are in violation of resolution 541 (1983), namely, the purported "exchange of Ambassadors" between Turkey and the legally invalid "Turkish Republic of Northern Cyprus" and the contemplated holding of a "constitutional referendum" and "elections", as well as by other actions or threats of actions aimed at further consolidating the purported independent state and the division of Cyprus,

Reaffirming its continuing support for the United Nations Peace-keeping Force in Cyprus,

1. Reaffirms resolution 541 (1983) and calls for its urgent and effective implementation;



2. Condemns all secessionist actions, including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal;
3. Reiterates the call upon all states not to recognize the purported states of the "Turkish Republic of Northern Cyprus" set up by secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity;
4. Calls upon all states to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus;
5. Considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations;
6. Considers any attempts to interfere with the status or the deployment of the United Nations Peace-keeping Force in Cyprus as contrary to the resolutions of the United Nations;
7. Requests the Secretary-General to promote the urgent implementation of Security Council resolution 541 (1983);
8. Reaffirms its mandate of good offices given to the Secretary-General and requests him to undertake new efforts to attain an overall solution to the Cyprus problem in conformity with the principles of the Charter of the United Nations and the provisions for such a settlement laid down in the pertinent United Nations resolutions, including Security Council resolution 541 (1983) and the present resolution;
9. Calls upon all parties to cooperate with the Secretary-General in his mission of good offices;
10. Decides to remain seized of the situation with a view to taking, in the event of non-implementation of its resolution 541 (1983) and the present resolution, urgent and appropriate measures;
11. Requests the Secretary-General to promote the implementation of the present resolution and to report thereon to the Security Council as developments require."

# CONSTITUTION OF THE UNIVERSAL POSTAL UNION

(as amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul and 1999 Beijing Additional Protocols)

## Preamble

With a view to developing communications between peoples by the efficient operation of the postal services, and to contributing to the attainment of the noble aims of international collaboration in the cultural, social and economic fields,

the plenipotentiaries of the Governments of the contracting countries have, subject to ratification, adopted this Constitution.

## SECTION I

### **Organic provisions**

## CHAPTER I

### **General**

## ARTICLE 1

### **Scope and objectives of the Union**

1. The countries adopting this Constitution shall comprise, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of letter-post items. Freedom of transit shall be guaranteed throughout the entire territory of the Union.
2. The aim of the Union shall be to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration.
3. The Union shall take part, as far as possible, in postal technical assistance sought by its member countries.

## ARTICLE 2

### **Members of the Union**

Member countries of the Union shall be:

- (a) countries which have membership status at the date on which the Constitution comes into force;
- (b) countries admitted to membership in accordance with article 11.

## ARTICLE 3

### **Jurisdiction of the Union (Const 2 and 23)**

The Union shall have within its jurisdiction:

- (a) the territories of member countries;
- (b) post offices set up by member countries in territories not included in the Union;
- (c) territories which, without being members of the Union, are included in it because from the postal point of view they are dependent on member countries.

## ARTICLE 4

### **Exceptional relations**

Postal administrations which provide a service with territories not included in the Union are bound to act as intermediaries for other administrations. The provisions of the Convention and its Detailed Regulations shall be applicable to such exceptional relations.

## ARTICLE 5

### **Seat of the Union**

The seat of the Union and of its permanent organs shall be at Berne.

ARTICLE 6

**Official language of the Union (Gen Regs 107, 108)**

The official language of the Union shall be French.

Article 7<sup>2</sup>

**Monetary unit**

The monetary unit used in the Acts of the Union shall be the accounting unit of the International Monetary Fund (IMF).

ARTICLE 8

**Restricted Unions. Special Agreements (Gen Regs 117)**

1. Member countries, or their postal administrations if the legislation of those countries so permits, may establish Restricted Unions and make Special Agreements concerning the international postal service, provided always that they do not introduce provisions less favourable to the public than those provided for by the Acts to which the member countries concerned are parties.
2. Restricted Unions may send observers to Congresses, Conferences and meetings of the Union, to the Council of Administration and to the Postal Operations Council.<sup>3</sup>
3. The Union may send observers to Congresses, Conferences and meetings of Restricted Unions.

ARTICLE 9

**Relations with the United Nations**

The relations between the Union and the United Nations shall be governed by the Agreements whose texts are annexed to this Constitution.

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<sup>2</sup> Amended by the 1989 Washington Congress.

<sup>3</sup> Amendment by the 1969 Tokyo and 1994 Seoul Congresses.

## ARTICLE 10

### **Relations with international organizations**

In order to secure close cooperation in the international postal sphere, the Union may collaborate with international organizations having related interests and activities.

## CHAPTER II

### **Accession or admission to the Union. Withdrawal from the Union**

## ARTICLE 11<sup>4</sup>

### **Accession or admission to the Union. Procedure**

1. Any member of the United Nations may accede to the Union.
2. Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union.
3. Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the Government of the country concerned to the Director-General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.
4. A country which is not a member of the United Nations shall be deemed to be admitted as a member country if its application is approved by at least two thirds of the member countries of the Union. Member countries which have not replied within a period of four months shall be considered as having abstained.
5. Accession or admission to membership shall be notified by the Director-General of the International Bureau to the Governments of member countries. It shall take effect from the date of such notification.

## ARTICLE 12<sup>5</sup>

### **Withdrawal from the Union. Procedure**

1. Each member country may withdraw from the Union by notice of denunciation of the Constitution given by the Government of the country

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<sup>4</sup> Amendment by the 1969 Tokyo and 1989 Washington Congresses.

<sup>5</sup> Amendment by the 1989 Washington Congress.

concerned to the Director-General of the International Bureau and by him to the Governments of member countries.

2. Withdrawal from the Union shall become effective one year after the day on which the notice of denunciation provided for in paragraph 1 is received by the Director-General of the International Bureau.

### CHAPTER III

#### **Organization of the Union**

##### ARTICLE 13<sup>6</sup>

#### **Bodies of the Union**

1. The Union's bodies shall be Congress, the Council of Administration, the Postal Operations Council and the International Bureau.

2. The Union's permanent bodies shall be the Council of Administration, the Postal Operations Council and the International Bureau.

##### ARTICLE 14

#### **Congress (Gen Regs 101, 106)**

1. Congress shall be the supreme body of the Union.

2. Congress shall consist of the representatives of member countries.

##### ARTICLE 15

#### **Extraordinary Congresses (Gen Regs 101)**

An Extraordinary Congress may be convened at the request or with the consent of at least two thirds of the member countries of the Union.

##### ARTICLE 16

#### **Administrative Conferences**

(Deleted)<sup>7</sup>

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<sup>6</sup> Amendment by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Congresses.

<sup>7</sup> By the 1984 Hamburg Congress.

ARTICLE 17<sup>8</sup>

**Council of Administration (Gen Regs 102)**

1. Between Congresses the Council of Administration (CA) shall ensure the continuity of the work of the Union in accordance with the provisions of the Acts of the Union.
2. Members of the Council of Administration shall carry out their functions in the name and in the interests of the Union.

ARTICLE 18<sup>9</sup>

**Postal Operations Council (Gen Regs 104, 105)**

The Postal Operations Council (POC) shall be responsible for operational, commercial, technical and economic questions concerning the postal service.

ARTICLE 19

**Special Committees**

(Deleted)<sup>10</sup>

ARTICLE 20<sup>11</sup>

**International Bureau**

A central office operating at the seat of the Union under the title of the International Bureau of the Universal Postal Union, directed by a Director-General and placed under the control of the Council of Administration, shall serve as an organ of execution, support, liaison, information and consultation.

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<sup>8</sup> Amended by the 1994 Seoul Congress.

<sup>9</sup> Amendment by the 1969 Tokyo and 1994 Seoul Congresses.

<sup>10</sup> By the 1984 Hamburg Congress.

<sup>11</sup> Amendment by the 1984 Hamburg and 1994 Seoul Congresses.

## CHAPTER IV

### Finances of the Union

#### ARTICLE 21<sup>12</sup>

#### **Expenditure of the Union. Contributions of member countries (Gen Regs 125, 126)**

1. Each Congress shall fix the maximum amount which:
  - (a) the expenditure of the Union may reach annually;
  - (b) the expenditure relating to the organization of the next Congress may reach.
2. The maximum amount for expenditure referred to in paragraph 1 may be exceeded if circumstances so require, provided that the relevant provisions of the General Regulations are observed.
3. The expenses of the Union, including where applicable the expenditure envisaged in paragraph 2, shall be jointly borne by the member countries of the Union. For this purpose, each member country shall choose the contribution class in which it intends to be included. The contribution classes shall be laid down in the General Regulations.
4. In the case of accession or admission to the Union under article 11, the country concerned shall freely choose the contribution class into which it wishes to be placed for the purpose of apportioning the expenses of the Union.

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<sup>12</sup> Amended by the 1969 Tokyo, 1974 Lausanne and 1989 Washington Congresses.



## SECTION II

### Acts of the Union

## CHAPTER I

### General

## ARTICLE 22

### Acts of the Union

1. The Constitution shall be the basic Act of the Union. It shall contain the organic rules of the Union.
2. The General Regulations shall embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all member countries.
3. The Universal Postal Convention, **the Letter Post Regulations and the Parcel Post Regulations** shall embody the rules applicable throughout the international postal service and the provisions concerning the letter-post **and postal parcels** services. These Acts shall be binding on all member countries.<sup>13</sup>
4. The Agreements of the Union, and **their Regulations**, shall regulate the services other than those of the letter post **and postal parcels** between those member countries which are parties to them. They shall be binding on those countries only.<sup>14</sup>
5. **The Regulations**, which shall contain the rules of application necessary for the implementation of the Convention and of the Agreements, shall be drawn up by the Postal Operations Council, bearing in mind the decisions taken by Congress.<sup>15</sup>
6. The Final Protocols annexed to the Acts of the Union referred to in paragraphs 3, 4 and 5 shall contain the reservations to those Acts.

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<sup>13</sup> Amended by the 1999 Beijing Congress

<sup>14</sup> Amended by the 1999 Beijing Congress.

<sup>15</sup> Amended by the 1989 Washington, 1994 Seoul and 1999 Beijing Congresses.

## ARTICLE 23<sup>16</sup>

### **Application of the Acts of the Union to territories for whose international relations a member country is responsible**

1. Any country may declare at any time that its acceptance of the Acts of the Union includes all the territories for whose international relations it is responsible, or certain of them only.
2. The declaration provided for in paragraph 1 must be addressed to the Director-General of the International Bureau.
3. Any member country may at any time address to the Director-General of the International Bureau a notification of its intention to denounce the application of those Acts of the Union in respect of which it has made the declaration provided for in paragraph 1. Such notification shall take effect one year after the date of its receipt by the Director-General of the International Bureau.
4. The declarations and notifications provided for in paragraphs 1 and 3 shall be communicated to member countries by the Director-General of the International Bureau.
5. Paragraphs 1 to 4 shall not apply to territories having the status of a member of the Union and for whose international relations a member country is responsible.

## ARTICLE 24

### **National legislation**

The provisions of the Acts of the Union shall not derogate from the legislation of any member country in respect of anything which is not expressly provided for by those Acts.

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<sup>16</sup> Amended by the 1989 Washington Congress.

## CHAPTER II

### Acceptance and denunciation of the Acts of the Union

#### ARTICLE 25<sup>17</sup>

##### **Signature, authentication, ratification and other forms of approval of the Acts of the Union**

1. The Acts of the Union arising from the Congress shall be signed by the plenipotentiaries of the member countries.
2. **The Regulations** shall be authenticated by the Chairman and the Secretary-General of the Postal Operations Council.
3. The Constitution shall be ratified as soon as possible by the signatory countries.
4. Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.
5. When a country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified or approved them.

#### ARTICLE 26<sup>18</sup>

##### **Notification of ratifications and other forms of approval of the Acts of the Union**

The instruments of ratification of the Constitution and the Additional Protocols thereto and, where appropriate, of approval of the other Acts of the Union shall be deposited as soon as possible with the Director-General of the International Bureau who shall notify the Governments of the member countries of their deposit.

#### ARTICLE 27

##### **Accession to the Agreements**

1. Member countries may, at any time, accede to one or more of the Agreements provided for in article 22, paragraph 4.

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<sup>17</sup> Amended by the 1989 Washington, 1994 Seoul and 1999 Beijing Congresses.

<sup>18</sup> Amended by the 1969 Tokyo and 1989 Washington Congresses.

2. Accession of member countries to the Agreements shall be notified in accordance with article 11, paragraph 3.

## ARTICLE 28

### **Denunciation of an Agreement**

Each member country may cease being a party to one or more of the Agreements, under the conditions laid down in article 12.

## CHAPTER III

### **Amendment of the Acts of the Union**

## ARTICLE 29<sup>19</sup>

### **Presentation of proposals (Gen Regs 120, 121)**

1. The postal administration of a member country shall have the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which its country is a party.
2. However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress.
3. **Moreover, proposals concerning the Regulations shall be submitted direct to the Postal Operations Council but must first be transmitted by the International Bureau to the postal administrations of all member countries.**

## ARTICLE 30

### **Amendment of the Constitution**

1. To be adopted, proposals submitted to Congress and relating to this Constitution must be approved by at least two thirds of the member countries of the Union.
2. Amendments adopted by a Congress shall form the subject of an additional protocol and, unless that Congress decides otherwise, shall enter into force at the same time as the Acts renewed in the course of the same Congress. They shall be ratified as soon as possible by member countries and the instruments of such ratification shall be dealt with in accordance with the procedure laid down in article

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<sup>19</sup> Amended by the 1999 Beijing Congress.

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#### ARTICLE 31<sup>20</sup>

##### **Amendment of the General Regulations, the Convention and the Agreements**

1. The General Regulations, the Convention and the Agreements shall define the conditions to be fulfilled for the approval of proposals which concern them.
2. The Acts referred to in paragraph 1 shall enter into force simultaneously and shall have the same duration. As from the day fixed by Congress for the entry into force of these Acts, the corresponding Acts of the preceding Congress shall be abrogated.

#### CHAPTER IV

##### **Settlement of disputes**

#### ARTICLE 32

##### **Arbitration**

In the event of a dispute between two or more postal administrations of member countries concerning the interpretation of the Acts of the Union or the responsibility imposed on a postal administration by the application of those Acts, the question at issue shall be settled by arbitration.

#### SECTION III

##### **Final provisions**

#### ARTICLE 33

##### **Coming into operation and duration of the Constitution**

This Constitution shall come into operation on 1 January 1966 and shall remain in force for an indefinite period.

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<sup>20</sup> Amended by the 1984 Hamburg Congress.

In witness whereof, the plenipotentiaries of the Governments of the contracting countries have signed this Constitution in a single original which shall be deposited in the archives of the Government of the country in which the seat of the Union is situated. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Vienna, 10 July 1964.**

# **RULES OF PROCEDURE OF CONGRESSES**

## ARTICLE 1

### **General provisions**

The present Rules of Procedure (hereinafter referred to as "the Rules") have been drawn up pursuant to the Acts of the Union and are subordinate to them. In the event of a discrepancy between one of their provisions and a provision of the Acts, the latter shall prevail.

## ARTICLE 2

### **Delegations**

1. The term "delegation" shall denote the person or body of persons designated by a member country to take part in a Congress. The delegation shall consist of a Head of delegation and, if appropriate, his deputy, one or more delegates and, possibly, one or more attached officials (including experts, secretaries, etc).
2. Heads of delegation, their deputies, and delegates shall be representatives of member countries within the meaning of article 14, paragraph 2, of the Constitution if in possession of credentials which comply with the conditions laid down in article 3 of these Rules.
3. Attached officials shall be admitted to meetings, and shall have the right to participate in the proceedings, but they shall not normally have the right to vote. However, they may be authorized by the Head of their delegation to vote on behalf of their country at Committee meetings. Such authorizations shall be handed, in writing, to the Chairman of the Committee concerned, before the beginning of the meeting.

## ARTICLE 3

### **Delegates' credentials**

1. Delegates' credentials shall be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs of the country concerned. They shall be drawn up in due and proper form. The credentials of delegates entitled to sign the Acts (plenipotentiaries) shall specify the scope of such signature (signature subject to ratification or approval, signature ad referendum, definitive signature). In the absence of such specific information, the signature shall be regarded as being subject to ratification or approval. Credentials authorizing the holder to sign the Acts shall implicitly include the right to speak and to vote. Delegates on whom the relevant authorities have conferred full powers without specifying their scope shall

be authorized to speak, to vote and to sign the Acts unless the wording of the credentials is explicitly to the contrary.

2. Credentials shall be deposited at the opening of Congress with the authority designated for that purpose.

3. Delegates who are not in possession of credentials or who have not deposited their credentials may, provided their names have been communicated by their Government to the Government of the host country, take part in the debates and vote from the moment they participate in the work of Congress. The same shall apply to those whose credentials are found to be not in order. Such delegates shall cease to be empowered to vote from the time Congress approves the last report of the Credentials Committee establishing that their credentials have not been received or are not in order until such time as the position is regularized. The last report shall be approved by Congress before any elections other than that of the Chairman of Congress and before approval of the draft Acts.

4. The credentials of a member country which arranges for the delegation of another member country to represent it at Congress (proxy) shall be in the same form as those mentioned in paragraph 1.

5. Credentials and proxies sent by telegram shall not be admissible. However, telegrams sent in reply to requests for information relating to credentials shall be accepted.

6. A delegation which, after it has deposited its credentials, is prevented from attending one or more meetings, may arrange to be represented by the delegation of another country, provided that notice in writing is given to the Chairman of the meeting concerned. However, a delegation may represent only a single country other than its own.

7. The delegates of member countries which are not parties to an Agreement may take part in the debates of Congress concerning that Agreement, without the right to vote.

#### ARTICLE 4

##### **Order of seating**

1. At Congress and Committee meetings, delegations shall be seated in the French alphabetical order of the member countries represented.

2. The Chairman of the Council of Administration shall draw lots, in due course, for the name of the country to be placed foremost before the rostrum at Congress and Committee meetings.



## ARTICLE 5

### **Observers**

1. Representatives of the United Nations may take part in the debates of Congress.
2. Observers from intergovernmental organizations shall be admitted to meetings of Congress or of its Committees when questions of interest to these organizations are being discussed. In the same cases, observers from non-governmental international organizations may be admitted to meetings of Committees at the discretion of the Committee concerned.
3. Qualified representatives of the Restricted Unions established in accordance with article 8, paragraph 1, of the Constitution shall also be admitted as observers when the Unions concerned express a wish to that effect.
4. The observers referred to in paragraphs 1 to 3 shall take part in the debates without the right to vote.

## ARTICLE 6

### **Doyen of Congress**

1. The postal administration of the host country of Congress shall suggest the person to be appointed as Doyen of Congress in agreement with the International Bureau. The Council of Administration shall approve this appointment in due course.
2. At the opening of the first plenary meeting of each Congress, the Doyen shall act as Chairman until Congress has elected one. He shall also exercise the functions assigned to him under the present Rules.

## ARTICLE 7

### **Chairmanships and vice-chairmanships of Congress and Committees**

1. At its first plenary meeting, Congress shall elect, on the proposal of the Doyen, the Chairman of Congress and then approve, on the proposal of the Council of Administration, the appointment of the member countries which are to assume the vice-chairmanships of Congress and the chairmanships and vice-chairmanships of the Committees. These posts will be assigned taking as much account as possible of the equitable geographical distribution of the member countries.
2. The Chairmen shall open and close the meetings over which they preside, direct the debates, give speakers the floor, put proposals to the vote and announce

what majority is required for their adoption, announce decisions and, subject to the approval of Congress, interpret such decisions if necessary.

3. The Chairmen shall see that the present Rules are observed and that order is maintained at meetings.

4. Any delegation may appeal to Congress or the Committee against a decision taken by the Chairman on the basis of a provision or interpretation of the Rules. The Chairman's decision shall nevertheless hold good unless rescinded by a majority of the members present and voting.

5. Should the member country appointed to the chairmanship be no longer able to exercise this function, one of the Vice-Chairmen shall be appointed by Congress or the Committee to replace it.

## ARTICLE 8

### **Bureau of Congress**

1. The Bureau shall be the central body responsible for directing the work of Congress. It shall consist of the Chairman and Vice-Chairmen of Congress and the Chairmen of the Committees. It shall meet periodically to review the progress of the work of Congress and its Committees and to make recommendations designed to facilitate such progress. It shall assist the Chairman in drawing up the agenda of each plenary meeting and in coordinating the work of the Committees. It shall make recommendations relating to the closing of Congress.

2. The Secretary-General of Congress and the Assistant Secretary-General, mentioned in article 11, paragraph 1, shall attend the meetings of the Bureau.

## ARTICLE 9

### **Membership of Committees**

1. The member countries represented in Congress shall, as of right, be members of the Committees responsible for studying proposals relating to the Constitution, the General Regulations **and** the **Convention**.

2. Member countries represented in Congress which are parties to one or more of the optional Agreements shall, as of right, be members of the Committee and/or Committees responsible for the revision of these Agreements. The right to vote of members of the Committee or Committees shall be confined to the Agreement or Agreements to which they are parties.

3. Delegations which are not members of Committees dealing with the **Agreements** may attend meetings of those Committees and take part in the debates without the right to vote.

#### ARTICLE 10

##### **Working parties**

Congress and each Committee may set up working parties to study special questions.

#### ARTICLE 11

##### **Secretariat of Congress and of Committees**

1. The Director-General and the Deputy Director-General of the International Bureau shall act as Secretary-General and Assistant Secretary-General of Congress, respectively.

2. The Secretary-General and the Assistant Secretary-General shall attend the meetings of Congress and of the Bureau of Congress and take part in the debates without the right to vote. They may also attend, under the same conditions, Committee meetings or be represented thereat by a senior official of the International Bureau.

3. The work of the Secretariat of Congress, the Bureau of Congress and the Committees shall be performed by the staff of the International Bureau in conjunction with the **postal** administration of the host country.

4. Senior officials of the International Bureau shall act as Secretaries of Congress, of the Bureau of Congress and of the Committees. They shall assist the Chairman during meetings and shall be responsible for writing the minutes or reports.

5. The Secretaries of Congress and of the Committees shall be assisted by Assistant Secretaries.

6. Rapporteurs proficient in French shall take the minutes of **the plenary meetings of Congress**.

## ARTICLE 12

### **Languages of debates**

1. Subject to paragraph 2, French, English, Spanish and Russian may be used for debates, by means of a system of simultaneous or consecutive interpretation.
2. The debates of the Drafting Committee shall be held in French.
3. Other languages may also be used for the debates mentioned in paragraph 1. The language of the host country shall have priority in this connection. Delegations using other languages shall arrange for simultaneous interpretation into one of the languages mentioned in paragraph 1, either by means of the simultaneous interpretation system, when the necessary technical alterations can be made, or by special interpreters.
4. The cost of installing and maintaining the technical equipment shall be borne by the Union.
5. The cost of the interpretation services shall be divided among the member countries using the same language in proportion to their contributions to the expenses of the Union.

## ARTICLE 13

### **Languages used for drafting Congress documents**

1. Documents prepared during Congress including draft decisions submitted to Congress for approval shall be published in French by the Secretariat of Congress.
2. To this end, documents produced by delegations of member countries shall be submitted in French, either direct or through the intermediary of the translation services attached to the Congress Secretariat.
3. The above services, organized at their own expense by the language groups set up in accordance with the relevant provisions of the General Regulations, may also translate Congress documents into their respective languages.

## ARTICLE 14

### **Proposals**

1. All questions brought before Congress shall be the subject of proposals.
2. All proposals published by the International Bureau before Congress shall be regarded as being submitted to Congress.

3. Two months before Congress opens, no proposal shall be considered except those amending earlier proposals.
4. The following shall be regarded as amendments: any proposal which, without altering the substance of the original proposal, involves a deletion from, addition to or revision of a part of the original proposal. No proposed change shall be regarded as an amendment if it is inconsistent with the meaning or intent of the original proposal. In case of doubt, Congress or the Committee shall decide the matter.
5. Amendments submitted at Congress to proposals already made shall be handed in to the Secretariat in writing, in French, before noon on the day but one before the day on which they will be discussed, so that they can be distributed to delegates the same day. This time limit shall not apply to amendments arising directly from the debates in Congress or in a Committee. In the latter case, if so requested, the author of the amendment shall submit a written version in French, or in case of difficulty, in any other language used for debates. The Chairman concerned shall read it out or have it read out.
6. The procedure laid down in paragraph 5 shall also apply to the submission of proposals that are not designed to amend the text of the Acts (draft resolutions, draft recommendations, draft formal opinions, etc).
7. Any proposal or amendment shall give the final form of the text which is to be inserted in the Acts of the Union, subject, of course to revision by the Drafting Committee.

## ARTICLE 15

### **Consideration of proposals in Congress and in Committees**

1. Drafting proposals (the number of which shall be followed by the letter R) shall be assigned to the Drafting Committee either direct, if the International Bureau has no doubt as to their nature (a list of such proposals shall be drawn up for the Drafting Committee by the International Bureau), or, if the International Bureau is in doubt as to their nature, after the other Committees have confirmed that they are purely of a drafting nature (a list of such proposals shall likewise be drawn up for the Committees concerned). If, however, such proposals are linked with other proposals of substance to be considered by Congress or by other Committees, the Drafting Committee shall postpone consideration of them until after Congress or the other Committees have taken a decision on the corresponding proposals of substance. Proposals whose numbers are not followed by the letter R but which, in the opinion of the International Bureau, are of a drafting nature, shall be referred direct to the Committees concerned with the corresponding proposals of substance. When these Committees begin work, they shall decide which of the proposals shall be assigned direct to the Drafting Committee. A list of these

proposals shall be drawn up by the International Bureau for the Committees concerned.

2. If the same question is the subject of several proposals, the Chairman shall decide the order in which they are to be discussed, starting as a rule with the proposal which departs most from the basic text and entails the most significant change in relation to the status quo.

3. If a proposal can be subdivided into several parts, each part may, if the originator of the proposal or the assembly so agrees, be considered and voted upon separately.

4. Any proposal withdrawn in Congress or in Committee by its originator may be resubmitted by the delegation of another member country. Similarly, if an amendment to a proposal is accepted by the originator of the proposal, another delegation may resubmit the original, unamended proposal.

5. Any amendment to a proposal which is accepted by the delegation submitting the proposal shall be immediately included in the text thereof. If the originator of the original proposal does not accept an amendment, the Chairman shall decide whether the amendment or the proposal shall be voted upon first, starting with whichever departs furthest from the meaning or intent of the basic text and entails the most significant change in relation to the status quo.

6. The procedure described in paragraph 5 shall also apply where more than one amendment to a proposal is submitted.

7. The Chairman of Congress and the Chairmen of Committees shall arrange for the text of the proposals, amendments or decisions adopted to be passed to the Drafting Committee, in writing, after each meeting.

## ARTICLE 16

### **Debates**

1. Delegates may not take the floor until they have been given permission to do so by the Chairman of the meeting. They shall be urged to speak slowly and distinctly. The Chairman shall afford delegates the possibility of freely and fully expressing their views on the subject discussed, so long as that is compatible with the normal course of the debate.

2. Unless a majority of the members present and voting decides otherwise, speeches shall not exceed five minutes. The Chairman shall be authorized to interrupt any speaker who exceeds the said authorized time. He may also ask the delegate not to depart from the subject.

3. During a debate, the Chairman may, with the agreement of the majority of the members present and voting, declare the list of speakers closed after reading it out. When the list is exhausted, he shall declare the debate closed, although even after the closing of the list he may grant the originator of the proposal under discussion the right to reply to any of the speeches delivered.

4. The Chairman may also, with the agreement of the majority of the members present and voting, limit the number of speeches by any one delegation on a proposal or a certain group of proposals; but the originator of the proposal shall be given the opportunity of introducing it and speaking subsequently if he asks to do so in order to make new points in reply to the speeches of other delegations, so that he may, if he wishes, be the last speaker.

5. With the agreement of the majority of the members present and voting, the Chairman may limit the number of speeches on a proposal or a certain group of proposals; but this limit may not be less than five for and five against the proposal under discussion.

#### ARTICLE 17

##### **Motions on points of order and procedural motions**

1. During the discussion of any question and even, where appropriate, after the closure of the debate, a delegation may submit a motion on a point of order for the purpose of requesting:

- clarification on the conduct of the debates;
- observance of the Rules of Procedure;
- a change in the order of discussion of proposals suggested by the Chairman.

The motion on a point of order shall take precedence over all questions, including the procedural motions set forth in paragraph 3.

2. The Chairman shall immediately give the desired clarifications or take the decision which he considers advisable on the subject of the motion on a point of order. In the event of an objection, the Chairman's decision shall be put to the vote forthwith.

3. In addition, during discussion of a question, a delegation may introduce a procedural motion with a view to proposing:

- (a) the suspension of the meeting;
- (b) the closure of the meeting;

- (c) the adjournment of the debate on the question under discussion;
- (d) the closure of the debate on the question under discussion.

Procedural motions shall take precedence, in the order set out above, over all other proposals except the motions on points of order referred to in paragraph 1.

- 4. Motions for the suspension or closure of the meeting shall not be discussed, but shall be put to the vote immediately.
- 5. When a delegation proposes adjournment or closure of the debate on a question under discussion, only two speakers against the adjournment or the closure of the debate may speak, after which the motion shall be put to the vote.
- 6. The delegation which submits a motion on a point of order or a procedural motion may not, in its submission, deal with the substance of the question under discussion. The proposer of a procedural motion may withdraw it before it has been put to the vote, and any motion of this kind, whether amended or not, which is withdrawn may be reintroduced by another delegation.

## ARTICLE 18

### **Quorum**

- 1. Subject to paragraphs 2 and 3, the quorum necessary for the opening of the meetings and for voting shall be half the member countries represented in Congress and having the right to vote.
- 2. For votes on amending the Constitution and the General Regulations, the quorum required shall be two thirds of the Union member countries.
- 3. In the case of the **Agreements**, the quorum required for the opening of the meetings and for voting shall be half the member countries represented at Congress which are parties to the Agreement concerned and have the right to vote.
- 4. Delegations which are present but do not take part in a given vote, or which state that they do not wish to take part therein, shall not be considered absent for the purpose of establishing the quorums required under paragraphs 1, 2 and 3.

## ARTICLE 19

### **Voting principle and procedure**

- 1. Questions which cannot be settled by common consent shall be decided by vote.



2. Votes shall be taken by the traditional system or by the electronic voting system. They shall normally be taken by the electronic system when that system is available to the assembly. However, in the case of a secret ballot, the traditional system may be used if one delegation, supported by a majority of the delegations present and voting, so requests.
3. For the traditional system, the methods of voting shall be as follows:
  - (a) by show of hands. If there is doubt about the result of such a vote, the Chairman, if he so wishes or if a delegation so requests, may arrange for an immediate roll-call vote on the same question;
  - (b) by roll-call, at the request of a delegation or if so decided by the Chairman; the roll shall be called according to the French alphabetical order of the countries represented, beginning with the country whose name is drawn by lot by the Chairman; the result of the vote, together with a list of the countries grouped according to the way they voted, shall be included in the minutes of the meeting;
  - (c) by secret ballot, using ballot papers, if requested by two delegations; in this case, the Chairman of the meeting shall appoint three tellers and make the necessary arrangements for the holding of a secret ballot.
4. For the electronic system, the methods of voting shall be as follows:
  - (a) non-recorded vote: it replaces a vote by show of hands;
  - (b) recorded vote: it replaces a roll-call vote; however, the names of the countries shall not be called unless one delegation, supported by a majority of the delegations present and voting, so requests;
  - (c) secret ballot: it replaces the secret ballot by ballot papers.
5. Regardless of the system of voting used, the secret ballot shall take precedence over any other voting procedure.
6. Once the voting has begun, no delegation may interrupt it, except to raise a point of order relating to the way in which the vote is being taken.
7. After the vote, the Chairman may permit delegates to explain why they voted as they did.

## ARTICLE 20

### **Conditions of approval of proposals**

1. To be adopted, proposals involving amendments to the Acts must:
  - (a) in the case of the Constitution, be approved by at least two thirds of the member countries of the Union;
  - (b) in the case of the General Regulations, be approved by a majority of the member countries represented in Congress;
  - (c) in the case of the **Convention**, be approved by a majority of the member countries present and voting;
  - (d) in the case of the **Agreements**, be approved by a majority of the member countries present and voting which are parties to the Agreements.
2. Procedural matters which cannot be settled by common consent shall be decided by a majority of the member countries present and voting. The same shall apply to decisions not concerning changes in the Acts, unless Congress decides otherwise by a majority of the member countries present and voting.
3. Subject to paragraph 5, "member countries present and voting" shall mean member countries voting "for" or "against", abstentions being disregarded in counting the votes required to constitute a majority, and similarly blank or null and void ballot papers in the case of a secret ballot.
4. In the event of a tie, a proposal shall be regarded as rejected.
5. When the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast (for, against and abstentions), consideration of the matter shall be deferred until a subsequent meeting, at which abstentions and blank or null and void ballot papers shall be disregarded.

## ARTICLE 21

### **Election of the members of the Council of Administration or the Postal Operations Council**

In order to decide between countries which have obtained the same number of votes in elections of members of the Council of Administration or the Postal Operations Council, the Chairman shall draw lots.

## ARTICLE 22

### **Election of the Director-General and the Deputy Director-General of the International Bureau**

1. The elections of the Director-General of the International Bureau and of the Deputy Director-General shall take place by secret ballot successively at one or more meetings held on the same day. The candidate who obtains a majority of the votes cast by the member countries present and voting shall be elected. As many ballots shall be held as are necessary for a candidate to obtain this majority.
2. "Member countries present and voting" shall mean member countries voting for one of the candidates whose applications have been announced in due and proper form, abstentions and blank or null and void ballot papers being ignored in counting the votes required to constitute a majority.
3. If the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast in accordance with paragraph 2, the election shall be deferred to a later meeting, at which abstentions and blank or null and void ballot papers shall no longer be taken into account.
4. The candidate who obtains the least number of votes in any one ballot shall be eliminated.
5. In the event of a tie, an additional ballot, and if necessary a second additional ballot, shall be held in an attempt to decide between the tying candidates, the vote relating only to these candidates. If the result is inconclusive, the election shall be decided by drawing lots. The lots shall be drawn by the Chairman.

## ARTICLE 23

### **Minutes**

1. The minutes of the **plenary** meetings of **Congress shall** record the course of the meetings, briefly summarize speeches, and mention proposals and the outcome of the **debates**.
2. The **debates** of Committee meetings **shall be the subject of** reports to **Congress**. As a general rule, Working Parties shall prepare a report for the body that set them up.
3. Each delegate, however, shall be entitled to ask for any statement made by him to be included in the minutes or in the report either verbatim or in summary form, provided the French text is handed to the Secretariat not later than two hours after the end of the meeting.

4. Delegates shall be allowed a period of twenty-four hours, from the moment when the draft minutes or the draft report are distributed, in which to make their comments to the Secretariat, which, if necessary, shall act as an intermediary between the party concerned and the Chairman of the meeting in question.

5. As a general rule and subject to the provisions of paragraph 4, at the beginning of each meeting of Congress, the Chairman shall submit the minutes of a previous meeting for approval. The same shall apply in regard to **Committee reports**. The minutes or reports of the last meetings which it has not been possible to approve in Congress or in a Committee shall be approved by the respective Chairmen of the meetings. The International Bureau shall also take account of any comments received from delegates of member countries within forty days of the dispatch of the minutes to them.

6. The International Bureau shall be authorized to correct in the minutes or reports of meetings of Congress and Committees any clerical errors which were not brought to light when the minutes were approved in accordance with paragraph 5.

#### ARTICLE 24

##### **Approval by Congress of draft decisions (Acts, resolutions, etc)**

1. As a general rule, each draft Act submitted by the Drafting Committee shall be studied article by article. It can only be regarded as adopted after an overall favourable vote. Article 20, paragraph 1, shall apply to such a vote.

2. During this study, any delegation may reopen a proposal which has been carried or rejected in Committee. An appeal relating to a rejected proposal shall be subject to the delegation's having notified the Chairman of Congress accordingly, in writing, at least one day before the meeting at which the relevant provisions of the draft Act are to be submitted to Congress for approval.

3. Nonetheless, it shall always be possible, if the Chairman considers it desirable for the progress of Congress work, to consider appeals before considering the draft Acts submitted by the Drafting Committee.

4. When a proposal has been adopted or rejected by Congress, it can only be reconsidered by the same Congress if the appeal has been supported by at least ten delegations and approved by a two-thirds majority of the members present and voting. This possibility is limited to proposals submitted direct to plenary meetings, it being understood that a single question cannot give rise to more than one appeal.

5. The International Bureau shall be authorized to correct in the final Acts any clerical errors which have not come to light during the study of the draft Acts, the numbering of articles and paragraphs and references.

6. The drafts of decisions other than those amending the Acts, submitted by the Drafting Committee, shall as a general rule be considered en bloc. Paragraphs 2 to 5 shall also apply to the drafts of these decisions.

#### ARTICLE 25

##### **Assignment of studies to the Council of Administration and the Postal Operations Council**

On the recommendation of its Bureau, Congress shall assign studies to the Council of Administration and the Postal Operations Council, in accordance with the respective compositions and responsibilities of these two bodies as they are set forth in articles 102 and 104 of the General Regulations.

#### ARTICLE 26

##### **Reservations to Acts**

Reservations must be submitted in writing in French (proposals concerning the Final Protocol), in order that they may be considered by Congress before the signing of Acts.

#### ARTICLE 27

##### **Signature of Acts**

Acts finally approved by Congress shall be submitted to the plenipotentiaries for signature.

#### ARTICLE 28

##### **Amendment of the Rules**

1. Each Congress may amend the Rules of Procedure. In order to be accepted for discussion, proposals to amend the present Rules, unless submitted by a UPU body empowered to put forward proposals, shall be supported in Congress by at least ten delegations.

2. To be adopted, proposals for amendments to the present Rules must be approved by at least two thirds of the member countries represented in Congress.

## **UNIVERSAL POSTAL CONVENTION**

The undersigned, plenipotentiaries of the Governments of the member countries of the Union, having regard to article 22, paragraph 3, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have by common consent and subject to article 25, paragraph 4, of the Constitution drawn up in this Convention the rules applicable throughout the international postal service.

### **PART I**

#### **Rules applicable in common throughout the international postal service**

##### **SOLE CHAPTER**

##### **General provisions**

##### **ARTICLE 1**

##### **Universal postal service**

- 1. In order to support the concept of the single postal territory of the Union, member countries shall ensure that all users/customers enjoy the right to a universal postal service involving the permanent provision of quality basic postal services at all points in their territory, at affordable prices.**
- 2. With this aim in view, member countries shall set forth, within the framework of their national postal legislation or by other customary means, the scope of the postal services offered and the requirement for quality and affordable prices, taking into account both the needs of the population and their national conditions.**
- 3. Member countries shall ensure that the offers of postal services and quality standards will be achieved by the operators responsible for providing the universal postal service.**

##### **ARTICLE 2**

##### **Freedom of transit**

- 1. The principle of the freedom of transit is set forth in article 1 of the Constitution. It shall carry with it the obligation for each postal administration to forward always by the quickest routes and the most secure means which it uses for its own items, closed mails and à découvert letter-post items which are passed to it**

by another **postal** administration.

2. Member countries which do not participate in the exchange of letters containing perishable biological substances or radioactive substances shall have the option of not admitting these items in transit à découvert through their territory. The same shall apply to letter-post items, other than letters, postcards and literature for the blind which do not satisfy the legal requirements governing the conditions of their publication or circulation in the country crossed.

3. Freedom of transit for postal parcels to be forwarded by land and sea routes shall be limited to the territory of the countries taking part in this service.

4. Freedom of transit for air parcels shall be guaranteed throughout the territory of the Union. However, member countries which do not operate the postal parcels service shall not be required to forward air parcels by surface.

5. If a member country fails to observe the provisions regarding freedom of transit, other member countries may discontinue their postal service with that country.

#### ARTICLE 3<sup>21</sup>

##### **Ownership of postal items**

1. A postal item shall remain the property of the sender until it is delivered to the rightful owner, except when the item has been seized in pursuance of the legislation of the country of destination.

#### ARTICLE 4

##### **Creation of new service**

1. **Postal** administrations may by mutual consent create a new service not expressly provided for in the Acts of the Union. Charges for a new service shall be laid down by each administration concerned, having regard to the expenses of operating the service.

#### ARTICLE 5

##### **Monetary unit**

1. The monetary unit laid down in article 7 of the Constitution and used in the Convention and the other Acts of the Union shall be the Special Drawing Right

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<sup>21</sup> See Fin Prot art I

(SDR).

## ARTICLE 6

### **Postage stamps**

1. Only postal administrations shall issue postage stamps attesting payment of postage according to the Acts of the Union. Postal prepayment impressions, franking machine impressions and impressions made by a printing press or other printing or stamping process in accordance with the provisions of the Letter Post Regulations may be used only with the authorization of the postal administration.
2. The subjects and designs of postage stamps shall be in keeping with the spirit of the Preamble to the UPU Constitution and of decisions taken by the Union's bodies.

## ARTICLE 7<sup>22</sup>

### **Charges**

1. The charges for the various international postal and special services shall be set by the postal administrations in accordance with the principles set out in the Convention and the Regulations. They shall in principle be related to the costs of providing these services.
2. The charges collected, including those laid down for guideline purposes in the Acts, shall be at least equal to those collected on internal service items presenting the same characteristics (category, quantity, handling time, etc).
3. Postal administrations shall be authorized to exceed any charges appearing in the Acts, including those laid down for guideline purposes:
  - 3.1 if the charges they collect for the same services in their internal service are higher than the ones laid down;
  - 3.2 if this is necessary to cover the costs of operating their services or on any other reasonable grounds.
4. Above the minimum level of charges laid down in 2, postal administrations may allow reduced charges based on their internal legislation for letter-post items posted in their country. They may, for instance, give preferential rates to major users of the Post.

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<sup>22</sup> See Fin Prot art II



5. No postal charge of any kind may be collected from customers other than those provided for in the Acts.

6. Except where otherwise provided in the Acts, each postal administration shall retain the charges which it has collected.

## ARTICLE 8<sup>23</sup>

### Exemption from postal charges

#### 1. Principle

1.1 Cases of exemption from postal charges shall be expressly laid down by the Convention.

#### 2. Postal service

2.1 Letter-post items relating to the postal service sent by postal administrations or their offices, **whether by air, surface or surface airlifted (S.A.L.) mail**, shall be exempt from all postal charges.

2.2 Letter-post items relating to the postal service shall be exempt from all postal charges, with the exception of air surcharges, if they are:

2.2.1 exchanged between bodies of the Universal Postal Union and bodies of the Restricted Unions;

2.2.2 exchanged between bodies of those Unions;

2.2.3 sent by such bodies to postal administrations or their offices.

2.3 Parcels relating to the postal service shall be exempt from all postal charges if exchanged between the following:

2.3.1 postal administrations;

2.3.2 postal administrations and the International Bureau;

2.3.3 post offices of member countries;

2.3.4 post offices and postal administrations.

2.4 Air parcels, with the exception of those originating from the International Bureau, shall be exempt from air surcharges.

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<sup>23</sup> See Fin Prot art III.

3. Prisoners of war and civilian internees
  - 3.1 Letter-post items, postal parcels and postal financial services items addressed to or sent by prisoners of war, either direct or through the offices mentioned in the Letter Post Regulations, shall be exempt from all postal charges, with the exception of air surcharges. Belligerents apprehended and interned in a neutral country shall be classed with prisoners of war proper so far as the application of the foregoing provisions is concerned.
  - 3.2 The provisions set out under 3.1 shall also apply to letter-post items, postal parcels and postal financial services items originating in other countries and addressed to or sent by civilian internees as defined by the Geneva Convention of 12 August 1949<sup>24</sup> relative to the protection of civilian persons in time of war, either direct or through the offices mentioned in the Letter Post Regulations.
  - 3.3 The offices mentioned in the Letter Post Regulations shall also enjoy exemption from postal charges in respect of letter-post items, postal parcels and postal financial services items which concern the persons referred to under 3.1 and 3.2, which they send or receive, either direct or as intermediaries.
  - 3.4 Parcels shall be admitted free of postage up to a weight of 5 kilogrammes. The weight limit shall be increased to 10 kilogrammes in the case of parcels, the contents of which cannot be split up and of parcels addressed to a camp or the prisoners' representatives there ("hommes de confiance") for distribution to the prisoners.
4. Literature for the blind
  - 4.1 Literature for the blind shall be exempt from all postal charges, with the exception of air surcharges.

## ARTICLE 9

### Postal security

- 1. Postal administrations shall adopt and implement a proactive security strategy at all levels of postal operations to maintain and enhance customer confidence in the postal services in order to ensure a competitive edge in the market.**
- 2. This strategy shall aim to:**

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<sup>24</sup> Treaty Series No. 39 (1958) Cmnd. 550.

- 2.1 raise quality of service as a whole;
- 2.2 increase employee awareness of the importance of security;
- 2.3 create or reinforce security units;
- 2.4 share operational, security and investigative information on a timely basis; and
- 2.5 propose to legislatures, wherever necessary, specific laws, regulations and measures to improve the quality and security of worldwide postal services.

## PART II

### Rules applicable to letter post and postal parcels

#### CHAPTER 1

##### Provision of services

#### ARTICLE 10<sup>25</sup>

##### Basic services

1. Postal administrations shall provide for the acceptance, handling, conveyance and delivery of letter-post items. **They shall also provide the same for postal parcels either as laid down in the Convention, or, in the case of outward parcels and after bilateral agreement, by any other means which is more advantageous to its customers.**
2. Letter-post items shall be classified according to one of the following two systems. Every postal administration shall be free to choose the system that it applies to its outward traffic.
3. The first system shall be based on the speed of treatment of the items. The latter shall therefore be divided into:
  - 3.1 priority items, ie items conveyed by the quickest route (air or surface) with priority; weight limits: 2 kilogrammes in general, **but 5 kilogrammes in relations between administrations admitting such items from their customers**, 5 kilogrammes for items containing

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<sup>25</sup> See Fin Prot arts IV, V, VI, VII and VIII.

books and pamphlets (optional service), 7 kilogrammes for literature for the blind;

3.2 non-priority items, ie items for which the sender has chosen a lower rate, implying a longer delivery time; weight limits: same as those in 3.1.

4. The second system shall be based on the contents of the items. The latter shall therefore be divided into:

4.1 letters and postcards, together called "LC"; weight limit: 2 kilogrammes, **but 5 kilogrammes in relations between administrations admitting such items from their customers;**

4.2 printed papers, literature for the blind and small packets together called "AO"; weight limits: 2 kilogrammes for small packets, **but 5 kilogrammes in relations between administrations admitting such items from their customers,** 5 kilogrammes for printed papers, 7 kilogrammes for literature for the blind.

5. Special bags containing printed papers (newspapers, periodicals, books, etc) for the same addressee at the same address shall, in both systems, be called "M bags"; weight limit. 30 kilogrammes.

6. The exchange of parcels whose individual weight exceeds **20** kilogrammes shall be optional, with a maximum individual weight of **50** kilogrammes.

7. As a general rule, parcels shall be delivered to the addressees as soon as possible and according to the provisions in force in the country of destination. When parcels are not delivered to the addressee's address, the addressee shall, unless this is impossible, be advised of their arrival without delay.

8. Any country whose postal administration does not undertake the conveyance of parcels may arrange for **the provisions of the Convention** to be implemented by transport companies. It may, at the same time, limit this service to parcels originating in or addressed to places served by these companies. The postal administration shall remain responsible for the execution of the Convention and of the Parcel Post Regulations.

## ARTICLE 11

### **Postage charges and air surcharges**

1. The administration of origin shall fix the postage charges for the conveyance of letter-post items throughout the entire extent of the Union. The postage charges shall cover delivery of the items to the place of address provided

that this delivery service is operated in the country of destination for the items in question.

2. The charges applicable to priority letter-post items shall include any additional costs of fast transmission.

3. Administrations that apply the system based on the contents of letter-post items shall be authorized:

3.1 to collect air surcharges for letter-post airmail items;

3.2 to collect for surface air-lifted "S.A.L." items with reduced priority surcharges lower than those which they collect for airmail items;

3.3 to fix combined charges for the prepayment of airmail items and S.A.L. items, taking into account the cost of the postal services rendered by them and the cost of the air conveyance.

4. Administrations shall set the air surcharges to be collected for air parcels.

5. The surcharges shall be related to the air conveyance dues and shall be uniform for at least the whole of the territory of each country of destination whatever the route used; in calculating the air surcharge for a letter-post airmail item, administrations shall be authorized to take into account the weight of any forms used by the public which may be attached to the item.

6. The administration of origin may allow, for letter-post items containing:

6.1 newspapers and periodicals published in its country, a reduction of not more than 50% **in principle** of the tariff applicable to the category of items used;

6.2 books and pamphlets, music scores and maps, provided they contain no publicity matter or advertisement other than that appearing on the cover or the fly leaves, the same reduction as that provided for under 6.1.

7. The administration of origin may apply to non-standardized items charges different from those applicable to the standardized items defined in the Letter Post Regulations.

8. The reductions in charges pursuant to 6 shall also apply to items conveyed by air, but no reduction shall be granted on the portion of the charge intended to cover the costs of such conveyance.

## ARTICLE 12

### Special charges

1. No delivery charge may be collected from the addressee in respect of small packets weighing less than 500 grammes. Where domestic small packet items weighing over 500 grammes are subject to a delivery charge, the same charge may be collected in respect of incoming international small packets.

2. **Postal** administrations shall be authorized to collect in the cases mentioned below the same charges as in the domestic service.

2.1 Charge on letter-post items posted after the latest time for posting, collected from the sender.

2.2 Charge on items posted outside normal counter opening hours, collected from the sender.

2.3 Charge for collection at the sender's address, collected from the sender.

2.4 Charge, for withdrawal of a letter-post item outside normal counter opening hours, collected from the addressee.

2.5 Poste restante charge collected from the addressee; in the event of return to sender or redirecting of a parcel, the amount passed on may not exceed the amount set in the Postal Parcels Regulations.

2.6 A storage charge for any letter-post item weighing more than 500 grammes and for any parcel of which the addressee has not taken delivery within the prescribed period. This charge shall not apply to literature for the blind. In the case of parcels, it shall be collected by the administration which effects the delivery, on behalf of the administration in whose service the parcel has been kept beyond the prescribed periods; in the event of return to sender or redirection, the amount passed on may not exceed the amount set in the Postal Parcels Regulations.

3. Where a parcel is normally delivered to the addressee's address, no delivery charge may be collected from the addressee. Where delivery to the addressee's address is not normally provided, the advice of arrival should be delivered free of charge. In this case, if delivery to the addressee's address is offered as an option in response to the advice of arrival, a delivery charge may be collected from the addressee. This should be the same charge as in the domestic service.

4. Postal administrations prepared to cover risks of force majeure shall be authorized to collect a charge for cover against risks of force majeure the maximum amount of which is set in the **Letter Post** Regulations.

## ARTICLE 13

### **Registered items**

1. Letter-post items may be sent as registered items.
2. The charge on registered items shall be paid in advance. It shall be made up of the postage charge and of a fixed registration charge the maximum amount of which is set in the Regulations.
3. In cases where exceptional security measures are required, **postal** administrations may collect from the sender or from the addressee, in addition to the charge mentioned under 2, the special charges provided for by their internal legislation.

## ARTICLE 14

### **Recorded delivery items**

1. Letter-post items may be sent by the recorded delivery items service in relations between administrations which agree to provide this service.
2. The charge on recorded delivery items shall be paid in advance. It shall be made up of the postage charge and of a recorded delivery charge fixed by the administration of origin. This charge shall be less than the registration charge.

## ARTICLE 15<sup>26</sup>

### **Insured items**

1. Priority and non-priority items and letters containing securities, valuable documents or articles as well as parcels may be exchanged with insurance of the contents for the value declared by the sender. This exchange shall be restricted to relations between postal administrations which have declared their willingness to admit such items, whether reciprocally or in one direction only.
2. In principle, the amount of the insured value shall be unlimited. Every administration may limit the insured value, so far as it is concerned, to an amount which may not be less than the amount set in the Regulations. However, the limit of insured value adopted in the internal service shall be applicable **only if it is equal to or higher than the amount of the indemnity set for the loss of a**

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<sup>26</sup> See Fin Prot art IX.

**registered item or of a parcel weighing one kilogramme. The maximum amount shall be notified in SDR to the member countries of the Union.**

3. The charge on insured items shall be paid in advance. It shall be made up:
  - 3.1 for letter-post items, of the ordinary postage charge, the fixed registration charge laid down in article **13.2** and an insurance charge;
  - 3.2 for parcels, of the principal charge, an optional dispatch charge and an ordinary insurance charge; any air surcharges and charges for special services shall be added to the principal charge; the dispatch charge shall not exceed the registration charge for letter-post items.
4. Instead of the fixed registration charge, postal administrations may collect the corresponding charge of their internal service or, exceptionally, a charge the maximum amount of which is set in the Letter Post Regulations.
5. The maximum amount of the insurance charge shall be set in the Letter-Post Regulations.
  - 5.1 For letter post, this charge shall apply whatever the country of destination, even in countries which undertake to cover risks of force majeure.
  - 5.2 For parcels, any charge for cover against risks of force majeure shall be set so that the sum of this charge and the ordinary insurance charge do not exceed the maximum amount of the insurance charge.
6. In cases where exceptional security measures are required, administrations may collect from the sender or from the addressee, in addition to the charges mentioned under 3, 4 and 5, the special charges provided for by their internal legislation.
7. **Postal administrations shall have the right to provide their customers with an insured items service in accordance with specifications other than those defined in this article.**

## ARTICLE 16

### **Cash-on-delivery items**

1. Certain letter-post items and parcels may be sent cash-on-delivery. The exchange of cash-on-delivery items shall require prior agreement between administrations of origin and destination.



## ARTICLE 17

### **Express items**

1. At the sender's request, letter-post items for countries where the administration performs the service shall be delivered by special messenger as soon as possible after their arrival at the delivery office. Any administration shall have the right to confine this service to priority items, to airmail items and, when this is the only means used between two administrations, to surface LC items.
2. Administrations which have various streams of letter mail shall enter express items into the fastest internal letters stream upon their arrival at the inward office of exchange and thereafter handle these items in the speediest manner possible.
3. Express items shall be subject, in addition to the postage, to a charge which may not be less than the amount of postage prepayable on an unregistered priority/non-priority item, as the case may be, or on an unregistered single rate letter and not more than the amount set in the Regulations. This charge must be fully paid in advance. For parcels, it is payable even if the parcel cannot be delivered by special messenger but only the advice of arrival.
4. When express delivery involves special demands, an additional charge may be collected in accordance with the provisions relating to items of the same kind in the internal service. For parcels, this supplementary charge shall be paid even if the parcel is returned to sender or redirected; however, in such cases, the amount passed on may not exceed the maximum set in the Postal Parcels Regulations.
5. If the regulations of the administration of destination permit, addressees may ask the delivery office for express delivery immediately on arrival of items which are intended for them. In that case the administration of destination shall be authorized to collect, on delivery, the charge that applies in its internal service.

## ARTICLE 18<sup>27</sup>

### **Advice of delivery**

1. The sender of a registered item, a recorded delivery item, a parcel or an insured item may apply for an advice of delivery at the time of posting by paying a charge the maximum amount of which is set in the Regulations. This advice of delivery shall be returned to him by the quickest route (air or surface).
2. However, for parcels, administrations may restrict this service to insured parcels if such restriction is provided for in their internal service.

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<sup>27</sup> See Fin Prot art X.

## ARTICLE 19

### **Delivery to the addressee in person**

1. At the sender's request, and in the service between those **postal** administrations which have given their consent, registered items, recorded delivery items and insured items shall be delivered to the addressee in person. Administrations may agree to allow this option only for such items accompanied by an advice of delivery. In all cases, the sender shall pay a charge for delivery to the addressee in person the maximum amount of which is set in the Letter Post Regulations.

## ARTICLE 20

### **Items for delivery free of charges and fees**

1. In the service between postal administrations which have notified their agreement to that effect senders may, by means of a previous declaration at the office of origin, undertake to pay the whole of the charges and fees to which the **letter-post and parcel-post** items are subject on delivery. So long as a **letter-post** item has not been delivered to the addressee, the sender may ask after posting that the item be delivered free of charges and fees.

2. Senders shall undertake to pay the amounts which may be claimed by the office of destination. If necessary, they shall make a provisional payment.

3. The administration of origin shall collect from the sender a charge, the maximum amount of which is set in the Regulations, which it shall retain as payment for services rendered in the country of origin.

4. In the case of a request made after posting of a letter-post item, the administration of origin shall also collect an additional charge the maximum amount of which is set in the Regulations.

5. The administration of destination shall be authorized to collect a commission charge the maximum amount of which is set in the Regulations. This charge shall be independent of the presentation-to-Customs charge. It shall be collected from the sender on behalf of the administration of destination.

6. Every **postal** administration may restrict to **registered and insured letter-post** items the service of delivery free of charges and fees.

## ARTICLE 21<sup>28</sup>

### **International business reply service**

1. **Postal** administrations may agree with each other to participate in an optional international business reply service (IBRS). **All administrations shall, however, be obliged to operate the IBRS "return" service.**

## ARTICLE 22

### **International reply coupons**

1. Postal administrations shall be permitted to sell international reply coupons issued by the International Bureau and to limit their sale in accordance with their internal legislation.

2. The value of the reply coupon shall be set in the Letter Post Regulations. The selling price fixed by the **postal** administrations concerned may not be less than this value.

3. Reply coupons shall be exchangeable in any member country **for postage stamps and, if not precluded by the internal legislation of the country of exchange, for postal stationery or postal prepayment marks or impressions** representing the minimum postage prepayable on an unregistered priority letter-post item or an unregistered airmail letter sent abroad.

4. The **postal** administration of a member country may, in addition, reserve the right to require the reply coupons and the items to be prepaid in exchange for those reply coupons to be presented at the same time.

## ARTICLE 23

### **Fragile parcels. Cumbersome parcels**

1. Any parcel containing articles which are liable to break easily and which are to be handled with special care shall be called a "fragile parcel".

2. The following shall be called a "cumbersome parcel"; any parcel:

2.1 whose dimensions exceed the limits laid down in the Postal Parcels Regulations or those which administrations shall set between themselves;

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<sup>28</sup> See Fin Prot art XI.

2.2 which, by reason of its shape or structure, does not readily lend itself to loading with other parcels or which requires special precautions.

3. Fragile parcels and cumbersome parcels shall be subject to a supplementary charge, **the maximum amount of which is laid down in the Parcel Post Regulations**. If the parcel is both fragile and cumbersome the supplementary charge shall be collected once only. However, the air surcharges in respect of these parcels shall not be increased.

4. The exchange of fragile parcels and cumbersome parcels shall be restricted to those administrations which admit such items.

## ARTICLE 24

### **Consignment service**

1. **Postal** administrations may agree among themselves to take part in an optional "Consignment" service for collective items from one consignor sent abroad.

2. Wherever possible, this service shall be identified by the logo defined in the Postal Parcels Regulations.

3. The details of this service shall be laid down bilaterally between the administration of origin and the administration of destination on the basis of provisions defined by the Postal Operations Council.

## ARTICLE 25<sup>29</sup>

### **Items not admitted. Prohibitions**

1. Items not fulfilling the conditions laid down in the Convention and the Regulations shall not be admitted.

2. **Subject to the exceptions set out in the Regulations**, the insertion of the articles referred to below shall be prohibited in all categories of items:

2.1 narcotics and psychotropic substances;

2.2 explosive, flammable or other dangerous substances as well as radioactive **materials**;

#### **2.2.1 the following shall not come within this prohibition:**

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<sup>29</sup> See Fin Prot arts XII, XIII and XIV.

**2.2.1.1 the biological substances sent in letter-post items mentioned in article 44;**

**2.2.1.2 the radioactive materials sent in letter-post items and postal parcels mentioned in article 26;**

- 2.3 obscene or immoral articles;
- 2.4 live animals, apart from the exceptions provided for in 3;
- 2.5 articles of which the importation or uttering is prohibited in the country of destination;
- 2.6 articles which, by their nature or their packing, may expose officials to danger, or soil or damage other items or postal equipment;
- 2.7 documents having the character of current and personal correspondence exchanged between persons other than the sender and the addressee or persons living with them.

3. However, the following shall be admitted:

3.1 in letter-post items other than insured items:

3.1.1 bees, leeches and silk-worms;

3.1.2 parasites and destroyers of noxious insects intended for the control of those insects and exchanged between officially recognized institutions;

3.2 in parcels, live animals whose conveyance by post is authorized by the postal regulations of the countries concerned.

4. The insertion of **the articles mentioned below** shall be prohibited in postal parcels.

**4.1 documents having the character of current and personal correspondence exchanged between the sender and the addressee or persons living with them;**

**4.2 correspondence of any kind exchanged between persons other than the sender and the addressee or persons living with them.**

5. It shall be prohibited to insert coins, bank notes, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver, whether manufactured or not, precious stones, jewels or other valuable articles:

- 5.1 in uninsured letter-post items; however, if the internal legislation of the countries of origin and destination permits this, such articles may be sent in a closed envelope as registered items;
  - 5.2 in uninsured parcels exchanged between two countries which admit insured parcels; in addition, any administration may prohibit the enclosure of gold bullion in insured or uninsured items originating from or addressed to its territory or sent in transit à découvert across its territory; it may limit the actual value of these items.
6. Printed papers and literature for the blind:
- 6.1 shall not bear any inscription or contain any document having the character of current and personal correspondence;
  - 6.2 shall not contain any postage stamp or faun of prepayment, whether cancelled or not, or any paper representing a monetary value.
7. **The** treatment of items wrongly admitted **is** set out in the Regulations. However, items containing articles mentioned in 2.1, 2.2 and 2.3 shall in no circumstances be forwarded to their destination, delivered to the addressees or returned to origin.

## ARTICLE 26

### Radioactive materials

- 1. Admission of radioactive materials made up and packed in accordance with the respective provisions of the Regulations shall be restricted to relations between postal administrations which have declared their willingness to admit them either reciprocally or in one direction only.**
- 2. When they are sent in letter-post items, they shall be subject to the tariff for priority items or the tariff for letters and registration.**
- 3. Radioactive materials contained in letter-post items or postal parcels shall be forwarded by the quickest route, normally by air, subject to payment of the corresponding surcharges.**
- 4. Radioactive materials may be posted only by duly authorized senders.**

## ARTICLE 27

### **Redirection**

1. If an addressee changes his address, items shall be reforwarded to him forthwith, under the conditions laid down in the Regulations.
2. Items shall not however be redirected:
  - 2.1 if the sender has forbidden redirection by means of a note in a language known in the country of destination;
  - 2.2 if they bear in addition to the addressee's address the expression "or occupant".
3. **Postal** administrations which collect a charge for requests for redirection in their internal services shall be authorized to collect this same charge in the international service.
4. Apart from the exceptions provided for in the Regulations, no additional charge shall be collected for letter-post items redirected from country to country. However, administrations which collect a charge for redirection of items in their internal service shall be authorized to collect this same charge on the international letter-post items redirected within their own countries.

## ARTICLE 28

### **Undeliverable items**

1. **Postal** administrations shall return items which it has not proved possible to deliver to the addressees for whatever reason.
2. The period of retention **of items** is laid down in the Regulations.
3. If a parcel cannot be delivered or if it is held officially, it shall be dealt with in accordance with the instructions given by the sender within the limits set by the Parcel Post Regulations.
4. If the sender has abandoned a parcel which it has not been possible to deliver to the addressee, that parcel shall be treated by the administration of destination according to its own legislation. **Neither the sender nor any other postal administration shall be required to cover any postal charges, customs duty or other fees which may be incurred in respect of the parcel.**
5. Articles contained in a parcel whose early deterioration or decay is to be feared, and those articles only, may be sold immediately, without prior notice or legal formality. The sale shall be on behalf of the rightful owner even in

course of transmission on either the outward or the return journey. If sale is impossible, the spoilt or decayed articles shall be destroyed.

6. Apart from the exceptions provided for in the Letter Post Regulations, no additional charge shall be collected for undeliverable items returned to the country of origin. However, administrations which collect a charge for return of items in their internal service shall be authorized to collect this same charge on the international mail returned to them.

**7. Notwithstanding the provisions under 6, when an administration receives, for return to the sender, items posted abroad by customers residing in its territory, it shall be authorized to collect from the sender or senders a handling charge per item not to exceed the postage charge that would have been collected had the item been posted in the administration in question.**

**7.1 For the purposes of the provisions under 7, the sender or senders shall be understood as being the persons or entities whose name appears in the return address or addresses.**

#### ARTICLE 29<sup>30</sup>

##### **Withdrawal from the post. Alteration or correction of address at the sender's request**

1. The sender of a letter-post item may have it withdrawn from the post, or have its address altered or corrected under the conditions laid down in the Regulations.
2. If its legislation permits, each **postal** administration shall be bound to accept requests for withdrawal from the post or alteration or correction of the address in respect of any letter-post item posted in the service of another administration.
3. The sender shall pay, for each request, a special charge the maximum amount of which is set in the Regulations.
4. The sender of a parcel may ask for it to be returned or for its address to be altered. He must guarantee payment of the amounts due for any onward transmission.
5. However, administrations shall have the option of not accepting the requests referred to in 4 when they do not accept them in their internal service.

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<sup>30</sup> See Fin Prot art XV.



## ARTICLE 30<sup>31</sup>

### **Inquiries**

1. Inquiries shall be entertained within a period of **six months** from the day after that on which the item was posted.
2. Each **postal** administration shall be bound to accept inquiries relating to any item posted in the service of another administration.
3. Separate inquiries shall be made for uninsured and insured parcels.
4. Inquiries shall be free of charge. However, if a request is made for transmission **by EMS**, the additional costs shall, in principle, be borne by the person making the request.

## ARTICLE 31<sup>32</sup>

### **Customs control**

1. The postal administrations of the countries of origin and destination shall be authorized to submit items to customs control, according to the legislation of those countries.
2. Items submitted to customs control may be subjected to a presentation-to-Customs charge, the maximum amount of which is set in the Regulations. This charge shall only be collected for the submission to Customs and customs clearance of items which have attracted customs charges or any other similar charge.

## ARTICLE 32

### **Customs clearance fee**

1. **Postal administrations which are authorized to clear items through the Customs on behalf of customers, may charge customers a customs clearance fee based on the actual costs.**

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<sup>31</sup> See Fin Prot art XVI.

<sup>32</sup> See Fin Prot art XVII.

## ARTICLE 33

### Customs duty and other fees

1. Postal administrations shall be authorized to collect from the senders or addressees of items, as the case may be, the customs duty and all other fees which may be due.

## CHAPTER 2

### Liability

## ARTICLE 34<sup>33</sup>

### Liability of postal administrations. Indemnities

1. General
  - 1.1 Except for the cases provided for in article 35, postal administrations shall be liable for:
    - 1.1.1 the loss of, theft from or damage to registered items, **ordinary parcels and insured items**;
    - 1.1.2 the loss of recorded delivery items;
  - 1.2 **When the loss of, total theft from or total damage to registered items, ordinary parcels and insured items is due to a case of force majeure for which indemnity is not payable, the sender shall be entitled to repayment of the charges paid, with the exception of the insurance charge.**
2. Registered items
  - 2.1 If a registered item is lost, **totally rifled or totally damaged**, the sender shall be entitled to an **indemnity set in the Letter Post Regulations. If the sender has claimed an amount less than the amount set in the Letter Post Regulations, administrations may pay that lower amount and shall receive reimbursement on this basis from any other administrations involved.**
  - 2.2 **If a registered item is partially rifled or partially damaged, the sender shall be entitled to an indemnity corresponding, in principle, to the actual value of the theft or damage. It may,**

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<sup>33</sup> See Fin Prot arts XVIII, XIX and 3a.

**however, in no case exceed the amount set in the Letter Post Regulations in case of loss, total theft or total damage. Consequential losses or loss of profits shall not be taken into account.**

3. Recorded delivery items

3.1 If a recorded delivery item is lost, **totally rifled or totally damaged**, the sender shall be entitled to refund of the charges paid.

4. **Ordinary parcels**

4.1 **If a parcel is lost, totally rifled or totally damaged, the sender shall be entitled to an indemnity of an amount set in the Parcel Post Regulations.**

4.2 **If a parcel is partially rifled or partially damaged, the sender shall be entitled to an indemnity corresponding, in principle, to the actual value of the theft or damage. It may, however, in no case exceed the amount set in the Parcel Post Regulations in case of loss, total theft or total damage. Consequential losses or loss of profits shall not be taken into account.**

4.3 **Postal** administrations may agree to apply, in their reciprocal relations, the amount per parcel set in the Parcel Post Regulations, regardless of the weight.

5. Insured items

5.1 If an insured item is lost, **totally rifled or totally damaged**, the sender shall be entitled to an indemnity corresponding, in principle, **to the insured value in SDRs.**

5.2 **If an insured item is partially rifled or partially damaged, the sender shall be entitled to an indemnity corresponding, in principle, to the actual value of the theft or damage. It may, however, in no case exceed the amount of the insured value in SDRs. Consequential losses or loss of profits shall not be taken into account.**

6. In the cases mentioned in 4 and 5, the indemnity shall be calculated according to the current price, converted into SDRs, of articles or goods of the same kind at the place and time at which the item was accepted for conveyance. Failing a current price, the indemnity shall be calculated according to the ordinary value of articles or goods whose value is assessed on the same bases.

7. When an indemnity is due for the loss of, total theft from or total damage to a **registered item, ordinary parcel or insured item**, the sender, or the addressee,

as the case may be, shall also be entitled to repayment of the charges and fees paid with the exception of the **registration or insurance charge**. The same shall apply to **registered items, ordinary parcels or insured items** refused by the addressee because of their bad condition if that is attributable to the postal service and involves its liability.

8. Notwithstanding the provisions set out under **2, 4 and 5**, the addressee shall be entitled to the indemnity after delivery of a rifled or damaged registered item, **ordinary** parcel or insured item.

9. The administration of origin shall have the option of paying senders in its country the indemnities prescribed by its internal legislation for registered items and uninsured parcels, provided that they are not lower than those laid down in 2.1 and 4.1. The same shall apply to the administration of destination when the indemnity is paid to the addressee. However, the amounts laid down in 2.1 and 4.1 shall remain applicable:

9.1 in the event of recourse against the administration liable: or

9.2 if the sender waives his rights in favour of the addressee or vice versa.

## ARTICLE 35<sup>34</sup>

### **Non-liability of postal administrations**

1. Postal administrations shall cease to be liable for registered items, recorded delivery items, parcels and insured items which they have delivered according to the conditions laid down in their regulations for items of the same kind. Liability shall, however, be maintained:

1.1 when theft or damage is discovered either prior to or at the time of delivery of the item;

1.2 when, internal regulations permitting, the addressee, or the sender if it is returned to origin, makes reservations on taking delivery of a rifled or damaged item;

1.3 when, internal regulations permitting, the registered item was delivered to a private mailbox and, in the course of the inquiry, the addressee declares that he did not receive the item;

1.4 when the addressee or, in the case of return to origin, the sender of a parcel or of an insured item, although having given a proper discharge, notifies the delivery administration without delay that he has found

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<sup>34</sup> See Fin Prot art XX1.

theft or damage. He shall furnish proof that such theft or damage did not occur after delivery.

2. Postal administrations shall not be liable:
  - 2.1 in cases of force majeure, subject to article **12.4**;
  - 2.2 when they cannot account for items owing to the destruction of official records by force majeure, provided that proof of their liability has not been otherwise produced;
  - 2.3 when such loss, theft or damage has been caused by the fault or negligence of the sender or arises from the nature of the contents;
  - 2.4 in the case of items whose contents fall within the prohibitions specified in article **25**, in so far as these items have been confiscated or destroyed by the competent authority because of their contents;
  - 2.5 when the items have been seized under the legislation of the country of destination, as notified by the administration of that country;
  - 2.6 in the case of insured items which have been fraudulently insured for a sum greater than the actual value of the contents;
  - 2.7 when the sender has made no inquiry within **six months** from the day after that on which the item was posted;
  - 2.8 in the case of prisoner-of-war or civilian internee parcels.
3. Postal administrations shall accept no liability for customs declarations in whatever form these are made or for decisions taken by the Customs on examination of items submitted to customs control.

## ARTICLE 36

### **Sender's liability**

1. The sender of an item shall be liable for any damage caused to other postal items as a result of the dispatch of articles not acceptable for conveyance or the non-observance of the conditions of acceptance.
2. The sender shall be liable within the same limits as postal administrations.
3. The sender shall remain liable even if the office of posting accepts such an item.

4. However, the sender shall not be liable if there has been fault or negligence on the part of **postal** administrations or carriers.

## ARTICLE 37<sup>35</sup>

### **Payment of indemnity**

1. Subject to the right of recourse against the administration which is liable, the obligation to pay the indemnity and to refund the charges and fees shall rest either with the administration of origin or with the administration of destination.

2. The sender may waive his rights to the indemnity in favour of the addressee. Conversely, the addressee may waive his rights in favour of the sender. The sender or the addressee may authorize a third party to receive the indemnity if internal legislation allows this.

3. The administration of origin or destination, as the case may be, shall be authorized to indemnify the rightful claimant on behalf of the administration which, having participated in the conveyance and having been duly informed, has allowed two months **and, if the case was reported by fax or any other electronic means by which receipt of the inquiry can be confirmed, 30 days** to pass without finally settling the matter, or without having reported:

3.1 that the damage appeared to be due to a case of force majeure;

3.2 that the item had been detained, confiscated or destroyed by the competent authority because of its contents or seized under the legislation of the country of destination.

4. The administration of origin or destination, as the case may be, shall be authorized to indemnify the rightful claimant in cases where the inquiry form is not properly completed and has to be returned for additional information, thereby causing the time limit set in 3 to be exceeded.

**5. In the case of an inquiry concerning a COD item, the administration of origin shall be authorized to indemnify the rightful claimant up to the COD amount on behalf of the administration of destination which, having been duly informed, has allowed two months to pass without finally settling the matter.**

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<sup>35</sup> See Fin Prot art XXII.

## ARTICLE 38

### **Possible recovery of the indemnity from the sender or the addressee**

1. If, after payment of the indemnity, a registered item, a parcel or an insured item or part of the contents previously considered as lost is found, the sender or the addressee, as the case may be, shall be advised that the item is being held at his disposal for a period of three months on repayment of the amount of the indemnity paid. At the same time he shall be asked to whom the item is to be delivered. In the event of refusal or failure to reply within the prescribed period, the same approach shall be made to the addressee or the sender as the case may be.
2. If the sender and the addressee refuse to take delivery of the item, it shall become the property of the administration or, where appropriate, administrations which bore the loss.
3. In the case of subsequent discovery of an insured item the contents of which are found to be of less value than the amount of the indemnity paid, the sender or the addressee, as the case may be, shall repay the amount of this indemnity against return of the item, without prejudice to the consequences of fraudulent insurance.

## ARTICLE 39

### **Exchange of items**

1. Administrations may exchange, via one or more of their number, closed mails as well as à découvert items according to needs and service requirements.
2. When exceptional circumstances oblige a postal administration temporarily to suspend its services wholly or in part, it shall immediately inform the administrations concerned.
3. When the conveyance of mail in transit through a country takes place without the participation of the postal administration of that country, this administration shall be informed in advance. This form of transit shall not involve the liability of the postal administration of the transit country.
4. Administrations may send surface mails by air, with reduced priority, subject to the agreement of the administrations which receive such mails at the airports of their country.

## ARTICLE 40

### **Exchange of closed mails with military units**

1. Closed letter-post mails may be exchanged through the intermediary of the land, sea or air services of other countries:
  - 1.1 between the post offices of any member country and the commanding officers of military units placed at the disposal of the United Nations;
  - 1.2 between the commanding officers of such military units;
  - 1.3 between the post offices of any member country and the commanding officers of naval or air units, warships or military aircraft of the same country stationed abroad;
  - 1.4 between the commanding officers of naval or air units, warships or military aircraft of the same country.
2. Letter-post items enclosed in the mails referred to under 1 shall be confined to items addressed to or sent by members of military units or the officers and crews of the ships or aircraft to or from which the mails are forwarded. The rates and conditions of dispatch applicable to them shall be fixed, according to its regulations, by the postal administration of the country which has made the military unit available or to which the ships or aircraft belong.
3. In the absence of special agreement, the **postal** administration of the country which has made the military unit available or to which the warships or military aircraft belong shall be liable to the administrations concerned for the transit charges for the mails, the terminal dues and the air conveyance dues.

## ARTICLE 41

### **Determination of liability between postal administrations**

1. Until the contrary is proved, liability shall rest with the postal administration which, having received the item without comment and being furnished with all the prescribed means of inquiry, cannot prove either delivery to the addressee or, where appropriate, correct transfer to another administration.
2. If the loss, theft or damage occurs in course of conveyance without it being possible to establish in which country's territory or service it happened, the administrations concerned shall bear the loss equally. However, in the case of an uninsured parcel, when the amount of indemnity does not exceed the amount calculated in article **34.4.1**, for a parcel of 1 kilogramme, this sum shall be borne equally by the administration of origin and the administration of destination, intermediate administrations being excluded.



3. As regards insured items, the liability of an administration towards other administrations shall in no case exceed the maximum insured value that it has adopted.

4. Postal administrations not providing the insured items service shall assume, in respect of such items conveyed in closed mails, the liability laid down for registered items and/or for uninsured parcels. This provision shall also apply when postal administrations do not accept liability for insured items carried on board the ships or aircraft used by them.

5. If the loss, theft or damage of an insured item occurs in the territory or service of an intermediate administration which does not provide the insured items service, the administration of origin shall bear the loss not covered by the intermediate administration. The same rule shall apply if the amount of the damage is higher than the maximum insured value adopted by the intermediate administration.

6. Customs duty and other fees of which it has not been possible to secure cancellation shall be borne by the administrations liable for the loss, theft or damage.

7. An administration which has paid the indemnity shall take over the rights, up to the amount of the indemnity, of the person who has received it in any action which may be taken against the addressee, the sender or third parties.

## CHAPTER 3

### **Provisions specific to letter post**

#### ARTICLE 42

#### **Quality of service targets**

1. Administrations shall fix a service target for the handling of priority and airmail items and for the handling of surface and non-priority items addressed to or sent from their country. The target shall be no less favourable than those applied to comparable items in their domestic service.

2. Administrations of origin shall publish service targets for priority and airmail items for abroad by reference to the targets fixed by the administrations of origin and destination and including the conveyance time.

3. Postal administrations shall undertake to verify periodically that the established times are achieved either within the framework of the surveys organized by the International Bureau or by the Restricted Unions, or on the basis of bilateral agreements.

4. It is also desirable that postal administrations should verify periodically that the established times are achieved, using other quality control systems, in particular external quality control.

5. Wherever possible, administrations shall implement quality measurement systems for international mails (both outgoing and incoming); this should, as far as possible, include measurement from posting to delivery (end-to-end).

6. All member countries shall provide the International Bureau with up-to-date information about **the latest transport arrival times (LTAT)** against which they operate for international postal purposes. **Any changes shall be advised as soon as they are planned in order to allow the International Bureau to communicate these changes to postal administrations before they are applied.**

7. Where possible, separate information shall be provided for priority and non-priority streams of traffic.

#### ARTICLE 43<sup>36</sup>

##### **Posting abroad of letter-post items**

1. A member country shall not be bound to forward or deliver to the addressee letter-post items which senders residing in its territory post or cause to be posted in a foreign country with the object of profiting by the more favourable rate conditions there.

2. The provisions set out under 1 shall be applied without distinction both to letter-post items made up in the sender's country of residence and then carried across the frontier and to letter-post items made up in a foreign country.

3. The administration of destination may claim from the sender and, failing this, from the administration of posting, payment of the internal rates. If neither the sender nor the administration of posting agrees to pay these rates within a time limit set by the administration of destination, the latter may either return the items to the administration of posting and shall be entitled to claim reimbursement of the redirection costs, or handle them in accordance with its own legislation.

4. A member country shall not be bound to forward or deliver to the addressees letter-post items which senders post or cause to be posted in large quantities in a country other than the country where they reside **if the amount of terminal dues to be received is lower than the sum that would have been received if the mail had been posted in the country where the senders reside.** The administration of destination may claim from the administration of posting payment commensurate with the costs incurred and which may not exceed the higher of the following two

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<sup>36</sup> See Fin Prot art XXIII.

amounts: either 80% of the domestic tariff for equivalent items, or 0.14 SDR per item plus 1 SDR per kilogramme. If the administration of posting does not agree to pay the amount claimed within a time limit set by the administration of destination, the administration of destination may either return the items to the administration of posting and shall be entitled to claim reimbursement of the redirection costs, or handle them in accordance with its own legislation.

## ARTICLE 44

### **Admissible biological materials**

**1. Perishable biological substances, infectious substances and solid carbon dioxide (dry ice) when used as refrigerant for infectious substances may be exchanged through mail only between officially recognized qualified laboratories. These dangerous goods may be acceptable in mail for air carriage, subject to national legislation and current Technical Instructions of the International Civil Aviation Organization (ICAO) and as reflected in the IATA Dangerous Goods Regulations.**

**2. Perishable biological substances and infectious substances made up and packed in accordance with the respective provisions of the Regulations shall be subject to the tariff for priority items or to the tariff for registered letters. An additional charge for the handling of these items is allowed.**

**2.1 Admission of perishable biological substances and infectious substances shall be restricted to those member countries whose postal administrations have declared their willingness to admit such items, whether reciprocally or in one direction only.**

**2.2 Such substances or materials shall be forwarded by the quickest route, normally by air, subject to the payment of the corresponding air surcharges and shall be given priority in delivery.**

## ARTICLE 45

### **Electronic mail**

1. Postal administrations may agree with each other to participate in electronic mail services.

2. Electronic mail is a postal service which uses telecommunications for transmitting within seconds messages true to the original posted by the sender in either a physical or an electronic form for delivery to the addressee in a physical or electronic form. In the case of physical delivery, the information is generally transmitted by electronic means for the longest possible part of the way and

reproduced in physical form as near as possible to the addressee. Physical messages are delivered in an envelope to the addressee as a letter-post item.

3. The tariffs applicable to electronic mail are fixed by administrations, taking costs and market requirements into account.

## ARTICLE 46

### **Transit charges**

1. Subject to article **52**, closed mails exchanged between two administrations or between two offices of the same country by means of the services of one or more other administrations (third party services) shall be subject to the payment of transit charges. The latter shall constitute remuneration for the services rendered in respect of land **transit, sea transit and air transit**.

2. A découvert items may also be subject to transit charges.

3. The conditions for application and the scales are specified in the **Letter Post** Regulations.

## ARTICLE 47<sup>37</sup>

### **Terminal dues. General provisions**

1. Subject to article **52**, each administration which receives letter-post items from another administration shall have the right to collect from the dispatching administration a payment for the costs incurred for the international mail received.

2. **For the application of the provisions concerning the payment of terminal dues, postal administrations shall be classified as "industrialized countries" or "developing countries", in accordance with the list drawn up for this purpose by Congress.**

3. **The provisions of the present Convention concerning the payment of terminal dues are transitional arrangements, moving towards a country-specific payment system.**

4. **Access to the domestic service**

**4.1 Each administration shall make available to the other administrations all the rates, terms and conditions offered in its domestic service on conditions identical to those proposed to its national customers.**

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<sup>37</sup> See Fin Prot art XXIV.

- 4.2 A dispatching administration may, on similar conditions, request the administration of an industrialized country of destination to offer it the same conditions that the latter offers to its national customers for equivalent items.**
- 4.3 The administrations of developing countries shall indicate whether they authorize access on the conditions mentioned in 4.1.**
- 4.3.1 When an administration of a developing country states that it authorizes access on the conditions offered in its domestic system, that authorization shall apply to all Union administrations on a non-discriminatory basis.**
- 4.4 It shall be up to the administration of destination to decide whether the conditions of access to its domestic service have been met by the administration of origin.**
- 5. The terminal dues rates for bulk mail shall not be higher than the most favourable rates applied by administrations of destination under bilateral or multilateral agreements concerning terminal dues. It shall be up to the administration of destination to decide whether the terms and conditions of access have been met by the administration of origin.**
- 6. The Postal Operations Council shall be authorized to amend the payments mentioned in articles 48 to 51 between Congresses. Any revision carried out shall be based on reliable and representative economic and financial data and take into account all the provisions on terminal dues in the Convention and the Letter Post Regulations. Any amendment decided upon shall come into force at a date set by the Postal Operations Council.**
- 7. Any administration may waive wholly or in part the payment provided for under 1.**
- 8. The administrations concerned may, by bilateral or multilateral agreement, apply other payment systems for the settlement of terminal dues accounts.**

## ARTICLE 48<sup>38</sup>

### Terminal dues. Provisions applicable to exchanges between industrialized countries

1. Payment for letter-post items, including bulk mail but excluding M bags, shall be established on the basis of the application of the rates per item and per kilogramme reflecting the handling costs in the country of destination; these costs must be in relation with the domestic tariffs. The rates shall be calculated in accordance with the conditions specified in the Letter Post Regulations.
2. For the years 2001 to 2003, the rates per item and per kilogramme may not be higher than those calculated on the basis of 60% of the charge for a 20-gramme letter in the domestic service, or exceed the following rates:
  - 2.1 for the year 2001, 0.158 SDR per item and 1.684 SDR per kilogramme;
  - 2.2 for the year 2002, 0.172 SDR per item and 1.684 SDR per kilogramme;
  - 2.3 for the year 2003, 0.215 SDR per item and 1.684 SDR per kilogramme.
3. For the years 2004 and 2005, the Postal Operations Council shall set the final percentage of the tariffs appropriate to each industrialized country in line with the relations between the costs and tariffs of each country.
4. For the period from the year 2001 to the year 2005, the rates to be applied may not be lower than 0.147 SDR per item and 1.491 SDR per kilogramme.
5. For M bags, the rate to be applied shall be 0.653 SDR per kilogramme.
  - 5.1 M bags weighing less than 5 kilogrammes shall be considered as weighing 5 kilogrammes for terminal dues payment purposes.
6. The administration of destination shall have the right to collect an additional payment of 0.5 SDR per item in respect of the delivery of registered items and of 1 SDR per item in respect of the delivery of insured items.
7. The provisions applicable between industrialized countries shall apply to any developing country which declares that it wishes to abide by them and would like to be considered an industrialized country for purposes

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<sup>38</sup> See Fin Prot art XXIV.

of the provisions of articles 48 to 50 and those of the corresponding Letter Post Regulations.

#### ARTICLE 49<sup>39</sup>

**Terminal dues. Provisions applicable to mail flows from developing countries to industrialized countries**

##### **1. Payment**

**1.1 Payment for letter-post items, excluding M bags, shall be 3.427 SDR per kilogramme.**

**1.2 For M bags, the rate to be applied shall be 0.653 SDR per kilogramme.**

**1.2.1 M bags weighing less than 5 kilogrammes shall be considered as weighing 5 kilogrammes for terminal dues payment purposes.**

**1.3 The administration of destination shall have the right to collect an additional payment of 0.5 SDR per item in respect of the delivery of registered items and of 1 SDR per item in respect of the delivery of insured items.**

##### **2. Revision mechanism**

**2.1 An administration dispatching a mail flow of over 150 tonnes a year may have the rate given in 1.1 revised when, in a given relation, it establishes that the average number of items contained in 1 kilogramme of mail dispatched is less than 14.**

**2.2 An administration receiving a mail flow of over 150 tonnes a year may have the rate given in 1.1 revised when, in a given relation, it establishes that the average number of items contained in one kilogramme of mail received is more than 21.**

**2.3 The reason shall be carried out on the terms specified in the Letter Post Regulations.**

##### **3. System harmonization mechanism**

**3.1 When an administration receiving a mail flow of over 50 tonnes a year establishes that the annual weight of this flow exceeds the threshold calculated in accordance with the conditions set out in**

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<sup>39</sup> See Fin Prot art XXIV.

the Letter Post Regulations, it may apply to the excess mail the payment system provided for in article 48 provided that it has not applied the revision mechanism.

#### **4. Bulk mail**

**4.1 The payment for bulk mail shall be established by applying the rates per item and per kilogramme provided for in article 48.1.**

### **ARTICLE 50<sup>40</sup>**

#### **Terminal dues. Provisions applicable to mail flows from industrialized countries to developing countries**

##### **1. Payment**

**1.1 Payment for letter-post items, excluding M bags, shall be 3.427 SDR per kilogramme.**

**1.1.1 The terminal dues stemming from application of the rate given in 1.1 shall be increased by 7.5% under the head of a fund to finance improving quality of service in developing countries.**

**1.2 For M bags, the rate to be applied shall be 0.653 SDR per kilogramme**

**1.2.1 M bags weighing less than 5 kilogrammes shall be considered as weighing 5 kilogrammes for terminal dues payment purposes.**

**1.3 The administration of destination shall have the right to collect an additional payment of 0.5 SDR per item in respect of the delivery of registered items and of 1 SDR per item in respect of the delivery of insured items.**

##### **2. Revision mechanism**

**2.1 An administration receiving a mail flow of over 150 tonnes a year may have the rate revised when, in a given relation, it establishes that the average number of items contained in 1 kilogramme of mail received is more than 21.**

**2.2 The revision shall be carried out on the terms specified in the Letter Post Regulations.**

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<sup>40</sup> See Fin Prot art XXIV.



### **3. Bulk mail**

- 3.1 Administrations which do not authorize access on the conditions offered in the domestic service may request for bulk mail received a payment of 0.14 SDR per item and 1 SDR per kilogramme.**
- 3.2 Administrations which authorize access on the conditions offered in the domestic service may apply to bulk mail received a payment corresponding to the domestic tariffs, increased by 9%, offered to national customers for items of the same kind, without being able to exceed the rates given in article 48.2.**

## **ARTICLE 51<sup>41</sup>**

### **Terminal dues. Provisions applicable to exchanges between developing countries**

#### **1. Payment**

- 1.1 Payment for letter-post items, excluding M bags, shall be 3.427 SDR per kilogramme.**
- 1.2 For M bags, the rate to be applied shall be 0.653 SDR per kilogramme.**
  - 1.2.1 M bags weighing less than 5 kilogrammes shall be considered as weighing 5 kilogrammes for terminal dues payment purposes.**
- 1.3 The administration of destination shall have the right to collect an additional payment of 0.5 SDR per item in respect of the delivery of registered items and of 1 SDR per item in respect of the delivery of insured items.**

#### **2. Revision mechanism**

- 2.1 An administration receiving a mail flow of over 150 tonnes a year may have the rate revised when, in a given relation, it establishes that the average number of items contained in 1 kilogramme of mail received is more than 21.**
- 2.2 The revision shall be carried out on the terms specified in the Letter Post Regulations.**

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<sup>41</sup> See Fin Prot art XXIV.

### 3. Bulk mail

- 3.1 Administrations which do not authorize access on the conditions offered in the domestic service may request for bulk mail received a payment of 0.14 SDR per item and 1 SDR per kilogramme.
- 3.2 Administrations which authorize access on the conditions offered in the domestic service may apply to bulk mail received a payment corresponding to the domestic tariffs, increased by 9%, offered to national customers for items of the same kind, without being able to exceed the rates given in article 48.2.

## ARTICLE 52

### Exemption from transit charges and terminal dues

1. The letter-post items relating to the postal service referred to in article 8.2.2 **and** undelivered postal items returned to origin in closed dispatches shall be exempted from land and sea transit charges and from terminal dues. **Mails of empty receptacles shall be exempted from terminal dues but not from transit charges which shall be paid by the postal administration owning the receptacles.**

## ARTICLE 53<sup>42</sup>

### Air conveyance dues

1. The air conveyance dues for the whole distance flown shall be borne:
  - 1.1 in the case of closed mails, by the administration of the country of origin of the mails;
  - 1.2 in the case of priority items and airmail items in transit à découvert, including missent items, by the administration which forwards the items to another administration
2. These same regulations shall be applicable to **items exempted from land and sea transit charges, under the terms of article 52, if they are conveyed by air.**
3. Each administration of destination which provides air conveyance of international mail within its country shall be entitled to reimbursement of the additional costs incurred for such conveyance provided that the weighted average distance of the sectors flown exceeds 300 kilometres. Unless

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<sup>42</sup> See Fin Prot art XXV.

agreement has been reached that no charge should be made, the dues shall be uniform for all priority mails and airmails originating abroad whether or not this mail is reforwarded by air.

4. However, where the terminal dues levied by the administration of destination are based specifically on costs or on domestic rates, no additional reimbursement for internal air conveyance shall be made.

5. The administration of destination shall exclude, for the purpose of calculating the weighted average distance, the weight of all mails for which the terminal dues calculation has been based specifically on costs or on the domestic rates of the administration of destination.

6. In the absence of special agreement between the administrations concerned, the transit charge scales in the Regulations shall apply to airmail correspondence for any transit by land or by sea. Nevertheless, no **land** transit charges shall be payable for:

- 6.1 the transshipment of airmails between two airports serving the same town;
- 6.2 the conveyance of such mails from an airport serving a town to a depot situated in the same town and the return of the same mails for reforwarding.

## ARTICLE 54

### **Basic rates and calculation of air conveyance dues**

1. The basic rate applicable to the settlement of accounts between administrations in respect of air conveyance shall be approved by the Postal Operations Council. It shall be calculated by the International Bureau according to the formula specified in the **Letter Post** Regulations.

2. The calculation of air conveyance dues on closed mails, priority items and airmail items in transit à découvert, as well as the relevant methods of accounting, are set out in the **Letter Post** Regulations.

## CHAPTER 4

### Provisions specific to postal parcels

#### ARTICLE 55

##### Quality-of-service targets

1. Administrations of destination shall set a service target for the handling of air parcels addressed to their countries. The target, increased by the time normally required for customs clearance, shall be no less favourable than the target for comparable items in their domestic service.
2. Administrations of destination shall also, as far as possible, set a service target for the handling of surface parcels addressed to their countries.
3. Administrations of origin shall set service targets for air and surface parcels for abroad by reference to the targets set by the administrations of destination.
4. Administrations shall monitor actual performance against the service targets fixed by them.

#### ARTICLE 56<sup>43</sup>

##### Inward land rate

1. Parcels exchanged between two **postal** administrations shall be subject to inward land rates for each country and each parcel calculated by combining the guideline rate per parcel and guideline rate per kilogramme laid down in the Regulations.
2. Bearing in mind the above guideline rates, administrations shall set their inward land rates to bring these into relation with the costs of their service.
3. The rates mentioned in 1 and 2 shall be payable by the administration of the country of origin, unless this Convention provides for exceptions to this principle.
4. The inward land rates shall be uniform for the whole of the territory of each country.

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<sup>43</sup> See Fin Prot art XXVI and XXVII.

## ARTICLE 57

### Transit land rate

1. Parcels exchanged between two administrations or between two offices of the same country by means of the land services of one or more other administrations shall be subject to the transit land rates, payable to the countries whose services take part in the routing on land, laid down in the Regulations, according to the distance step applicable.
2. For parcels in transit à découvert, intermediate administrations shall be authorized to claim the single rate per item laid down in the Regulations.
3. The rates mentioned in 1 and 2 shall be payable by the administration of the country of origin unless this Convention provides for exceptions to this principle.
4. The Postal Operations Council shall be authorized to revise and amend the transit land rates between Congresses. Any revision made, in accordance with a methodology that ensures equitable remuneration for administrations which conduct transit operations, must be based on reliable and representative economic and financial data. Any change decided upon shall enter into force at a date set by the Postal Operations Council.
5. No transit land rate shall be payable for:
  - 5.1 the transfer of airmails between two airports serving the same town;
  - 5.2 the transport of such mails between an airport serving a town and a warehouse situated in the same town and the return of the same mails for reforwarding.

## ARTICLE 58

### Sea rate

1. Each of the countries whose services participate in the sea conveyance of parcels shall be authorized to claim the sea rates mentioned in 2. These rates shall be payable by the administration of the country of origin, unless this Convention provides for exceptions to this principle.
2. For each sea conveyance used, the sea rate shall be laid down in the **Parcel Post** Regulations according to the distance step applicable.
3. **Postal** administrations may increase by 50% at most the sea rate calculated in accordance with article **58.2**. On the other hand, they may reduce it as they wish.

4. The Postal Operations Council shall be authorized to revise and amend the sea rates between Congresses. Any revision made, in accordance with a methodology that ensures equitable remuneration for administrations which conduct transit operations, must be based on reliable and representative economic and financial data. Any change decided upon shall enter into force at a date set by the Postal Operations Council.

## ARTICLE 59

### **Air conveyance dues**

1. The basic rate applicable to the settlement of accounts between administrations in respect of air conveyance shall be approved by the Postal Operations Council. It shall be calculated by the International Bureau according to the formula specified in the Letter Post Regulations.

**2. The calculation of air conveyance dues on closed dispatches and air parcels sent in transit à découvert is set out in the Parcel Post Regulations.**

3. Transshipment at the same airport, in the course of transmission, of air parcels conveyed successively by several separate air services shall be performed without remuneration.

## ARTICLE 60

### **Exemption from rates**

1. Rates shall not be allocated for service parcels and for prisoner-of-war and civilian internee parcels, apart from the air conveyance dues applicable to air parcels.

## CHAPTER 5

### **EMS**

## ARTICLE 61

### **EMS**

1. EMS shall be the quickest postal service by physical means **and, in relations with administrations which have agreed to provide this service, EMS takes priority over other postal items.** It shall consist of the collection, dispatch and delivery in a very short space of time of correspondence, documents or goods.

2. EMS shall be regulated on the basis of bilateral agreements. Aspects that are not expressly governed by the latter shall be subject to the appropriate provisions of the Acts of the Union.

3. This service shall wherever possible be identified by a logo as shown in the specimen below and comprising the following elements:

- an orange wing;
- the letters EMS in blue;
- three horizontal orange stripes.

The logo may be supplemented by adding the name of the national service.



4. Charges for the service shall be set by the administration of origin in consideration of costs and market requirements.

### PART III

#### **Transitional and final provisions**

#### ARTICLE 62

##### **Obligation to provide the postal parcels service**

1. Notwithstanding article 10.1, countries which, prior to the entry into force of this Convention, were not parties to the Postal Parcels Agreement shall not be obliged to provide the postal parcels service.

#### ARTICLE 63

##### **Undertakings regarding penal measures**

1. The governments of member countries shall undertake to adopt, or to propose to the legislatures of their countries, the necessary measures:

- 1.1 for punishing the counterfeiting of postage stamps, even if withdrawn from circulation, and of international reply coupons;

- 1.2 for punishing the use or uttering:
  - 1.2.1 of counterfeit postage stamps (even if withdrawn from circulation) or used postage stamps, as well as of counterfeit or used impressions of franking machines or printing presses,
  - 1.2.2 of counterfeit international reply coupons;
- 1.3 for prohibiting and suppressing all fraudulent operations of manufacturing and uttering adhesive stamps and stamped impressions in use in the postal service, counterfeited or imitated in such a manner that they could be mistaken for the adhesive stamps and stamped impressions issued by the postal administration of a member country;
- 1.4 for preventing and, if necessary, for punishing the insertion in postal items of narcotics and psychotropic substances, as well as explosive, flammable or other dangerous substances, where their insertion has not been expressly authorized by the Convention;
- 1.5 preventing and punishing the insertion of postal items of a paedophilic nature or of a pornographic nature using children.**

#### ARTICLE 64

##### **Conditions for approval of proposals concerning the Convention and the Regulations**

1. To become effective, proposals submitted to Congress relating to this **Convention must** be approved by a majority of the member countries present and voting. At least half of the member countries represented at Congress shall be present at the time of voting.
2. To become effective, proposals relating to the Letter Post Regulations and the Parcel Post **Regulations must** be approved by a majority of the members of the Postal Operations Council.
3. To become effective, proposals introduced between Congresses relating to this Convention and to its Final Protocol must obtain:
  - 3.1 two thirds of the votes, at least one half of the member countries of the Union having replied to the consultation, if they involve amendments;
  - 3.2 a majority of the votes if they involve interpretation of the provisions.
4. Notwithstanding the provisions under 3.1, any member country whose



national legislation is as yet incompatible with the proposed amendment may, within ninety days from the date of notification of the latter, make a written declaration to the Director-General of the International Bureau stating that it is unable to accept the amendment.

## ARTICLE 65

### **Entry into force and duration of the Convention**

1. This Convention shall come into force on **1 January 2001** and shall remain in operation until the entry into force of the Acts of the next Congress.

In witness whereof the plenipotentiaries of the Governments of the member countries have signed this Convention in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Beijing, 15 September 1999**

[Here follow the signatures]

## FINAL PROTOCOL TO THE UNIVERSAL POSTAL CONVENTION

At the moment of proceeding to signature of the Universal Postal Convention concluded this day, the undersigned plenipotentiaries have agreed the following:

### PROT ARTICLE I

#### **Ownership of postal items**

1. Article **3** shall not apply to Antigua and Barbuda, Australia, Bahrain, Barbados, Belize, Botswana, Brunei Darussalam, Canada, **Hongkong, China**, Dominica, Egypt, Fiji, Gambia, Ghana, United Kingdom of Great Britain and Northern Ireland, Overseas Dependent Territories of the United Kingdom, Grenada, Guyana, Ireland, Jamaica, Kenya, Kiribati, Kuwait, Lesotho, Malawi, Malaysia, Mauritius, Nauru, New Zealand, Nigeria, Papua New Guinea, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanzania (United Rep), Trinidad and Tobago, Tuvalu, Uganda, **Vanuatu, Zambia** and Zimbabwe.

2. Nor shall article **3** apply to Denmark, whose internal legislation does not allow withdrawal from the post or alteration of the address of correspondence, at the request of the sender, from the time when the addressee has been informed of the arrival of an item addressed to him.

### PROT ARTICLE II

#### **Charges**

1. Notwithstanding article **7.5**, the **postal** administration of Canada shall be authorized to collect postal charges other than those provided for in the Regulations, when such charges are consistent with the legislation of its country.

### PROT ARTICLE III

#### **Exception to the exemption of literature for the blind from postal charges**

1. Notwithstanding article **8.4**, the postal administrations of Saint Vincent and the Grenadines, and Turkey, which do not concede exemption from postal charges to literature for the blind in their internal service, may collect the postage and charges for special services which may not, however, exceed those in their internal service.

2. Notwithstanding article **8.4**, the **postal** administrations of **Austria**, Canada, Germany, United Kingdom of Great Britain and Northern Ireland, Japan,

**Switzerland** and United States of America may collect the charges for special services which are applied to literature for the blind in their internal service.

#### **PROT ARTICLE IV**

##### **Basic services**

**1. Notwithstanding the provisions of article 10, Australia does not agree to the extension of basic services to include postal parcels.**

#### **PROT ARTICLE V**

##### **Small packets**

**1. Notwithstanding article 10 of the Convention, the postal administration of Saudi Arabia shall be authorized not to accept small packets exceeding 1 kilogramme in weight.**

#### **PROT ARTICLE VI**

##### **Printed papers. Maximum weight**

**1. Notwithstanding article 10.4.2, the postal administrations of Canada and Ireland shall be authorized to limit to 2 kilogrammes the maximum weight of inward and outward printed papers.**

#### **PROT ARTICLE VII**

##### **Provision of the postal parcels service**

**1. Latvia and Norway reserve the right to provide the postal parcels service either as laid down in the Convention or, in the case of outward parcels and after bilateral agreement, by any other means which is more favourable to their customers.**

#### **PROT ARTICLE VIII**

##### **Parcels. Maximum weight**

**1. Notwithstanding article 10.6, the postal administration of Canada shall be authorized to limit to 30 kilogrammes the maximum weight of inward and outward parcels.**

## ARTICLE IX

### Maximum limits for insured items

1. Sweden reserves the right to restrict the value of the contents of registered and insured letter-post items and uninsured and insured parcels for Sweden, according to the following maximum limits:

<b>I Inward letter-post items</b>			
	<b>Maximum commercial value of contents</b>	<b>Maximum insured value</b>	<b>Maximum indemnity</b>
<b>Registered Items</b>	<b>500 SDR</b>	<b>-</b>	<b>30 SDR (M bag: 150 SDR)</b>
<b>Insured items</b>	<b>4000 SDR</b>	<b>4000 SDR</b>	<b>4000 SDR</b>
<b>II Inward parcels</b>			
<b>Uninsured parcels</b>	<b>4500 SDR</b>	<b>-</b>	<b>40 SDR per parcel + 4.50 SDR per kilogramme</b>
<b>Insured parcels</b>	<b>4500 SDR</b>	<b>4500SDR</b>	<b>4500 SDR</b>

The restriction cannot be circumvented by partial insurance of the value exceeding 4000 SDR (for letter-post items) and 4500 SDR (for parcels). There are no new restrictions on the nature of the contents of registered and insured items. Items with a value exceeding these limits will be returned to origin.

## PROT ARTICLE X

### Advice of delivery

1. The postal administration of Canada shall be authorized not to apply article 18, as regards parcels given that it does not offer the advice of delivery service for parcels in its internal service.

## ARTICLE XI

### International business reply service

1. Notwithstanding article 21.1, the postal administration of Viet Nam does not accept the obligation to provide the return service for IBRS items.

## PROT ARTICLE XII

### **Prohibitions (letter post)**

1. Exceptionally, the postal **administrations of Dem People's Rep of Korea and Lebanon** shall not accept registered items containing coins, banknotes, securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver whether manufactured or not, precious stones, jewels or other valuable articles. They shall not be strictly bound by the provisions of the **Letter Post** Regulations with regard to their liability in cases of theft or damage, or where items containing articles made of glass or fragile articles are concerned.
2. Exceptionally, the postal administrations of Bolivia, China (People's Rep), **excluding Hong Kong Special Administrative Region**, Iraq, Nepal, **Pakistan, Saudi Arabia, Sudan** and Viet Nam shall not accept registered items containing coins, bank notes, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver whether manufactured or not, precious stones, jewels or other valuable articles.
3. The postal administration of Myanmar reserves the right not to accept insured items containing the valuable articles listed in article **25.5**, as this is contrary to its internal regulations.
4. The postal administration of Nepal does not accept registered items or insured items containing currency notes or coins, except by special agreement to that effect.
5. **The postal administration of Uzbekistan does not accept registered or insured items containing coins, banknotes, cheques, postage stamps or foreign currency and shall accept no liability in cases of loss of or damage to such items.**
6. **The postal administration of Iran (Islamic Rep) does not accept letter-post items containing articles contrary to the principles of the Islamic religion.**
7. **The postal administration of the Philippines reserves the right not to accept any kind of letter post (ordinary, registered or insured) containing coins, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver, whether manufactured or not, precious stones or other valuable articles.**
8. **The postal administration of Australia does not accept postal items of any kind containing bullion or bank notes. In addition, it does not accept registered items for delivery in Australia, or items in transit à découvert, containing valuables such as jewellery, precious metals, precious or semi-precious stones, securities, coins or any form of negotiable financial instrument. It declines all liability for items posted which are not in compliance with this reservation.**

**9. The postal administration of China (People's Rep), excluding Hong Kong Special Administrative Region, shall not accept insured items containing coins, bank notes, currency notes or securities of any kind payable to bearer and travellers' cheques in accordance with its internal regulations.**

**10. The postal administrations of Latvia and Mongolia reserve the right not to accept, in accordance with their national legislation, ordinary, registered or insured mail containing coins, bank notes, securities payable to bearer and travellers' cheques.**

**11. The postal administration of Brazil reserves the right not to accept ordinary, registered or insured mail containing coins, banknotes in circulation or securities of any kind payable to bearer.**

**12. The postal administration of Viet Nam reserves the right not to accept letters containing articles or goods.**

#### PROT ARTICLE XIII

##### **Prohibitions (postal parcels)**

1. The postal administrations of Canada, Myanmar and Zambia shall be authorized not to accept insured parcels containing the valuable articles covered in article 25.5.2, since this is contrary to their internal regulations.

2. Exceptionally, the postal **administrations** of Lebanon **and Sudan** shall not accept parcels containing coins, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver whether manufactured or not, precious stones or other valuable articles, or containing liquids or easily liquefiable elements or articles made of glass or similar or fragile articles. **They** shall not be bound by the relevant provisions of the Parcel Post Regulations.

3. The postal administration of Brazil shall be authorized not to accept insured parcels containing coins and currency notes in circulation, as well as any securities payable to bearer, since this is contrary to its internal regulations.

4. The postal administration of Ghana shall be authorized not to accept insured parcels containing coins and currency notes in circulation, since this is contrary to its internal regulations.

5. In addition to the articles listed in article 25, the postal administration of Saudi Arabia shall be authorized not to accept parcels containing **coins, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver, whether manufactured or not, precious stones or other valuable articles. Nor does it accept parcels containing medicines of any kind unless they are accompanied by a medical prescription issued by a**

competent official authority, products designed for extinguishing fires, chemical liquids or articles contrary to the principles of the Islamic religion.

6. In addition to the articles referred to in article 25, the postal administration of Oman does not accept items containing:

- 6.1 medicines of any sort unless they are accompanied by a medical prescription issued by a competent official authority;
- 6.2 fire-extinguishing products or chemical liquids;
- 6.3 articles contrary to the principles of the Islamic religion.

7. In addition to the articles listed in article 25, the postal administration of Iran (Islamic Rep) shall be authorized not to accept parcels containing articles contrary to the principles of the Islamic religion.

8. The postal administration of the Philippines shall be authorized not to accept any kind of parcel containing coins, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver whether manufactured or not, precious stones or other valuable articles, or containing liquids or easily liquefiable elements or articles made of glass or similar or fragile articles.

9. The postal administration of Australia does not accept postal items of any kind containing bullion or bank notes.

10. The postal administration of China (People's Rep) shall not accept ordinary parcels containing coins, currency notes or securities of any kind payable to bearer, travellers' cheques, platinum, gold or silver, whether manufactured or not, precious stones or other valuable articles. Furthermore, with the exception of the Hong Kong Special Administrative Region, insured parcels containing coins, currency notes or securities of any kind payable to bearer and travellers' cheques shall not be accepted.

11. The postal administration of Mongolia reserves the right not to accept, in accordance with its national legislation, parcels containing coins, bank notes, securities payable to bearer and travellers' cheques.

12. The postal administration of Latvia does not accept ordinary and insured parcels containing coins, banknotes, securities (cheques) of any kind payable to bearer or foreign currency, and shall accept no liability in cases of loss of or damage to such items.

## PROT ARTICLE XIV

### Articles subject to customs duty

1. With reference to article **25**, the postal administrations of Bangladesh and El Salvador do not accept insured items containing articles subject to customs duty.
2. With reference to article **25**, the postal administrations of Afghanistan, **Albania, Azerbaijan**, Belarus, **Cambodia**, Chile, Colombia, Cuba, Dem People's Rep of Korea, El Salvador, **Estonia, Italy, Latvia**, Nepal, Peru, **San Marino, Turkmenistan**, Ukraine, **Uzbekistan** and Venezuela do not accept ordinary and registered letters containing articles subject to customs duty.
3. With reference to article **25**, the postal administrations of Benin, Burkina Faso, Cote d'Ivoire (Rep), Djibouti, Mali, **Mauritania and Viet Nam** do not accept ordinary letters containing articles subject to customs duty.
4. Notwithstanding the provisions set out under 1 to 3, the sending of serums, vaccines and urgently required medicaments which are difficult to procure shall be permitted in all cases.

## PROT ARTICLE XV

### Withdrawal from the post. Alteration or correction of address

1. Article **29** shall not apply to Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Botswana, Brunei Darussalam, Canada, **Hongkong, China**, Dem People's Rep of Korea, Dominica, Fiji, Gambia, United Kingdom of Great Britain and Northern Ireland, Overseas Dependent Territories of the United Kingdom, Grenada, Guyana, Iraq, Ireland, Jamaica, Kenya, Kiribati, Kuwait, Lesotho, Malawi, Malaysia, Myanmar, Nauru, New Zealand, Nigeria, Papua New Guinea, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanzania (United Rep), Trinidad and Tobago, Tuvalu, Uganda, Vanuatu and Zambia, whose legislation does not permit withdrawal from the post or alteration of address of letter-post items at the sender's request.
2. Article **29** shall apply to Australia only in so far as that article is consistent with its domestic legislation.
3. Notwithstanding article **29.4**, El Salvador, Panama (Rep), Philippines and Venezuela shall be authorized not to return postal parcels after the addressee has requested their clearance by Customs, since this is incompatible with those countries' customs legislation.



## PROT ARTICLE XVI

### **Inquiries**

1. Notwithstanding article **30.4**, the postal administrations of Cape Verde, Chad, **Dem People's Rep of Korea, Egypt**, Gabon, Overseas Dependent Territories of the United Kingdom, Greece, Iran (Islamic Rep), Mongolia, Myanmar, **Philippines**, Saudi Arabia, **Sudan**, Syrian Arab Rep, **Ukraine** and Zambia reserve the right to collect from customers charges on inquiries lodged in respect of letter-post items.
2. Notwithstanding article **30.4**, the postal administrations of Argentina, **Austria**, Czech Rep and Slovakia reserve the right to collect a special charge when, on completion of the investigation conducted in response to the inquiry, it emerges that the latter was unjustified.
3. The postal administrations of Afghanistan, Cape Verde, Congo (Rep), **Egypt**, Gabon, Iran (Islamic Rep), Mongolia, Myanmar, Saudi Arabia, **Sudan**, Suriname, Syrian Arab Rep, **Ukraine** and Zambia reserve the right to collect an inquiry charge from customers in respect of parcels.

## PROT ARTICLE XVII

### **Presentation-to-Customs charge**

1. The postal administration of Gabon reserves the right to collect a presentation-to Customs charge from customers.
2. The postal administrations of Congo (Rep) and Zambia reserve the right to collect a presentation-to-Customs charge from customers in respect of parcels.

## PROT ARTICLE XVIII

### **Liability of postal administrations**

1. The postal administrations of Bangladesh, Benin, Burkina Faso, Congo (Rep), Cote d'Ivoire (Rep), Djibouti, India, Lebanon, Madagascar, Mali, Mauritania, Nepal, Niger, Senegal, Togo and Turkey shall be authorized not to apply article **34.1.1.1** with respect to liability in cases of theft from or damage to registered items.
2. Notwithstanding articles **34.1.1.1** and **35.1**, the postal administrations of Chile, China (People's Rep), **Colombia and Egypt** shall be liable only for the loss of, total theft of or total damage to the contents of registered items.

3. Notwithstanding article **34**, the postal **administrations of Egypt and Saudi Arabia** shall accept no liability in case of loss of or damage to items containing articles mentioned in article **25.5**.

4. **The postal administrations of India and Nepal shall be authorized not to apply article 34.1.1.1 with respect to liability in cases of theft from or damage to ordinary parcels.**

## PROT ARTICLE XIX

### Compensation

1. Notwithstanding article **34**, the following **postal** administrations shall have the right not to pay compensation for uninsured parcels lost, rifled or damaged in their service: Angola, Antigua and Barbuda, Australia, Bahamas, **Bangladesh**, Barbados, Belize, Bolivia, Botswana, Brunei Darussalam, Canada, Dominica, Dominican Republic, El Salvador, Fiji, Gambia, those of the Overseas Dependent Territories of the United Kingdom of Great Britain and Northern Ireland whose internal regulations do not permit them to comply, Grenada, Guatemala, Guyana, Kiribati, Lesotho, Malawi, Malta, Mauritius, Nauru, **Nigeria, Papua New Guinea, Philippines**, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Trinidad and Tobago, United States of America, Zambia and Zimbabwe.

2. Notwithstanding article 34, the **postal** administrations of Argentina, **Austria, Brazil, Chile**, Greece, **Kenya, Latvia, Mexico, Oman, Qatar, Romania, Saudi Arabia, Ukraine, Uzbekistan and Viet Nam** shall have the right not to pay compensation for uninsured parcels lost, rifled or damaged in their service to countries which do not pay such compensation in accordance with paragraph 1 of this article.

3. Notwithstanding article **34.8**, the United States of America shall be authorized to maintain the sender's right to indemnity for insured parcels after the addressee has taken delivery thereof, unless the sender waives this right in favour of the addressee.

4. The United States of America, when acting as an intermediate **postal** administration, shall be authorized not to indemnify other administrations in the event of loss of, theft from or damage to transit insured parcels conveyed à découvert or forwarded in closed mails.

5. **Notwithstanding article 34, the postal administration of Viet Nam has the right not to pay compensation for lost or damaged registered items or parcels which contain currency, securities payable to bearer, travellers' cheques, gold, silver or precious stones.**

**6. Notwithstanding the provisions of article 34, Canada has the right not to pay indemnity for, nor to account for the loss of, theft from or total damage to ordinary parcels, and not to refund the charges and fees paid.**

#### PROT ARTICLE XX

##### **Exceptions to the principle of liability**

1. Notwithstanding article 34, Bolivia, **Dem Rep of the Congo, Egypt**, Iraq, **Philippines**, Saudi Arabia, Sudan, **Turkey and Yemen** shall be authorized to pay no indemnity for damage to parcels coming from any country and addressed to them, containing liquids or substances which easily liquefy, glass articles or articles of a similar fragile or perishable nature.
2. Notwithstanding article 34, Saudi Arabia **and Sudan** shall have the right not to pay compensation for parcels containing articles prohibited under article **25.5**.

#### PROT ARTICLE XXI

##### **Non-liability of the postal administration**

1. The postal administration of Bolivia shall not be required to observe article **35.1** as regards maintenance of its liability in case of total theft or total damage of registered items.
2. The postal administration of Nepal shall be authorized not to apply article **35.1.4** as regards parcels.

#### PROT ARTICLE XXII

##### **Payment of indemnity**

1. The postal administrations of Bangladesh, Bolivia, **Guinea, Nepal** and Nigeria shall not be obliged to comply with article **37.3** in so far as concerns finally settling the matter within a period of two months or informing the administration of origin or destination, as the case may be, when a letter-post item has been detained, confiscated or destroyed by the competent authorities because of the contents, or has been seized by virtue of its domestic legislation.
2. The postal administrations of Congo (Rep), Djibouti, Guinea, Lebanon, Madagascar and **Saudi Arabia** shall not be obliged to comply with article **37.3** in so far as concerns finally settling a claim concerning a letter-post item within a period of two months. Nor do they agree to the rightful claimant's being indemnified, on their behalf, by another administration upon expiry of the above-mentioned period.

3. The postal administrations of Angola, Guinea, Lebanon and **Saudi Arabia** shall not be obliged to comply with article **37.3** as regards finally settling a claim concerning a parcel within two months. Nor do they agree to the rightful claimant's being indemnified, on their behalf, by another administration upon expiry of the above-mentioned period.

4. **The postal administrations of Niger and Thailand shall not be obliged to comply with article 37.3 insofar as concerns finally settling the matter sent to them by fax within a period of thirty days. Nor do they agree to the rightful claimant's being indemnified, on their behalf, by another administration upon expiry of the above-mentioned period.**

5. **Notwithstanding the provisions of article 37.3, Malaysia and the United States of America reserve the right to respond finally to inquiries within two months from the date of the inquiry, regardless of the means of transmission of the inquiry.**

#### PROT ARTICLE XXIII

##### **Posting abroad of letter-post items**

1. The postal administrations of Greece, United Kingdom of Great Britain and Northern Ireland and United States of America reserve the right to impose a charge, equivalent to the cost of the work it incurs, on any administration which, under the provisions of article **43.4**, sends to it items for disposal which were not originally dispatched as postal items by their services.

2. Notwithstanding article **43.4**, the postal administration of Canada reserves the right to collect from the administration of origin such amount as will ensure recovery of not less than the costs incurred by it in the handling of such items.

3. Article **43.4** allows the **postal** administration of destination to claim, from the administration of posting, appropriate remuneration for delivering letter-post items posted abroad in large quantities. The United Kingdom of Great Britain and Northern Ireland reserves the right to limit any such payment to the appropriate domestic tariff for equivalent items in the country of destination.

4. Article **43.4** allows the **postal** administration of destination to claim, from the administration of posting, appropriate remuneration for delivering letter-post items posted abroad in large quantities. The following countries reserve the right to limit any such payment to the limits authorized in the Regulations for bulk mail: Australia, Bahamas, Barbados, Brunei Darussalam, **China (People's Rep)**, United Kingdom of Great Britain and Northern Ireland, Overseas Dependent Territories of the United Kingdom, Grenada, Guyana, India, Malaysia, Nepal, Netherlands, Netherlands Antilles and Aruba, New Zealand, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Suriname, Thailand and United States of America.

5. Notwithstanding the reservations under 4, the following countries reserve the right to apply in full the provisions of article 43 of the Convention to mail received from Union member countries: Argentina, Benin, Brazil, Burkina Faso, Cameroon, Cote d'Ivoire (Rep), Cyprus, Egypt, France, Germany, Greece, Guinea, Israel, Italy, Japan, Jordan, Lebanon, Mali, Mauritania, Monaco, **Morocco**, Portugal, **Saudi Arabia**, Senegal, Syrian Arab Rep and Togo.

6. **In application of article 43.4 the postal administration of Germany reserves the right to request the postal administration of the mailing country to grant compensation of the amount it would receive from the postal administration of the country of which the sender is resident.**

## **PROT ARTICLE XXIV**

### **Terminal dues**

1. **Notwithstanding articles 49.1.3 and 51.1.3, the postal administrations of Egypt, Kuwait, Latvia, Oman, Qatar, Saudi Arabia, Syrian Arab Rep, United Arab Emirates and Viet Nam shall not be required to make an additional payment in respect of the delivery of registered letter-post items sent from their countries.**

2. **Notwithstanding articles 49.1.3 and 51.1.3, the postal administrations of Djibouti, Ghana, India, Nepal and Yemen shall not be required to make an additional payment in respect of the delivery of registered and insured letter-post items sent from their country.**

3. **Notwithstanding reservations made by any country in respect of articles 49.1.3 and 51.1.3, the postal administration of Australia will not collect a signature for registered items for which the additional payment in respect of delivery has not been made.**

4. **With respect to countries making reservations to obligations under articles 49.1.3 and 51.1.3 to make an additional payment for registered and insured items the United States of America reserves the right to handle such items as ordinary mail and not to pay indemnity for any such items lost, rifled, or damaged in its service.**

5. **Notwithstanding the reservations under article XXIV, the United Kingdom of Great Britain and Northern Ireland and the Overseas Dependent Territories of the United Kingdom shall reserve the right to fully apply the provisions approved by the Beijing Congress regarding supplementary remuneration for delivery of registered and insured letter-post items in their relations with other countries.**

6. Notwithstanding the reservations made under article XXIV.1 and 2, the following member countries shall reserve the right to fully apply the provisions approved by the Beijing Congress regarding supplementary remuneration for delivery of registered letter-post items in their mutual relations with the countries having signed this reservation: Austria, Bahamas, Barbados, Belize, Benin, Bolivia, Brazil, Bulgaria (Rep), Burkina Faso, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire (Rep), Cuba, Czech Rep, Dominica, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Gabon, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras (Rep), Iceland, Italy, Jamaica, Japan, Liechtenstein, Malaysia, Mali, Mauritania, Mexico, Moldova, Morocco, Netherlands, Nicaragua, Peru, Poland (Rep), Saint Christopher (St Kitts) and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Slovakia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Overseas Dependent territories of the United Kingdom, Uruguay and Venezuela.

7. In resolution C 46/1999, Congress instructs the Postal Operations Council to work out, before the year 2002, the methodology for converting the domestic tariffs and/or costs of postal administrations into terminal dues rates, and to define the definitive percentages of domestic tariffs for the years 2004 and 2005. If this instruction is not implemented in due course, Germany reserves the right to define itself the percentages pursuant to article 48.3 for the years 2004 and 2005 in accordance with the principles laid down in that article.

8. In resolution C 46/1999, Congress instructs the Postal Operations Council to work out, before the year 2002, the methodology for converting the domestic tariffs and/or costs of postal administrations into terminal dues rates and to define the definitive percentages of tariffs for the years 2004 and 2005. Notwithstanding article XXIV.7, reserving the right to define unilaterally the percentages pursuant to article 48.3 for the years 2004 and 2005 if the POC has not implemented the instruction of resolution C 46/1999 in due course, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America reserve the right to continue applying terminal dues rates based upon the methodology and percentages for converting domestic tariffs into terminal dues rates in effect for the years 2001 to 2003, unless agreement has been reached to apply different terminal dues rates on a mutually agreeable basis or unless the POC has otherwise determined the new percentages of domestic tariffs to be applied for the years 2004 and 2005.

9. The postal administration of Germany reserves the right to administer itself the financial resources provided for the Fund financial the improvement of quality of service in developing countries under article 50.1.1.1 until the principles and criteria laid down by the POC regarding the administrative, financing and procedural structure of this Fund have been implemented.

**10. The United States of America supports the terminal dues system enacted in articles 47 to 51. Nonetheless, with respect to members of the World Trade Organization, the United States of America reserves the right to implement these terminal dues agreements in accordance with the provisions adopted in future negotiations involving the General Agreement on Trade in Services.**

**11. Notwithstanding the reservations made under article XXIV, the following member countries shall reserve the right to fully apply the provisions approved by the Beijing Congress regarding terminal dues in their mutual relations with the countries having signed these reservations: Austria, Bahamas, Belize, Benin, Bolivia, Brazil, Bulgaria (Rep), Burkina Faso, Cameroon, Canada, Chile, Congo (Rep), Costa Rica, Cote d'Ivoire (Rep), Cuba, Czech Rep, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras (Rep), Italy, Jamaica, Kenya, Liechtenstein, Mali, Mauritania, Mexico, Moldova, Morocco, Netherlands, Nicaragua, Peru, Poland (Rep), Portugal, Saint Christopher (St Kitts) and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Slovakia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Uruguay and Venezuela.**

#### PROT ARTICLE XXV

##### **Internal air conveyance dues**

1. Notwithstanding article 53.3, the postal administrations of Bahamas, Cape Verde, Congo (Rep), Cuba, **Dem People's Rep of Korea**, Dominican Republic, Ecuador, El Salvador, Gabon, Greece, Guatemala, Guyana, Honduras (Rep), Mongolia, **Nepal**, Papua New Guinea, **Peru, Philippines**, Saudi Arabia, Solomon Islands and Vanuatu reserve the right to collect the dues for the air conveyance of international mails within their countries.

2. Notwithstanding article 53.3, the postal administration of Myanmar reserves the right to collect the dues for the conveyance of international mails within its country whether or not these mails are reforwarded by air.

**3. Notwithstanding article 53.3, the postal administration of Bangladesh reserves the right to collect the dues for the conveyance of international mail within its country whether or not these mails are reforwarded by air and irrespective of the distance travelled.**

4. Notwithstanding articles 53.4 and 53.5, the postal administrations of Canada, Iran (Islamic Rep), Turkey and United States of America shall have the right to recover from the postal administrations concerned, in the form of uniform dues, the internal air conveyance costs they incur for mail received from any administration for which they apply terminal dues compensation based specifically

on costs or on internal tariffs.

**5. On the basis of reciprocity, the postal administration of Oman shall have the right to recover, from the postal administrations mentioned in paragraphs 1 to 3 above, the supplementary costs incurred for the air conveyance within its country of letter-post mails received from those administrations, whether these mails are forwarded by air or by some other means.**

#### PROT ARTICLE XXVI

##### **Exceptional inward land rates**

1. Notwithstanding article 56, the **postal** administration of Afghanistan reserves the right to collect an additional exceptional inward land rate of 7.50 SDR per parcel.

#### PROT ARTICLE XXVII

##### **Special tariffs**

1. The **postal** administrations of **Belgium, Norway** and United States of America may collect higher land rates for air parcels than for surface parcels.

2. The **postal** administration of Lebanon shall be authorized to collect for parcels up to 1 kilogramme the charge applicable to parcels over 1 and up to 3 kilogrammes.

3. The **postal** administration of Panama (Rep) shall be authorized to collect 0.20 SDR per kilogramme for surface airlifted (S.A.L.) parcels in transit.

In witness whereof, the plenipotentiaries below have drawn up this Protocol which shall have the same force and the same validity as if its provisions were inserted in the text of the Convention itself, and they have signed it in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Beijing, 15 September 1999**

[Here follow the signatures]



## **POSTAL PAYMENT SERVICES AGREEMENT**

The undersigned, plenipotentiaries of the Governments of the member countries of the Union, having regard to article 22, paragraph 4, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have, by common consent and subject to article 25, paragraph 4, of the Constitution, drawn up the following Agreement.

### **CHAPTER I**

#### **Preliminary provisions**

##### **ARTICLE 1**

#### **Purpose of the Agreement**

1. This Agreement shall govern all the services for the transfer of postal funds. The contracting countries shall mutually agree on the products in the present Agreement which they intend to introduce in their reciprocal relations.
2. Non-postal organizations may participate through the postal administration, the giro service or an institution operating a postal funds transfer network in the exchanges governed by the provisions of this Agreement. Such organizations shall come to an agreement with the postal administration of their country to ensure full implementation of all clauses of the Agreement and under such agreement shall exercise rights and perform duties as postal organizations defined by this Agreement. The postal administration shall act as their intermediary in their relations with the postal administrations of the other contracting countries and with the International Bureau.

##### **ARTICLE 2**

#### **Products that may be provided**

1. Money order
  - 1.1 The sender hands over funds at a post office counter or orders his postal giro account to be debited and requests outpayment of the amount to the payee in cash.
  - 1.2 The sender hands over funds at a post office counter and requests that they be paid into the payee's giro account or into other types of account operated by administrations.

2. Transfer
  - 2.1 The holder of a giro account asks for an amount to be debited to his account and credited to the payee's giro account, to other types of account operated by administrations or to the payee's current bank account, through the administration of destination.
3. Postcheque
  - 3.1 The postcheque is an international instrument issued to holders of giro accounts and payable on sight in the post offices of countries participating in the service.
  - 3.2 A postcheque may also be given as payment to third parties where there is agreement to that effect between the contracting administrations.
4. Withdrawal through the POSTNET network of cash dispensers
  - 4.1 Financial institutions, whether postal or not, which have acceded by agreement to the POSTNET network may offer holders of their cards the possibility of withdrawing cash from POSTNET network cash dispensers.
5. Other services
  - 5.1 Postal administrations may agree in their bilateral or multilateral relations to establish other services the conditions of which shall be defined amongst the administrations concerned.

## CHAPTER II

### **Depositing of orders**

#### ARTICLE 3

#### **Issue of instruments and acceptance of payment orders (currency, conversion, amount)**

1. In the absence of a special agreement, the amount of the instruments and orders shall be expressed in the currency of the paying country.
2. The issuing administration shall fix the conversion rate of its currency into that of the paying country.
3. The amount of the transfers of funds shall be unlimited, unless the administrations concerned decide otherwise.

4. The issuing administration shall be entirely free to specify the documents and methods of depositing instruments and payment orders, except when they are to be transferred by post. In that case, only the forms provided for in the Regulations shall be used.

5. Instruments and payment orders to be transmitted by telecommunication shall be subject to the provisions of the International Telecommunication Regulations.

#### ARTICLE 4

##### **Charges**

1. The issuing administration shall freely decide the charge to be collected at the time of issue. To this principal charge, it shall add any charges pertaining to special services rendered to the sender.

2. The issuing administration may, in agreement with the paying administration, collect from the sender at the latter's request the charges pertaining to special services rendered to the payee. The amount of these charges shall be paid to the paying administration.

3. Transfers of funds exchanged between a contracting country and a non-contracting country, through the intermediary of a country party to this Agreement, may be subjected by the intermediary administration to an additional charge determined by the latter on the basis of the costs generated by the operations it carries out; the amount of this charge shall be agreed between the administration concerned and deducted from the amount of the instrument. However, this charge may be collected from the sender and allocated to the administration of the intermediary country if the administrations concerned have so agreed.

4. In cases where duplicate money orders are required under the provisions of the Regulations, and if no service error was committed, a charge under this head, set by the administration to which the request was made, may be collected from either the sender or the payee, except if the charge has already been collected in respect of the advice of payment.

5. Documents, instruments and payment orders pertaining to transfers of postal funds exchanged between administrations by post under the terms of articles **8.2** and **8.3.1 to 8.3.3** of the Convention shall be exempt from all charges.

## CHAPTER III

### Transmission of orders

#### ARTICLE 5

##### Means of exchange

1. Exchange by post shall be carried out by means of the forms provided for in the Regulations, direct between issuing office and paying office or through the intermediary of offices of exchange.
2. Exchange by telecommunication shall be carried out by dispatch sent direct to the paying office or to an office of exchange, provided that all measures necessary for the security of the exchanges are observed by agreement between the administrations concerned.
3. The transfers of funds may be submitted to the **paying country** on magnetic tape or any other medium agreed between the administrations. **Paying administrations** shall then be free to choose what forms are to be used as the medium for the sums to be paid to the payees in cash.
4. All transfers of funds may be made through the intermediary of electronic networks on the basis of special agreements adopted by the administrations concerned.
5. Administrations may agree to use means of exchange other than those provided for in article 5.1 to 4.

## CHAPTER IV

### Treatment in the paying country and inquiries

#### ARTICLE 6

##### Payment

1. In principle, the whole amount of the money order shall be paid to the payee; optional charges may be collected if the latter requests supplementary special services.
2. The validity of money orders shall extend:
  - 2.1 as a general rule, until expiry of the first month following that of issue;

2.2 upon agreement between the administrations concerned, until expiry of the third month following that of issue.

3. After that period, money orders sent to the paying offices shall be paid only if they bear an authorization to extend the period of validity (*visa pour date*) given at the request of the paying office by the service designated by the issuing administration. Authorization to extend the period of validity shall confer upon money orders a new validity running from the day it is granted for the same duration as that which a money order issued on the same day would have. Money orders sent to **paying administrations, in** accordance with article 5.3, may not have their period of validity extended.

4. Unless non-payment before *expiry* of validity is due to a service error, an "authorization to extend the period of validity" charge, which will be set by the paying administration, may be collected.

5. Money orders shall be paid according to the regulations of the paying country.

## ARTICLE 7

### **Inquiries**

1. The provisions of article 30 of the Convention shall apply.

## ARTICLE 8

### **Liability**

1. Principle and extent of liability

1.1 Postal administrations shall be liable for the sums paid in at the counter or debited against the payer's account until such time as the money order has been duly paid or the payee's account has been credited.

1.2 Administrations shall be liable for erroneous information which they have supplied and which has caused either non-payment or errors in execution of the transfer of funds. Liability shall extend to errors of conversion and transmission errors.

1.3 Postal administrations shall be relieved of all liability:

1.3.1 for delays that may occur in the transmission, dispatch and payment of instruments and orders;

- 1.3.2 when, owing to the destruction of official records by force majeure, they cannot account for the execution of a transfer of funds, unless proof of their liability is otherwise produced;
- 1.3.3 when the payer has made no claim within the period prescribed in article 30.1 of the Convention;
- 1.3.4 when the prescription period for money orders in the issuing country has expired.
- 1.4 In the case of a refund, regardless of the reason for it, the amount refunded to the sender may not exceed the amount that he paid in or that was debited against his account.
- 1.5 Administrations may also agree among themselves to apply broader conditions of liability suited to the requirements of their internal services.
- 1.6 The conditions for applying the principle of liability and, in particular, questions of the determination of liability, refund of amounts owing, recourse, time allowed for payment and reimbursement of the administration that paid the indemnity shall be those laid down in **the Regulations**.

## CHAPTER V

### Accounts, liaison accounts

#### ARTICLE 9

##### **Remuneration of the paying administration**

1. For each money order paid, the issuing administration shall allocate to the paying administration a remuneration the rate of which shall be fixed in the Regulations on the basis of the average amount of the money orders included in one and the same monthly **account**.
2. Instead of the rates set out in article 9.1, administrations may agree on different remuneration rates or set a standard remuneration for each payment made.
3. For each transfer, the **administration of destination** may request payment of an arrival charge. This charge may be either debited to the payee's account or taken care of by the issuing administration by debiting its liaison account.
4. Transfers of funds made free of charge shall give rise to no remuneration.

5. Where the administrations concerned agree, transfers of aid funds exempted from charges by the issuing administration may be exempted from remuneration.

## ARTICLE 10

### **Financial relations between participating administrations**

1. Administrations shall agree with one another on the technical methods to be used for settling their debts.
2. Liaison giro accounts
  - 2.1 Where administrations have a giro system, each shall cause to be opened in its name with the corresponding administration a liaison giro account by means of which shall be settled mutual debts and claims resulting from exchanges made through the giro service and possibly money orders and any other operations that the administrations may agree to settle by this means.
  - 2.2 Where the **paying administration does** not have a giro system, the liaison giro account may be opened with another financial institution.
  - 2.3 If the liaison account is overdrawn, interest, the rate of which is set in the Regulations, shall be payable on the amounts owing.
3. Monthly accounts
  - 3.1 Each paying administration shall prepare for each issuing administration a monthly account showing the sums paid for money orders. The monthly accounts shall be incorporated, periodically, in a general offset account giving rise to the determination of a balance.
  - 3.2 The settlement of accounts may also be made on the basis of monthly accounts, without offsetting.
4. No unilateral measure, such as a moratorium, prohibition of transfer, etc, may impinge upon the provisions of this article and those of the Regulations stemming therefrom.

## CHAPTER VI

### Postcheques

#### ARTICLE 11

#### Operation of postcheques

1. Issue of postcheques
  - 1.1 Each administration may issue postcheques to holders of giro accounts.
  - 1.2 Holders of giro accounts to whom postcheques have been issued shall also be furnished with a postcheque guarantee card which must be produced at the time of payment.
  - 1.3 The maximum amount guaranteed shall be printed on the back of each postcheque or in an annex in the currency agreed between the contracting countries.
  - 1.4 In the absence of a specific agreement with the paying administration the issuing administration shall fix the conversion rate of its currency into that of the paying country.
  - 1.5 The issuing administration may collect a charge from the payer of a postcheque.
  - 1.6 If need be, the duration of validity of postcheques shall be fixed by the issuing administration. It shall be shown on the postcheque by printing the last date of validity. In the absence of such indication, the validity of postcheques shall be unlimited.
2. Payment
  - 2.1 The amount of postcheques shall be paid to the payee in legal currency of the paying country.
  - 2.2 The maximum amount which may be paid by means of a postcheque shall be fixed by common agreement among the contracting countries.
3. Liability
  - 3.1 The paying administration shall be relieved of all liability when it can prove that payment was made under the conditions prescribed in the relevant articles of **the Regulations** relating to the presentation of postcheques at the counter for payment and the conditions of payment.



- 3.2 The issuing administration shall not be bound to honour fraudulent or counterfeit postcheques returned to it after the period provided for in the relevant article of **the Regulations** relating to the return of paid postcheques to the giro service of origin.
4. Remuneration of the paying administration
  - 4.1 The administrations which issue and pay postcheques shall fix bilaterally the amount of the remuneration which shall be allocated to the paying administration.

## CHAPTER VII

### **The POSTNET network**

#### ARTICLE 12

#### **Conditions of accession and participation**

1. Accession to the network shall be subject to signature of the POSTNET agreement and the payment of an entry fee.
2. The conditions of accession to and participation in the service shall be defined in the POSTNET agreement.

## CHAPTER VIII

### **Cash-on-delivery (COD) items**

#### ARTICLE 13

#### **Definition of the service**

1. **Unregistered, registered and insured** letter-post items and **ordinary and insured** postal parcels may be sent cash-on-delivery on the basis of bilateral agreements.
2. The body which has delivered the item shall remit the funds to the postal financial institution and request that payment of the amount be made to the payee.

## CHAPTER IX

### Miscellaneous provisions

#### ARTICLE 14

##### Application to open a giro account abroad

1. Where a giro account is opened abroad, postal or non-postal financial institutions of **the countries party to** this Agreement shall, as part of the usual verification of the applicant, agree bilaterally on the assistance they can provide each other.

## CHAPTER X

### Final provisions

#### ARTICLE 15

##### Final provisions

1. The Convention shall be applicable, where appropriate, by analogy, in all cases not expressly governed by this Agreement.
2. Article 4 of the Constitution shall not apply to this Agreement.
3. Conditions for approval of proposals concerning this Agreement.
  - 3.1 To become effective, proposals submitted to Congress relating to this Agreement must be approved by a majority of the member countries present and voting, which are parties to the Agreement. At least half of these member countries represented at Congress shall be present at the time of voting.
  - 3.2 To become effective, proposals relating to the Regulations of this Agreement shall be approved by a majority of the members of the Postal Operations Council which are parties to the Agreement.
  - 3.3 To become effective, proposals introduced between two Congresses relating to this Agreement must obtain:
    - 3.3.1 two thirds of the votes, at least one half of the member countries party to the Agreement having replied to the consultation, if they involve the addition of new provisions;

3.3.2 a majority of the votes, at least one half of the member countries party to the Agreement having replied to the consultation, if they involve amendments to provisions of this Agreement;

3.3.3 a majority of the votes, if they involve interpretation of the provisions of this Agreement.

3.4 Notwithstanding the provisions under 15.3.3.1, any member country whose national legislation is as yet incompatible with the proposed addition may, within 90 days from the date of notification of the latter, make a written declaration to the Director-General of the International Bureau stating that it is unable to accept the addition.

4. This Agreement shall come into force on **1 January 2001** and shall remain in operation until the entry into force of the Acts of the next Congress.

In witness whereof, the plenipotentiaries of the governments of the contracting countries have signed this Agreement in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Beijing, 15 September 1999**

[Here follow the signatures]



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