



Miscellaneous No. 5 (2010)

Seventh Additional Protocol

to the

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

Bucharest, 5 October 2004

[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 the printing of the Seventh Additional Protocol to the Constitution of the Universal Postal Union, the General Regulations of the Universal Postal Union, the Universal Postal Convention and its Final Protocol, the Constitution of the Universal Postal Union, the Rules of Procedure of Congresses and the Postal Payment Services Agreement (2004 Bucharest Congress)

The titles are printed in bold type.

All other characters printed in bold type in the texts of the Seventh Additional Protocol to the Constitution of the Universal Postal Union, the General Regulations of the Universal Postal Union, 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 1999 Beijing 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 2001 CA and submitted to the Bucharest Congress as Congrès –Doc 25.Add 1.

All other characters printed in bold type in the text of the Postal Payment Services Agreement show the changes decided by the Bucharest Congress compared with the text submitted to it for approval as Congrès–Doc 30.Add 1 and Congrès–Doc 30.Add 1.Corr1.

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, 1999 Beijing and 2004 Bucharest Additional Protocols, the declarations made on signature of the Acts, as well as the Rules of Procedure of Congresses adopted by the 2004 Bucharest Congress are reproduced for information in this Command Paper but do not form part of the Acts signed at Bucharest.

SEVENTH 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 Bucharest, in view of article 30.2 of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964¹, have adopted, subject to ratification, the following amendments to that Constitution.

ARTICLE I

(Preamble amended)

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.

The mission of the Union is to stimulate the lasting development of efficient and accessible universal postal services of quality in order to facilitate communication between the inhabitants of the world by:

- **guaranteeing the free circulation of postal items over a single postal territory composed of interconnected networks;**
- **encouraging the adoption of fair common standards and the use of technology;**
- **ensuring cooperation and interaction among stakeholders;**
- **promoting effective technical cooperation;**
- **ensuring the satisfaction of customers' changing needs.**

¹ Treaty series No. 70 (1966) Cmnd. 3141.

ARTICLE II

(Article 1bis added)

Definitions

1. For the purposes of the Acts of the Universal Postal Union, the following terms shall have the meanings defined below:

- 1.1 **Postal service:** all postal services, whose scope is determined by the bodies of the Union. The main obligations of postal services are to satisfy certain social and economic objectives of member countries, by ensuring the collection, sorting, transmission and delivery of postal items.
- 1.2 **Member country:** a country that fulfils the conditions of article 2 of the Constitution.
- 1.3 **Single postal territory (one and the same postal territory):** the obligation upon the contracting parties to the UPU Acts to provide for the reciprocal exchange of letter-post items, including freedom of transit, and to treat postal items in transit from other countries like their own postal items, without discrimination.
- 1.4 **Freedom of transit:** obligation for intermediate postal administrations to transport postal items passed on to them in transit by another UPU postal administration, providing similar treatment to that given to domestic items.
- 1.5 **Letter-post item:** items described in the Convention.
- 1.6 **International postal service:** postal operations or services regulated by the Acts; set of these operations or services.

ARTICLE III

(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 **and shall not be subject to reservations.**
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 **and shall not be subject to reservations.**

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.

ARTICLE IV

(Article 30 amended)

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 **having the right to vote**.

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 26.

ARTICLE V

(Article 31 amended)

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 **Convention and the Agreements** 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.

ARTICLE VI

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 VII

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 2006** 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 **International Bureau of the Universal Postal Union**.

Done at **Bucharest, 5 October 2004**.

GENERAL REGULATIONS OF THE UNIVERSAL POSTAL UNION

The undersigned plenipotentiaries of the Governments of member countries of the Union, having regard to article 22.2, of the Constitution of the Universal Postal Union, concluded at Vienna on 10 July 1964, have, by common consent, and subject to article 25.4, 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 (Const. 14, 15)

1. The representatives of member countries shall meet in Congress not later than **four** years after the **end of the year during which** the preceding Congress **took place**.
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 **129**.
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 (Const. 17)

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 **biennial** budget and **the** accounts of the Union;
- 6.5 to authorize the ceiling of expenditure to be exceeded, if circumstances so require, in accordance with article **128.3 to 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 **130.6**;
- 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 **biennial** 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, **after consulting the Postal Operations Council and the Secretary General, the international organizations, associations, enterprises and qualified persons to be invited to be represented at specific meetings of Congress and its Committees when this is in the interest of the Union or the work of 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 124;
- 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;
- 6.30 to establish the framework for the organization of the Consultative Committee and concur in the organization of the Consultative Committee in accordance with the provisions of article 106;**
- 6.31 to establish criteria for membership of the Consultative Committee and to approve or reject applications for membership in accordance with those criteria, ensuring that action on the applications is accomplished through an expedited process between meetings of the Council of Administration;**
- 6.32 to designate the members that will serve as members of the Consultative Committee;**
- 6.33 to receive and discuss reports and recommendations from the Consultative Committee and to consider recommendations from the Consultative Committee for submission to Congress.**

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 **biennial** 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. The Chairman of the Consultative Committee shall represent it at meetings of the Council of Administration when the agenda contains questions of interest to the Consultative Committee.

13. 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.

14. 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.

15. 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.

16. If they so request, the following observers may participate in the plenary sessions and Committee meetings of the Council of Administration, without the right to vote:

16.1 members of the Postal Operations Council;

16.2 members of the Consultative Committee;

16.3 intergovernmental organizations interested in the work of the Council of Administration;

16.4 other member countries of the Union.

17. For logistical reasons, the Council of Administration may limit the number of attendees per observer participating. It may also limit their right to speak during the debates.

18. The members of the Council of Administration shall take an active part in its work. Observers may, at their request, be allowed to 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 and Project Teams when their experience or expertise justifies it. The participation of observers shall be carried out without additional expense for the Union.

19. In exceptional circumstances, observers may be excluded from a meeting or a portion of a meeting or may have their right to receive documents restricted if the confidentiality of the subject of the meeting or document so requires. This restriction may be decided on a case-by-case basis by any body concerned or its Chair. The case-by-case situations shall be reported to the Council of Administration and to the Postal Operations Council when matters of interest to the Postal Operations Council are concerned. If it considers this necessary, the Council of Administration may subsequently review restrictions, in consultation with the Postal Operations Council where appropriate.

ARTICLE 103

Information on the activities of the Council of Administration

1. After each session, the Council of Administration shall inform the member countries of the Union, the Restricted Unions **and the members of the Consultative Committee** 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 **of the member countries of the Union and the members of the Consultative Committee** at least two months before the opening of Congress.

ARTICLE 104

Composition, functioning and meetings of the Postal Operations Council (Const. 18)

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. Each member of the Postal Operations Council shall appoint its representative, who shall have responsibilities for delivering services mentioned in the Acts of the Union.

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 **125**; 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 **124**, 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;
- 9.17 to receive and discuss reports as well as recommendations from the Consultative Committee and, when matters of interest to the Postal Operations Council are involved, to examine and comment on recommendations from the Consultative Committee for submission to Congress;**
- 9.18 to designate the members that will serve as members of the Consultative Committee.**

10. 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.

11. 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.

12. If they so request, the following observers may participate in the plenary sessions and Committee meetings of the Postal Operations Council, without the right to vote:

12.1 members of the Council of Administration;

12.2 members of the Consultative Committee;

12.3 intergovernmental organizations interested in the work of the Postal Operations Council;

12.4 other member countries of the Union.

13. For logistical reasons, the Postal Operations Council may limit the number of attendees per observer participating. It may also limit their right to speak during the debates.

14. The members of the Postal Operations Council shall take an active part in its work. Observers may, at their request, be allowed to 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 and Project Teams when their experience or expertise justifies it. The participation of observers shall be carried out without additional expense for the Union.

15. In exceptional circumstances observers may be excluded from a meeting or a portion of a meeting or may have their right to receive documents restricted if the confidentiality of the subject of the meeting or document so requires. This restriction may be decided on a case-by-case basis by any body concerned or its Chair. The case-by-case situations shall be reported to the Council of Administration and to the Postal Operations Council. If it considers this necessary, the Council of Administration may, in consultation with the Postal Operations Council, subsequently review restrictions where appropriate.

16. The Chairman of the Consultative Committee shall represent that organization at meetings of the Postal Operations Council when the agenda contains questions of interest to the Consultative Committee.

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

17.1 any international body or any qualified person whom it wishes to associate with its work;

17.2 postal administrations of member countries not belonging to the Postal Operations Council;

- 17.3 any association or enterprise that it wishes to consult with respect to its work.

ARTICLE 105

Information on the activities of the Postal Operations Council

1. After each session, the Postal Operations Council shall inform the member countries of the Union, the Restricted Unions **and the members of the Consultative Committee** 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 **make to** Congress a comprehensive report on its work and send it to the postal administrations of the member countries **of the Union and the members of the Consultative Committee** at least two months before the opening of Congress.

ARTICLE 106

Composition, functioning and meetings of the Consultative Committee

1. **The aim of the Consultative Committee shall be to represent the interests of the wider international postal sector, and to provide a framework for effective dialogue between stakeholders. It shall consist of non-governmental organizations representing customers, delivery service providers, organizations of workers, suppliers of goods and services to the postal services sector and like organizations of individuals and companies which have an interest in international postal services. Where such organizations are registered, they must be registered in a member country of the Union. The Council of Administration and the Postal Operations Council shall designate the members of their respective Councils as members of the Consultative Committee. Apart from members designated by the Council of Administration and the Postal Operations Council, membership in the Consultative Committee shall be determined through a process of application and acceptance established by the Council of Administration, carried out in accordance with article 102.6.31.**
2. **Each member of the Consultative Committee shall appoint its own representative.**

3. The operational costs of the Consultative Committee shall be shared by the Union and members of the Committee as determined by the Council of Administration.

4. The members of the Consultative Committee shall not receive remuneration or any other compensation.

5. The Consultative Committee shall reorganize itself after each Congress in accordance with the framework established by the Council of Administration. The Chairman of the Council of Administration shall preside at the organizational meeting of the Consultative Committee, which shall elect its Chairman at that meeting.

6. The Consultative Committee shall determine its internal organization and shall draw up its own rules of procedure, taking into account the general principles of the Union and subject to the concurrence of the Council of Administration after having consulted the Postal Operations Council.

7. The Consultative Committee shall meet twice annually. In principle, the meetings will be held at Union headquarters at the same time as meetings of the Council of Administration and the Postal Operations Council. The date and location of each meeting shall be fixed by the Chairman of the Consultative Committee in agreement with the Chairmen of the Council of Administration and the Postal Operations Council and the Director-General of the International Bureau.

8. The Consultative Committee shall establish its own programme within the framework of the following functions:

8.1 to examine documents and reports of the Council of Administration and the Postal Operations Council. In exceptional circumstances, the right to receive certain texts and documents may be restricted if the confidentiality of the subject of the meeting or document so requires. This restriction may be decided on a case-by-case basis by any body concerned or its Chairman. The case-by-case situations shall be reported to the Council of Administration, and to the Postal Operations Council when matters of interest to the Postal Operations Council are concerned. If it considers this necessary, the Council of Administration may subsequently review restrictions, in consultation with the Postal Operations Council, where appropriate;

8.2 to conduct studies of and debate issues of importance to the Consultative Committee's members;

8.3 to consider issues affecting the postal services sector and issue reports on such issues;

- 8.4** to provide input to the work of the Council of Administration and the Postal Operations Council, including submitting reports and recommendations and giving opinions at the request of the two Councils;
- 8.5** to make recommendations to Congress, subject to the approval of the Council of Administration and, when matters of interest to the Postal Operations Council are involved, subject to examination and comment by the Postal Operations Council.
- 9.** The Chairman of the Council of Administration and the Chairman of the Postal Operations Council shall represent those bodies at meetings of the Consultative Committee when the agenda of such meetings contains questions of interest to those bodies.
- 10.** In order to ensure effective liaison with the bodies of the Union, the Consultative Committee may designate representatives to attend meetings of Congress, the Council of Administration, and the Postal Operations Council, and their respective Committees, as observers without the right to vote.
- 11.** If they so request, members of the Consultative Committee may attend plenary sessions and Committee meetings of the Council of Administration and the Postal Operations Council in accordance with articles 102.16 and 104.12. They may also participate in the work of project teams and working groups under terms established under articles 102.18 and 104.14. Members of the Consultative Committee may attend Congress as observers without the right to vote.
- 12.** If they so request, the following observers may participate in the sessions of the Consultative Committee, without the right to vote:
- 12.1** members of the Postal Operations Council and the Council of Administration;
 - 12.2** intergovernmental organizations interested in the work of the Consultative Committee;
 - 12.3** Restricted Unions;
 - 12.4** other member countries of the Union.
- 13.** For logistical reasons, the Consultative Committee may limit the number of attendees per observer participating. It may also limit their right to speak during the debates.
- 14.** In exceptional circumstances observers may be excluded from a meeting or a portion of a meeting or may have their right to receive documents restricted if the confidentiality of the subject of the meeting or document so

requires. This restriction may be decided on a case-by-case basis by any body concerned or its Chair. The case-by-case situations shall be reported to the Council of Administration and to the Postal Operations Council when matters of interest to the Postal Operations Council are concerned. If it considers this necessary, the Council of Administration may subsequently review restrictions, in consultation with the Postal Operations Council where appropriate.

15. The International Bureau, under the responsibility of the Director-General, shall provide the secretariat for the Consultative Committee.

ARTICLE 107

Information on the activities of the Consultative Committee

1. After each session, the Consultative Committee shall inform the Council of Administration and the Postal Operations Council of its activities by sending to the Chairmen of those bodies, inter alia, a summary record of its meetings and its recommendations and views.

2. The Consultative Committee shall make to the Council of Administration an annual activity report, with a copy to the Postal Operations Council. This report shall be included in the documentation of the Council of Administration that is provided to member countries of the Union and Restricted Unions, in accordance with article 103.

3. The Consultative Committee shall make to Congress a comprehensive report on its work and send it to postal administrations of the member countries of the Union at least two months before the opening of Congress.

ARTICLE 108

Rules of Procedure of Congresses (Const. 14)

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 109

Working languages of the International Bureau

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

ARTICLE 110

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 111

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 **four** 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 **grade D 2 Directors** at the International Bureau to take over the functions of Deputy Director-General until the following Congress.

ARTICLE 112

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. **D 2** posts 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 following the close of Congress, to submit proposals to the Postal Operations Council concerning changes to the Regulations required as a result of Congress decisions, in accordance with the Rules of Procedure of the Postal Operations Council;**
- 2.9 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;
- 2.10 to ensure the representation of the Union;
- 2.11 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;

2.12 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;

2.13 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 113

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 **111.3**.

ARTICLE 114

Secretariat of the Union's bodies (Const. 14, 15, 17, 18)

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 115

List of member countries (Const. 2)

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 116

Information. Opinions. Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts (Const. 20; Gen Regs 124, 125, 126)

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 117

Technical cooperation (Const. 1)

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

ARTICLE 118

Forms supplied by the International Bureau (Const. 20)

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 119

Acts of Restricted Unions and Special Agreements (Const. 8)

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 120

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 121

(Const. 20; Gen Regs 102.6.17)

Biennial report on the work of the Union

The International Bureau shall make a **biennial** 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 122

Procedure for submitting proposals to Congress (Const. 29)

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 123

Procedure for submitting proposals to the Postal Operations Council concerning the preparation of new Regulations in the light of decisions taken by Congress

1. The Regulations of the Universal Postal Convention and the Postal Payment Services Agreement shall be drawn up by the Postal Operations Council in the light of the decisions taken by Congress.

2. Proposals that are consequential on proposed amendments to the Convention or Postal Payment Services Agreement shall be submitted to the International Bureau simultaneously with the Congress proposals to which they relate. They may be submitted by a single postal administration of a member country without the support of other postal administrations of member countries. Such proposals shall be distributed to all member countries no later than one month prior to Congress.

3. Other proposals concerning the Regulations for consideration by the Postal Operations Council in its preparation of the new Regulations within the six months following Congress shall be submitted to the International Bureau at least two months prior to Congress.

4. Proposals concerning changes to the Regulations required as a result of Congress decisions that are submitted by postal administrations of member countries must reach the International Bureau no later than two months before the opening of the Postal Operations Council. Such proposals shall be distributed to all member countries no later than one month prior to the opening of the Postal Operations Council.

ARTICLE 124

Procedure for submitting proposals between Congresses (Const. 29; Gen Regs 116)

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 125

Consideration of proposals between Congresses (Const. 29; Gen Regs 116, 124)

1. Every proposal concerning the Convention, the Agreements and their Final Protocols shall be subject to the following procedure: **where a postal administration of a member country has sent a proposal to the International Bureau, the latter shall forward it to all postal administrations of member countries for examination. They shall be allowed a period of two months in which to examine the proposal and forward any observations to the International Bureau.** Amendments shall not be admissible. **Once these two months have elapsed, the International Bureau shall forward to postal administrations of member countries all the observations it has received and invite each postal administration of a member country to vote for or against the proposal. Postal administrations of member countries that have not sent in their vote within a period of two months shall be considered to have abstained.** 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 126

Notification of decisions adopted between Congresses (Const. 29; Gen Regs 124, 125)

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 **36.3.2** of the Convention and in the corresponding provisions of the Agreements.

ARTICLE 127

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 128

Fixing and regulation of the expenditure of the Union (Const. 22)

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 **2005** and subsequent years: 37,000,000 Swiss francs for the years **2005** to **2008**. The basic limit for **2008** shall also apply to the following years in case the Congress scheduled for **2008** 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 **2,900,000** 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% per annum for the first six months and of 6% 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 129

Automatic sanctions

1. Any member country unable to make the assignment provided for in article **128.9** and which does not agree to submit to an amortization schedule proposed by the International Bureau in accordance with article **128.10**, 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 130

Contribution classes (Const. 21; Gen Regs 115, 128)

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 45 units;

class of 40 units;

class of 35 units;

class of 30 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 21.4, 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 131

Payment for supplies from the International Bureau (Gen Regs 118)

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% per annum reckoned from the date of expiry of that period.

CHAPTER V

Arbitration

ARTICLE 132

Arbitration procedure (Const. 32)

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 133

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 **and having the right to vote**. At least two thirds of the member countries of the Union **having the right to vote** shall be present at the time of voting.

ARTICLE 134

Proposals concerning the Agreements with the United Nations (Const. 9)

The conditions of approval referred to in article 133 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 135

Entry into force and duration of the General Regulations

These General Regulations shall come into force on 1 January 2006 and shall remain in **force for an indefinite period**.

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 **International Bureau of the Universal Postal Union**.

Done at **Bucharest, 5 October 2004**.

UNIVERSAL POSTAL CONVENTION

The undersigned, plenipotentiaries of the Governments of the member countries of the Union, having regard to article 22.3 of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have by common consent and subject to article 25.4 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

Definitions

1. For the purposes of the Universal Postal Convention, the following terms shall have the meanings defined below:

- 1.1 universal postal service: the permanent provision of quality basic postal services at all points in a member country's territory, for all customers, at affordable prices;**
- 1.2 closed mail: labelled bag or set of bags or other receptacles sealed with or without lead, containing postal items;**
- 1.3 transit à découvert: open transit through an intermediate country, of items whose number or weight does not justify the make-up of closed mails for the destination country;**
- 1.4 postal item: generic term referring to anything dispatched by the Post's services (letter post, parcel post, money orders, etc.);**
- 1.5 terminal dues: remuneration owed to the postal administration of destination by the dispatching postal administration in compensation for the costs incurred in the country of destination for letter-post items received;**
- 1.6 transit charges: remuneration for services rendered by a carrier in the country crossed (postal administration, other service or**

combination of the two) in respect of the land, sea and/or air transit of mails;

- 1.7 inward land rate: remuneration owed to the postal administration of destination by the dispatching postal administration in compensation for the costs incurred in the country of destination for parcels received;
- 1.8 transit land rate: remuneration owed for services rendered by a carrier in the country crossed (postal administration, other service or combination of the two) in respect of the land and/or air transit of parcels through its territory;
- 1.9 sea rate: remuneration owed for services rendered by a carrier (postal administration, other service or a combination of the two) participating in the sea conveyance of parcels.

ARTICLE 2

Designation of the entity or entities responsible for fulfilling the obligations arising from adherence to the Convention

1. Member countries shall notify the International Bureau, within six months of the end of Congress, of the name and address of the governmental body responsible for overseeing postal affairs. Within six months of the end of Congress, member countries shall also provide the International Bureau with the name and address of the operator or operators officially designated to operate postal services and to fulfil the obligations arising from the Acts of the Union on their territory. Between Congresses, changes in the governmental bodies and the officially designated operators shall be notified to the International Bureau as soon as possible.

ARTICLE 3

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.

4. Member countries shall ensure that the universal postal service is provided on a viable basis, thus guaranteeing its sustainability.

ARTICLE 4

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 administration. **This principle shall also apply to missent items or mails.**

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. **It shall also apply to printed papers, periodicals, magazines, small packets and M bags the content of which does 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 5

Ownership of postal items. Withdrawal from the post. Alteration or correction of address. Redirection. Return to sender of undeliverable 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 **origin or destination and, in case of application of**

article 15.2.1.1 or 15.3, in accordance with the legislation of the country of transit.

2. The sender of a postal item may have it withdrawn from the post or have its address altered or corrected. The charges and other conditions are laid down in the Regulations.

3. Member countries shall provide for the redirection of postal items, if an addressee has changed his address, and for the return to sender of undeliverable items. The charges and other conditions are laid down in the Regulations.

ARTICLE 6

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 administration of origin shall fix the postage charges for the conveyance of letter- **and parcel**-post items. 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.

3. 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.**).

4. Postal administrations shall be authorized to exceed any **guideline** charges appearing in the **Acts**.

5. Above the minimum level of charges laid down in 3, postal administrations may allow reduced charges based on their internal legislation for letter-post items **and parcels** posted in their country. They may, for instance, give preferential rates to major users of the Post.

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

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

ARTICLE 7

Exemption from postal charges

1. Principle
 - 1.1 Cases of exemption from postal charges, **as meaning exemption from postal prepayment**, shall be expressly laid down by the Convention. Nonetheless, the Regulations may provide for **both exemption from postal prepayment and exemption from payment of transit charges, terminal dues and inward rates** for **letter-post items and postal parcels** relating to the postal service sent by postal administrations and Restricted Unions. Furthermore, letter-post items and postal parcels sent by the UPU International Bureau to Restricted Unions and postal administrations shall be considered to be items relating to the postal service and shall be exempted from all postal charges. However, the administration of origin shall have the option of collecting air surcharges on the latter items.
2. Prisoners of war and civilian internees
 - 2.1 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 Regulations **of the Convention and of the Postal Payment Services Agreement**, 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.
 - 2.2 The provisions set out under 2.1 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 1949² relative to the protection of civilian persons in time of war, either direct or through the offices mentioned in the Regulations **of the Convention and of the Postal Payment Services Agreement**.
 - 2.3 The offices mentioned in the Regulations **of the Convention and of the Postal Payment Services Agreement** 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 2.1 and 2.2, which they send or receive, either direct or as intermediaries.

² Treaty series No. 39 (1958) Cmnd. 550.

- 2.4. 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.
 - 2.5 In the accounting between postal administrations, 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.
3. Literature for the blind
 - 3.1 Literature for the blind shall be exempt from all postal charges, with the exception of air surcharges.

ARTICLE 8

Postage stamps

- 1. The term "postage stamp" shall be protected under the present Convention and shall be reserved exclusively for stamps which comply with the conditions of this article and of the Regulations.**
- 2. Postage stamps:**
 - 2.1 shall be issued solely by a competent issuing authority, in conformity with the Acts of the UPU. The issue of stamps shall also include putting them into circulation;**
 - 2.2 shall be a manifestation of sovereignty and shall constitute;**
 - 2.2.1 proof of prepayment of the postage corresponding to their intrinsic value when affixed to postal items, in conformity with the Acts of the Union;**
 - 2.2.2 a source of supplementary revenue for postal administrations, as philatelic items;**
 - 2.3 must be in circulation, for postal prepayment or for philatelic purposes, in the territory of origin of the issuing postal administration.**
- 3. As a manifestation of sovereignty, postage stamps shall comprise:**
 - 3.1 the name of the member country or territory to which the issuing postal administration is subject, in roman letters;**

6.3 the name of the printer.

7. Postal prepayment impressions, franking machine impressions and impressions made by a printing press or another printing or stamping process in accordance with the UPU Acts may be used only with the authorization of the postal administration.

ARTICLE 9

Postal security

1. Member countries shall adopt and implement a proactive security strategy at all levels of postal operations to maintain and enhance **the confidence of the general public** in the postal services, **in the interests of all officials involved. This strategy shall include the exchange of information on maintaining the safe and secure transport and transit of mails between member countries.**

ARTICLE 10

Environment

Member countries shall adopt and implement a proactive environment strategy at all levels of postal operations and promote environmental awareness in the postal services.

ARTICLE 11

Violations

1. Postal items

1.1 Member countries shall undertake to adopt the necessary measures to prevent, prosecute and punish any person found guilty of the following:

1.1.1 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;

1.1.2 the insertion in postal items of objects of a paedophilic nature or of a pornographic nature using children.

2. Means of postal prepayment and postal payment itself

2.1 Member countries shall undertake to adopt the necessary measures to prevent, prosecute and punish any violations concerning the means of postal prepayment set out in this Convention, such as:

2.1.1 postage stamps, in circulation or withdrawn from circulation;

2.1.2 prepayment impressions;

2.1.3 impressions of franking machines or printing presses;

2.1.4 international reply coupons.

2.2 In this Convention, violations concerning means of postal prepayment refer to any of the acts outlined below committed with the intention of obtaining illegitimate gain for oneself or for a third party. The following acts shall be punished:

2.2.1 any act of falsifying, imitating or counterfeiting any means of postal prepayment, or any illegal or unlawful act linked to the unauthorized manufacturing of such items;

2.2.2 any act of using, circulating, marketing, distributing, disseminating, transporting, exhibiting, showing, or publicizing any means of postal prepayment which has been falsified, imitated or counterfeited;

2.2.3 any act of using or circulating, for postal purposes, any means of postal prepayment which has already been used;

2.2.4 any attempt to commit any of these violations.

3. Reciprocity

3.1 As regards sanctions, no distinction shall be made between the acts outlined in 2, irrespective of whether national or foreign means of postal prepayment are involved; this provision shall not be subject to any legal or conventional condition of reciprocity.

PART II

Rules applicable to letter post and postal parcels

CHAPTER 1

Provision of services

ARTICLE 12

Basic services

1. Member countries shall ensure the acceptance, handling, conveyance and delivery of letter-post items.
2. Letter-post items are:
 - 2.1 priority items and non-priority items, up to 2 kilogrammes;
 - 2.2 letters, postcards, printed papers and small packets, up to 2 kilogrammes;
 - 2.3 literature for the blind, up to 7 kilogrammes;
 - 2.4 special bags containing newspapers, periodicals, books and similar printed documentation for the same addressee at the same address called "M bags", up to 30 kilogrammes.
3. Letter-post items shall be classified on the basis either of the speed of treatment of the items or of the contents of the items in accordance with the Letter Post Regulations.
4. Higher weight limits than those indicated in paragraph 2 apply optionally for certain letter-post **item** categories under the conditions specified in the Letter Post Regulations.
5. Member countries shall also ensure the acceptance, handling, conveyance and delivery of postal parcels up to 20 kilogrammes, 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 their customers.
6. Weight limits higher than 20 kilogrammes apply optionally for certain parcel-post categories under the conditions specified in the Parcel Post Regulations.
7. 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.

8. Notwithstanding paragraph 5, countries which, prior to 1 January 2001 were not parties to the Postal Parcels Agreement shall not be obliged to provide the postal parcels service.

ARTICLE 13

Supplementary services

1. Member countries shall provide the following mandatory supplementary services:

- 1.1 registration service for **outbound priority and airmail** letter-post items;
- 1.2 **registration service for outbound non-priority and surface letter-post items to destinations for which there is no priority or airmail service;**
- 1.3 **registration service for all inbound letter-post items.**

2. **The provision of a registration service for outbound non-priority and surface letter-post items to destinations for which there is a priority or airmail service shall be optional.**

3. Member countries may provide the following optional supplementary services in relations between those administrations which agreed to provide the service:

- 3.1 insurance for letter-post items and parcels;
- 3.2 recorded delivery for letter-post items;
- 3.3 cash-on-delivery service for letter-post items and parcels;
- 3.4 express delivery service for letter-post items and parcels;
- 3.5 delivery to the addressee in person of registered, recorded delivery or insured **letter-post** items;
- 3.6 free of charges and fees service for letter-post items and parcels;
- 3.7 fragile and cumbersome parcels services;

- 3.8 consignment service for collective items from one consignor sent abroad.
4. The following **three** supplementary services have both mandatory and optional parts:
- 4.1 international business reply service (IBRS), which is basically optional. All administrations shall, however, be obliged to operate the IBRS "return" service;
 - 4.2 international reply coupons, which shall be exchangeable in any member country. The sale of international reply coupons is, however, optional;
 - 4.3 **advice of delivery for registered and recorded delivery letter-post items, parcels and insured items. All postal administrations shall admit incoming advices of delivery. The provision of an outward advice of delivery service is, however, optional.**
5. The description of these services and their charges are set out in the Regulations.
6. Where the service features below are subject to special charges in the domestic service, postal administrations shall be authorized to collect the same charges for international items, under the conditions described in the Regulations:
- 6.1 delivery for small packets weighing over 500 grammes;
 - 6.2 letter-post items posted after the latest time of posting;
 - 6.3 items posted outside normal counter opening hours;
 - 6.4 collection at sender's address;
 - 6.5 withdrawal of a letter-post item outside normal counter opening hours;
 - 6.6 poste restante;
 - 6.7 storage for letter-post items weighing over 500 grammes, and for parcels;
 - 6.8 delivery of parcels, in response to the advice of arrival;
 - 6.9 cover against risks of force majeure.

ARTICLE 14

Electronic mail, EMS, integrated logistics and new services

1. Postal administrations may agree with each other to participate in the following services, which are described in the Regulations.
 - 1.1 electronic mail, which is a postal service involving the electronic transmission of messages;
 - 1.2 EMS, which is a postal **express service for documents and merchandise, and shall wherever possible be the quickest postal service by physical means. Postal administrations may provide this service on the basis of the EMS Standard Multilateral Agreement or by bilateral agreement;**
 - 1.3 **integrated logistics, which is a service that responds fully to customers' logistical requirements and includes the phases before and after the physical transmission of goods and documents;**
 - 1.4 **the Electronic Post Mark, which provides evidentiary proof of an electronic event, in a given form, at a given time, and involving one or more parties.**
2. 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 15

Items not admitted. Prohibitions

1. **General**
 - 1.1 Items not fulfilling the conditions laid down in the Convention and the Regulations shall not be admitted. **Items sent in furtherance of a fraudulent act or with the intention of avoiding full payment of the appropriate charges shall not be admitted.**
 - 1.2 **Exceptions to the prohibitions contained in this article are set out in the Regulations.**
 - 1.3 **All postal administrations shall have the option of extending the prohibitions contained in this article, which may be applied immediately upon their inclusion in the relevant compendium.**

2. Prohibitions in all categories of items

2.1 The insertion of the articles referred to below shall be prohibited in all categories of items:

2.1.1 narcotics and psychotropic substances;

2.1.2 obscene or immoral articles;

2.1.3 articles the importation or **circulation** of which is prohibited in the country of destination;

2.1.4 articles which, by their nature or their packing, may expose officials **or the general public** to danger, or soil or damage other items, postal equipment **or third-party property**;

2.1.5 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. Explosive, flammable or radioactive materials and other dangerous substances

3.1 **The insertion of** explosive, flammable or other dangerous substances as well as radioactive materials **shall be prohibited in all categories of items.**

3.2 **Exceptionally, the following substances and materials shall be admitted:**

3.2.1 the radioactive materials sent in letter-post items and postal parcels mentioned in article **16.1**;

3.2.2 the biological substances sent in letter-post items mentioned in article **16.2**.

4. Live animals

4.1 **Live animals shall be prohibited in all categories of items.**

4.2 **Exceptionally, the following shall be admitted** in letter-post items other than insured items:

4.2.1 bees, leeches and silk-worms;

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

4.2.3 flies of the family Drosophilidae for biomedical research exchanged between officially recognized institutions.

4.3 Exceptionally, the following shall be admitted in parcels:

4.3.1 live animals whose conveyance by post is authorized by the postal regulations of the countries concerned.

5. Insertion of correspondence in parcels

5.1 the insertion of the articles mentioned below shall be prohibited in postal parcels:

5.1.1 documents having the character of current and personal correspondence;

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

6. Coins, bank notes and other valuable articles

6.1 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:

6.1.1 in uninsured letter-post items;

6.1.1.1 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;

6.1.2 in uninsured parcels, except where permitted by the internal legislation of the countries of origin and destination;

6.1.3 in uninsured parcels exchanged between two countries which admit insured parcels;

6.1.3.1 in addition, any administration may prohibit the enclosure of gold bullion in insured or uninsured **parcels** 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.

7. Printed papers and literature for the blind

7.1 Printed papers and literature for the blind:

7.1.1 shall nor bear any inscription or contain any **item of** correspondence;

7.1.2 shall not contain any postage stamp or form of prepayment, whether cancelled or not, or any paper representing a monetary value, **except in cases where the item contains as an enclosure a card, envelope or wrapper bearing the printed address of the sender of the item or his agent in the country of posting or destination of the original item, which is prepaid for return.**

8. Treatment of items wrongly admitted

8.1 The treatment of items wrongly admitted is set out in the Regulations. However, items containing articles mentioned in 2.1.1, 2.1.2 and 3.1 shall in no circumstances be forwarded to their destination, delivered to the addressees or returned to origin. **In the case of articles mentioned in 2.1.1 and 3.1 discovered while in transit, such items shall be handled in accordance with the national legislation of the country of transit.**

ARTICLE 16

Admissible radioactive materials and biological materials

1. Radioactive materials shall be admitted in letter-post items and parcels in relations between postal administrations which have declared their willingness to admit them either reciprocally or in one direction only under the following conditions:

- 1.1 radioactive materials shall be made up and packed in accordance with the respective provisions of the Regulations;
- 1.2 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;
- 1.3 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;
- 1.4 radioactive materials may be posted only by duly authorized senders.

2. Biological materials shall be admitted in letter-post items under the following conditions:

- 2.1 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.

- 2.2 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.
- 2.3 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.
- 2.4 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 17

Inquiries

1. Each postal administration shall be bound to accept inquiries relating to any item posted in the service of its own administration or any other **postal** administration provided that the inquiries are presented within a period of six months from the day after that on which the item was posted. **The period of six months shall concern relations between claimants and postal administrations and shall not include the transmission of inquiries between postal administrations.**

1.1 However, the acceptance of inquiries about the non-receipt of ordinary letter-post items shall not be mandatory. Consequently, postal administrations which accept inquiries about the non-receipt of ordinary letter-post items shall have the option of confining their inquiries to the undeliverable items service.

2. Inquiries shall be entertained under the conditions laid down in the Regulations.

3. Inquiries shall be free of charge. However, additional costs caused by a request for transmission by EMS shall, in principle, be borne by the person making the request.

ARTICLE 18

Customs control. Customs duty and other fees

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 **guideline** 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.
3. 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.
4. 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.

ARTICLE 19

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, air **or** **army** units, warships or military aircraft of the same country stationed abroad;
 - 1.4 between the commanding officers of naval, air **or** **army** 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 20

Quality of service standards and targets

1. Administrations shall **establish and publish delivery standards and targets for their inward letter-post items and parcels.**
2. **These standards and targets,** increased by the time normally required for customs clearance, shall be no less favourable than **those applied to** comparable items in their domestic service.
3. Administrations of origin shall **also establish and publish end-to-end standards** for priority and airmail letter-post items **as well as for parcels and economy/surface parcels.**
4. Postal administrations shall measure the **application of quality of service standards.**

CHAPTER 2

Liability

ARTICLE 21

Liability of postal administrations. Indemnities

1. General
 - 1.1 Except for the cases provided for in article 22, 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;
 - 1.1.3 **the return of a parcel on which the reason for non-delivery is not given.**

- 1.2 Postal administrations shall not be liable for items other than those mentioned in 1.1.1 and 1.1.2.**
 - 1.3 In any other case not provided for in this Convention, postal administrations shall not be liable.**
 - 1.4 When the loss of 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.
 - 1.5 The amounts of indemnity to be paid shall not exceed the amounts mentioned in the Letter Post Regulations and the Parcel Post Regulations.**
 - 1.6 In cases of liability, consequential losses or loss of profits shall not be taken into account in the indemnity to be paid.**
 - 1.7 All provisions regarding liability of postal administrations shall be strict, binding and complete. Postal administrations shall in no case, even in case of severe fault, be liable above the limits provided for in the Convention and the Regulations.**
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.
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 **only**.

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. **If the sender has claimed an amount less than the amount set in the Parcel Post Regulations, postal administrations may pay that lower amount and shall receive reimbursement on this basis from any other postal administrations involved.**

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.

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.

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 basis.

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 **postal** 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 **postal** 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.

10. No reservations concerning payment of the indemnity to postal administrations may be made to this article, except in the event of bilateral agreement.

ARTICLE 22

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 mail-box and 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 theft or damage. He shall furnish proof that such theft or damage did not occur after delivery. **The term "without delay" shall be interpreted according to national law.**

2. Postal administrations shall not be liable:

2.1 in cases of force majeure, subject to article **13.6.9**;

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 **that** fall within the prohibitions specified in article 15;
 - 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;
 - 2.9 when the sender's actions may be suspected of fraudulent intent, aimed at receiving compensation.**
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 23

Sender's liability

1. The sender of an item shall be liable for **injuries caused to postal officials and for** any damage caused to other postal items **and postal equipment**, as a result of the dispatch of articles not acceptable for conveyance or the non-observance of the conditions of acceptance.
2. **In the case of damage to other postal items**, the sender shall be liable for **each item damaged** 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, **where the conditions of acceptance have been observed by the sender**, the sender shall not be liable, **in so far as** there has been fault or negligence **in handling the item** on the part of administrations or carriers, **after acceptance**.

ARTICLE 24

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.

ARTICLE 25

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, **granting that person the same period to reply.**
2. If the sender and the addressee refuse to take delivery of the item **or do not reply within the period provided for in paragraph 1**, 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 26

Reciprocity applicable to reservations concerning liability

1. **Notwithstanding the provisions in articles 22 to 25, any member country which reserves the right not to pay indemnity for liability shall not be entitled to receive indemnity from other member countries which accept liability under these articles.**

CHAPTER 3

Provisions specific to letter post

ARTICLE 27

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 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.

PART III

Remuneration

CHAPTER 1

Provisions specific to letter post

ARTICLE 28

Terminal dues. General provisions

1. Subject to exemptions provided in the Regulations, 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 countries **and territories in the target system** or countries **and territories entitled to be in the transitional system**, in accordance with the list drawn up for this purpose by Congress **in its resolution C 12/2004. In the terminal dues provisions, both countries and territories shall be referred to as countries.**
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.
 - 4.2 A dispatching administration may, on similar conditions, request the administration **in the target system** to offer it the same conditions that the latter offers to its national customers for equivalent items.
 - 4.3 The administrations **in the transitional system** shall indicate whether they authorize access on the conditions mentioned in 4.1.
 - 4.3.1 When an administration **in the transitional system** 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. Terminal dues remuneration shall be based on quality of service performance in the country of destination. The Postal Operations Council shall therefore be authorized to supplement the remuneration in articles 29 and 30 to encourage participation in monitoring systems and to reward administrations for reaching their quality targets. The Postal Operations Council may also fix penalties in case of insufficient quality, but shall not deprive the administrations of their minimum remuneration according to articles 29 and 30.

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 29

Terminal dues. Provisions applicable to exchanges between countries in the target system

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. The rates per item and per kilogramme **shall be** calculated on the basis of a **percentage** of the charge for a 20-gramme **priority** letter in the domestic service, **which shall be:**

2.1 for the year 2006: 62%;

2.2 for the year 2007: 64%;

2.3 for the year 2008: 66%;

2.4 for the year 2009: 68%.

3. **The rates applied may not be higher than:**
 - 3.1 for the year 2006, **0.226 SDR** per item and **1.768 SDR** per kilogramme;
 - 3.2 for the year 2007, **0.231 SDR** per item and **1.812 SDR** per kilogramme;
 - 3.3 for the year 2008, **0.237 SDR** per item and **1.858 SDR** per kilogramme;
 - 3.4 **for the year 2009, 0.243 SDR per item and 1.904 SDR per kilogramme.**

4. For the period from the year 2006 to the year 2009, the rates to be applied may not be lower than 0.147 SDR per item and 1.491 SDR per kilogramme. **Provided that the increased rates do not exceed 100% of the charge for a 20-gramme priority letter in the domestic service of the country concerned, the minimum rates shall be increased to:**
 - 4.1 **for the year 2006, 0.151 SDR per item and 1.536 SDR per kilogramme;**
 - 4.2 **for the year 2007, 0.154 SDR per item and 1.566 SDR per kilogramme;**
 - 4.3 **for the year 2008, 0.158 SDR per item and 1.598 SDR per kilogramme;**
 - 4.4 **for the year 2009, 0.161 SDR per item and 1.630 SDR per kilogramme.**

5. For M bags, the rate to be applied shall be **0.793 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. **For registered items there shall be an additional payment of 0.5 SDR per item and for insured items there shall be an additional payment of 1 SDR per item.**

7. The provisions applicable between countries **in the target system** shall apply to any country **in the transitional system** which declares that it wishes to **join the target system. The Postal Operations Council may fix transition measures in the Letter Post Regulations.**

8. **No reservations may be made to this article, except within the framework of a bilateral agreement.**

ARTICLE 30

Terminal dues. Provisions applicable to mail flows to, from and between countries in the transitional system

1. Payment

1.1 Payment for letter-post items, excluding M bags, shall be **0.147 SDR per item and 1.491 SDR per kilogramme**.

1.1.1 For flows below 100 tonnes a year, the two components shall be converted into a total rate of 3.727 SDR per kilogramme on the basis of a worldwide average of 15.21 items per kilogramme.

1.1.2 For flows above 100 tonnes a year, the total rate of 3.727 SDR per kilogramme shall be applied if neither the administration of destination nor the administration of origin asks to have the rate revised on the basis of the real number of items per kilogramme for the flow concerned. Moreover, this rate shall be applied when the real number of items per kilogramme proves to be between 13 and 17.

1.1.3 When one of the administrations concerned asks for the application of the real number of items per kilogramme, the payment to be applied for the flow in question shall be calculated according to the revision mechanism specified in the Letter Post Regulations.

1.1.4 The downward revision of the total rate in 1.1.2 may not be invoked by a country in the target system against a country in the transitional system unless the latter asks for a revision in the opposite direction.

1.2 For M bags, the rate to be applied shall be **0.793 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 **For registered items there shall be an additional payment of 0.5 SDR per item and for insured items there shall be an additional payment of 1 SDR per item.**

2. System harmonization mechanism

2.1 When an administration in the target system 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 the Letter Post Regulations, it may apply to the excess mail the payment system provided for in article 29 provided that it has not applied the revision mechanism.

2.2 When an administration in the transitional system that receives a mail flow of over 50 tonnes a year from another country in the transitional system establishes that the annual weight of this flow exceeds the threshold calculated in accordance with the conditions set out in the Letter Post Regulations, it may apply to the excess mail the supplement provided for in article 31, provided that it has not applied the revision mechanism.

3. Bulk mail

3.1 The payment for bulk mail to countries in the target system shall be established by applying the rates per item and per kilogramme provided for in article 29.

3.2 Administrations in the transitional system may request for bulk mail received a payment of 0.147 SDR per item and 1.491 SDR per kilogramme.

4. No reservations may be made to this article, except within the framework of a bilateral agreement.

ARTICLE 31

Quality of Service Fund

1. Terminal dues payable by all countries and territories to the countries defined as Least Developed Countries (LDCs) by ECOSOC, except for M bags and bulk mail items, shall be increased by 16.5% of the rate of 3.727 SDR per kilogramme given in article 30 for payment into the Quality of Service Fund (QSF) for improving the quality of service in the LDCs. There shall be no such payment from one LDC to another LDC.

2. Member countries of the UPU and territories coming within the Union shall be able to make well-founded requests to the Council of Administration for their countries and territories to be considered as being in need of additional resources. Countries classified as TRAC 1 (former DCs) may petition the CA to receive QSF funds on the same terms as least developed countries (LDCs). Further, countries classified by the UNDP as Net Contributor Countries (NCCs) may petition the CA to receive QSF funds on the same terms as TRAC 1 countries. Accepted requests granted under this article shall take effect on the first day of the calendar year following the decision by the CA. The Council of Administration shall assess the request and take a decision, according to strict criteria, on whether or not a country can be

considered to be a least developed country or a TRAC 1 country, as the case may be, with regard to the Quality of Service Fund. The Council of Administration shall revise and update annually the list of UPU member countries and territories coming within the Union.

3. Terminal dues, except for M bags and bulk mail items, payable by countries and territories classified by Congress as industrialized countries for terminal dues purposes to the countries and territories classified by the United Nations Development Programme (UNDP) as TRAC 1 countries other than LDCs shall be increased by 8% of the rate of 3.727 SDR per kilogramme given in article 30 for payment into the QSF for improving the quality of service of the TRAC 1 countries other than LDCs.

4. Terminal dues, except for M bags and bulk mail items, payable by countries and territories classified by Congress as industrialized countries for terminal dues purposes to the countries and territories classified by the same Congress as developing countries other than those in paragraphs 1 and 3 shall be increased by 1% of the rate of 3.727 SDR per kilogramme given in article 30 for payment into the QSF for improving the quality of service.

5. The TRAC 1 countries and territories may seek to improve their quality of service through regional or multi-country projects in favour of LDCs and low-income countries in which all parties contributing QSF funding to the projects would directly benefit.

6. Regional projects should in particular promote the implementation of UPU quality of service improvement programmes and the introduction of cost accounting systems in developing countries. The Postal Operations Council shall adopt, in 2006 at the latest, procedures for financing these projects.

ARTICLE 32

Transit charges

1. Closed mails **and à découvert transit items** 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.

CHAPTER 2

Other provisions

ARTICLE 33

Basic rates and provisions concerning 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, **priority items, airmail items** and air parcels sent in transit à découvert, **as well as the relevant methods of accounting, are described in the Letter Post and Parcel Post Regulations.**
3. The air conveyance dues for the whole distance flown shall be borne:
 - 3.1 in the case of closed mails, by the administration of the country of origin of the mails, **including when these mails transit via one or more intermediate administrations;**
 - 3.2 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.
4. These same regulations shall be applicable to items exempted from land and sea transit charges if they are conveyed by air.
5. 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. **The Postal Operations Council may replace the weighted average distance by other relevant criteria.** Unless 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.
6. 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.
7. 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.

ARTICLE 34

Parcel post land and sea rates

1. Parcels exchanged between two postal administrations shall be subject to inward land rates calculated by combining the **base** rate per parcel and **base** rate per kilogramme laid down in the Regulations.

1.1 Bearing in mind the above **base** rates, **postal** administrations **may, in addition, be authorized to claim supplementary rates per parcel and per kilogramme in accordance with provisions laid down in the Regulations.**

1.2 The rates mentioned in 1 and 1.1 shall be payable by the administration of the country of origin, unless the Parcel Post Regulations provide for exceptions to this principle.

1.3 The inward land rates shall be uniform for the whole of the territory of each country.

2. 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.

2.1 For parcels in transit à découvert, intermediate administrations shall be authorized to claim the single rate per item laid down in the Regulations.

2.2 Transit land rates shall be payable by the administration of the country of origin unless the Parcel Post Regulations provide for exceptions to this principle.

3. Each of the countries whose services participate in the sea conveyance of parcels shall be authorized to claim sea rates. These rates shall be payable by the administration of the country of origin, unless the Parcel Post Regulations provide for exceptions to this principle.

3.1 For each sea conveyance used, the sea rate shall be laid down in the Parcel Post Regulations according to the distance step applicable.

- 3.2 Postal administrations may increase by 50% at most the sea rate calculated in accordance with 3.1. On the other hand, they may reduce it as they wish.

ARTICLE 35

Authority of the POC to fix charges and rates

1. The Postal Operations Council shall have the authority to fix the following rates and charges, which are payable by postal administrations in accordance with the conditions shown in the Regulations:

- 1.1 transit charges for the handling **and conveyance** of letter mails through one or more intermediary countries;
- 1.2 basic rates and air conveyance dues for the carriage of mail by air;
- 1.3 inward land rates for the handling of inward parcels;
- 1.4 transit land rates for the handling **and conveyance** of parcels through an intermediary country;
- 1.5 sea rates for the conveyance of parcels by sea.

2. Any revision made, in accordance with a methodology that ensures equitable remuneration for administrations performing the services, 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.

PART IV

Final provisions

ARTICLE 36

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 **which have the right to vote**. At least half of the member countries represented at Congress **and having the right to vote** 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 **having the right to vote**.
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 **which have the right to vote having taken part in the vote**, 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 37

Reservations at Congress

1. **Any reservation which is incompatible with the object and purpose of the Union shall not be permitted.**
2. **As a general rule, any member country whose views are not shared by other member countries shall endeavour, as far as possible, to conform to the opinion of the majority. Reservations should be made only in cases of absolute necessity, and proper reasons given.**
3. **Reservations to any article of the present Convention shall be submitted to Congress as a Congress proposal written in one of the working languages of the International Bureau and in accordance with the relevant provisions of the Rules of Procedure of Congresses.**
4. **To become effective, proposals concerning reservations must be approved by whatever majority is required for amendment of the article to which the reservation relates.**
5. **In principle, reservations shall be applied on a reciprocal basis between the reserving member country and the other member countries.**
6. **Reservations to the present Convention shall be inserted in the Final Protocol to the present Convention, on the basis of proposals approved by Congress.**

ARTICLE 38

Entry into force and duration of the Convention

1. This Convention shall come into force on **1 January 2006** 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 **International Bureau of the Universal Postal Union**.

Done at **Bucharest, 5 October 2004**.

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:

ARTICLE I

Ownership of postal items. Withdrawal from the post. Alteration or correction of address

1. The provisions in article **5.1** and 2 shall not apply to Antigua and Barbuda, Bahrain, Barbados, Belize, Botswana, Brunei Darussalam, Canada, Hongkong, China, Dominica, Egypt, Fiji, Gambia, 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 and Zambia.

2. Nor shall article **5.1** and 2 apply to **Austria**, Denmark **and Iran (Islamic Rep.)**, 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.

3. Article **5.1** shall not apply to Australia, Ghana and Zimbabwe.

4. Article **5.2** shall not apply to Bahamas, Dem People's Rep. of Korea, Iraq and Myanmar, whose legislation does not permit withdrawal from the post or alteration of address of letter-post items at the sender's request.

5. Article 5.2 shall not apply to the United States of America.

6. Article **5.2** shall apply to Australia only in so far as that article is consistent with its domestic legislation.

7. Notwithstanding article **5.2**, **the Dem. Rep. of the Congo**, 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.

ARTICLE II

Charges

1. Notwithstanding article 6 the postal administrations of **Australia, Canada and New Zealand** shall be authorized to collect postal charges other than those provided for in the Regulations, when such charges are consistent with the legislation of **their countries**.

ARTICLE III

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

1. Notwithstanding article 7, the postal administrations of **Indonesia, 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 7, the postal administrations of **Australia, 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.

ARTICLE IV

Basic services

1. Notwithstanding the provisions of article 12, Australia does not agree to the extension of basic services to include postal parcels.

2. **The provisions of article 12.2.4 shall not apply to Great Britain, whose national legislation requires a lower weight limit. Health and safety legislation in Great Britain limits the weight of mail bags to 20 kilogrammes.**

ARTICLE V

Small packets

1. **Notwithstanding article 12 of the Convention, the postal administration of Afghanistan shall be authorized to limit the maximum weight of inward and outward small packets to one kilogramme.**

ARTICLE VI

Advice of delivery

1. The postal administration of Canada shall be authorized not to apply article **13.1.1**, as regards parcels, given that it does not offer the advice of delivery service for parcels in its internal service.

ARTICLE VII

International business reply service (IBRS)

1. Notwithstanding article 13.4.1, the postal administration of Bulgaria (Rep.) shall provide the international business reply service after negotiations with the postal administration concerned.

ARTICLE VIII

Prohibitions (letter post)

1. Exceptionally, the postal administrations of Dem. People's Rep. of Korea and Lebanon shall not accept registered items containing coins, bank notes, 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 **15.5**, 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, bank notes, 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 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, bank notes 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.

ARTICLE IX

Prohibitions (postal parcels)

1. The **postal** administrations of Myanmar and Zambia shall be authorized not to accept insured parcels containing the valuable articles covered in article **15.6.1.3.1**, 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 **15**, 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 **15**, 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 **15**, 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, bank notes, 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.

ARTICLE X

Articles subject to customs duty

1. With reference to article **15**, the postal administrations of Bangladesh and El Salvador do not accept insured items containing articles subject to customs duty.

2. With reference to article **15**, 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 **15**, the postal administrations of Benin, Burkina Faso, Côte d'Ivoire (Rep.), Djibouti, Mali **and** Mauritania 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.

ARTICLE XI

Inquiries

1. Notwithstanding article **17.3**, the postal administrations of **Bulgaria (Rep.)**, Cape Verde, Chad, Dem. People's Rep. of Korea, Egypt, Gabon, Overseas Dependent Territories of the United Kingdom, Greece, Iran (Islamic Rep.), **Kyrgyzstan**, Mongolia, Myanmar, Philippines, Saudi Arabia, Sudan, Syrian Arab Rep., **Turkmenistan**, Ukraine, **Uzbekistan** and Zambia reserve the right to collect from customers charges on inquiries lodged in respect of letter-post items.

2. Notwithstanding article **17.3**, the postal administrations of Argentina, Austria, **Azerbaijan**, 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, **Bulgaria (Rep.)**, Cape Verde, Congo (Rep.), Egypt, Gabon, Iran (Islamic Rep.), **Kyrgyzstan**, Mongolia, Myanmar, Saudi Arabia, Sudan, Suriname, Syrian Arab Rep., **Turkmenistan**, Ukraine, **Uzbekistan** and Zambia reserve the right to collect an inquiry charge from customers in respect of parcels.

4. Notwithstanding article 17.3, the postal administrations of Brazil, Panama (Rep.) and the United States of America reserve the right to collect a charge from customers for inquiries lodged in respect of letter-post items and parcels posted in countries which apply that type of charge in accordance with paragraphs 1 to 3 of this article.

ARTICLE XII

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.

ARTICLE XIII

Posting abroad of letter-post items

1. The postal administrations of **Australia**, **Austria**, United Kingdom of Great Britain and Northern Ireland, Greece, **New Zealand** 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 **27.4**, sends to it items for disposal which were not originally dispatched as postal items by their services.

2. Notwithstanding article **27.4**, 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 **27.4** 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. **Australia and** the United Kingdom of Great Britain and Northern Ireland **reserve** the right to limit any such payment to the appropriate domestic tariff for equivalent items in the country of destination.

4. Article **27.4** 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: 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 **27** of the Convention to mail received from Union member countries: Argentina, **Austria**, Benin, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire (Rep.), Cyprus, **Denmark**, Egypt, France, Germany, Greece, Guinea, Israel, Italy, Japan, Jordan, Lebanon, **Luxembourg**, Mali, Mauritania, Monaco, Morocco, **Norway**, Portugal, Saudi Arabia, Senegal, Syrian Arab Rep. and Togo.

6. In application of article **27.4** 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.

7. Notwithstanding the reservations made under article XIII, China (People's Rep.) reserves the right to limit any payment for delivering letter-post items posted abroad in large quantities to the limits authorized in the UPU Convention and Letter Post Regulations for bulk mail.

ARTICLE XIV

Exceptional inward land rates

1. Notwithstanding article **34**, the postal administration of Afghanistan reserves the right to collect an additional exceptional inward land rate of 7.50 SDR per parcel.

ARTICLE XV

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 **International Bureau of the Universal Postal Union**.

Done at **Bucharest, 5 October 2004**

DECLARATIONS MADE ON SIGNATURE OF THE ACTS

I

On behalf of the Republic of Azerbaijan:

"Illegitimate circulation of the illegal stamps issued by the occupying power of Armenia under the title of the so-called "Republic of Nagorny Karabakh" (illegal separatist puppet regime sponsored by the Republic of Armenia) has been the source of deep concern to the Government of the Republic of Azerbaijan since 1993, and the Universal Postal Union (UPU) has been duly informed about this infraction on several occasions.

"Reacting to the appeal by the Government of the Republic of Azerbaijan, the International Bureau of the UPU issued circular 426 of 20 December 1993 that called on the postal administrations of all UPU member states not to accept for processing items with the abovementioned illegal stamps and to return such items to origin.

"However, letters with these stamps continue to enter the territory of some UPU member states. The latest registered violation took place when these illegal stamps entered the territory of Germany from Armenia without any obstacle, as confirmed by an article published in "Michel Rundschau" dated October 2003. The letter with the above-mentioned illegal stamps addressed to G. Bundesmann from the occupying power of Armenia under the title of the so-called "Republic of Nagorny Karabakh" served as a reason for the publication of that article. The article also stated that these illegal stamps had been presented in the Stanley Gibbons catalogue (United Kingdom).

"This confirms that certain postal administrations are grossly violating the norms and regulations enshrined in the Charter of the UPU, Universal Postal Convention and in other Acts of the UPU, as well as the rules governing the passage of postal correspondence among countries.

"With reference to International Bureau circulars 426 of 20 December 1993 and 263 of 30 August 2004, concerning the illegitimate circulation of the aforementioned illegal stamps, the Republic of Azerbaijan, by this declaration, officially informs member countries of the Union – as well as other interested parties (catalogues, stamp collectors, etc.), of the inadmissibility of processing any written correspondence bearing the illegal postage stamps issued by the occupying power of Armenia under the title of the so-called "Republic of Nagorny Karabakh". The publication of articles and information on these illegally issued stamp in postage stamp catalogues is equally unacceptable.

"Once again, the Republic of Azerbaijan requests the postal administrations of all UPU member countries, as well as all other interested parties, not to violate the norms and regulations of the UPU and international law and, accordingly, not to

accept for processing items with the above-mentioned illegal stamps and to return such items to origin.

"The Republic of Azerbaijan hopes that all UPU member states will take the necessary steps to prevent the violation of generally recognized norms and principles of international law, and in particular, the sovereignty and territorial integrity of the Republic of Azerbaijan, and will not permit the recurrence of such illegal actions in the future.

"The Republic of Azerbaijan expects due account to be taken of its above-mentioned position by all UPU member states."

(Congrès–Doc 49.Add 1)

II

On behalf of the Republic of Azerbaijan:

"At present, the region of Nagorny Karabakh and adjacent districts, which are an integral part of the territory of the Republic of Azerbaijan, are under the occupation of the Republic of Armenia.

"The illegal territorial entity called the "Republic of Nagorny Karabakh" was created after the 1992/93 occupation of the Nagorny Karabakh region and adjacent Azerbaijani districts by the Armenian armed forces, which ethnically cleansed the area to remove the Azerbaijani people from the occupied territories.

"These people, who have become refugees in their own country and who number more than one million, live in tents and huts in unbearable conditions; they are deprived of all comforts and basic services, including postal services, and are waiting to be able to return to their homes.

"The actions of the Republic of Armenia's armed forces have been condemned by the international community, in particular by the UN Security Council, which, in resolutions 822 of 30 April 1993, 853 of 29 June 1993, 874 of 14 October 1993 and 884 of 12 November 1993, demanded the immediate, complete and unconditional withdrawal of forces occupying the territories of the Republic of Azerbaijan.

"Given this situation, the provisions of article RE 305 of the Letter Post Regulations of the Universal Postal Convention, concerning the circulation of postage stamps valid in the country of origin, are not observed in the territory of the Republic of Azerbaijan, which is occupied by the armed forces of the Republic of Armenia.

"In these conditions, the Government of the Republic of Azerbaijan declares that, in accordance with the Constitution of the Universal Postal Union, signed in Vienna (Austria) on 10 July 1964, the Republic of Azerbaijan reaffirms its

sovereignty over the territory of the Nagorny Karabakh region and adjacent districts, which are currently occupied by the Republic of Armenia.

"The Government of the Republic of Azerbaijan works on the principle that the postal administration of the Republic of Azerbaijan is the only possible structure recognized by the international community in the territory of the Republic of Azerbaijan.

"The Government of the Republic of Azerbaijan considers the alleged Republic of Nagorny Karabakh to be an illegal entity created in territory of the Republic of Azerbaijan occupied by the Republic of Armenia.

"The Government of the Republic of Azerbaijan considers that any attempt to present the so-called Republic of Nagorny Karabakh as an independent entity with all the attributes of a State is a violation of the territorial integrity and sovereignty of the Republic of Azerbaijan as well as a violation of other rules of international law and of its right to operate postal services.

"The Government of the Republic of Azerbaijan makes the following statement: 'In view of the occupation of the Nagorny Karabakh region and adjacent districts of the Republic of Azerbaijan by the armed forces of the Republic of Armenia, the Republic of Azerbaijan reserves the right not to apply the articles of the Universal Postal Convention in respect of the Republic of Armenia.' "

(Congrès–Doc 49.Add 2)

III

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 49.Add 3)

IV

On behalf of the Syrian Arab Republic:

"The postal administration of the Syrian Arab Republic reiterates the declaration made at the 1999 Beijing Congress by the People's Democratic Republic of Algeria, the Kingdom of Bahrain, the Islamic Republic of Iran, the Republic of Iraq, 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 Republic of Tunisia, the

United Arab Emirates and the Republic of Yemen and declares 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 49.Add 4)

V

On behalf of the Republic of Austria, Belgium, Cyprus, the Czech Republic, the Kingdom of Denmark, Estonia, 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, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, 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 Community and the General Agreement on Trade in Services (GATS) of the World Trade Organization."

(Congrès–Doc 49.Add 5)

VI

On behalf of Australia:

"Australia will apply the Acts and other decisions 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 49.Add 6)

VII

On behalf of Iceland, the Principality of Liechtenstein, 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 and the General Agreement on Trade in Services (GATS) of the World Trade Organization."

(Congrès–Doc 49.Add 7)

VIII

On behalf of New Zealand:

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

(Congrès–Doc 49.Add 8)

IX

On behalf of the Republic of Armenia:

"Recently, the international community has been subjected to a significant amount of falsified propaganda and anti-Armenian campaigning carried out by Azerbaijani officials with the aim of presenting a distorted picture of the causes and issues of the Nagorno-Karabakh conflict and the resulting situation on the ground.

"Frivolous interpretations of the UN Security Council resolutions and groundless accusations against the Republic of Armenia are common practice for Azerbaijani authorities, with the goal of concealing their own grave crimes of the past.

"Azerbaijan's authorities use every international forum or organization to pursue their destructive policy instead of concentrating on the international community's peace efforts. Unfortunately, the Universal Postal Congress is no exception.

"Armenia believes that this behaviour at international gatherings is inadmissible and hinders the efforts of the international community to advance issues of mutual cooperation.

"As the Universal Postal Congress is in no way an appropriate forum at which to discuss the issues related to conflict resolution, the delegation of Armenia, without going into much detail, would confine itself to the following declaration for the record.

"The two declarations made on signature of the Acts on behalf of the Republic of Azerbaijan, circulated on 20 and 21 September, contain gross irregularities and are used for purely propaganda purposes and are aimed at deviating from the agenda of the 23rd UPU Congress.

"These two statements are clear evidence of the continuation of Azerbaijan's decades-long policy to deprive the population of Nagorno-Karabakh of its basic rights, including the right to communicate.

"Nagorno-Karabakh has never been a part of independent Azerbaijan. The references of Azerbaijan in article 23 of the Constitution and article 305 of the Letter Post Regulations and efforts to present Nagorno-Karabakh as "an integral part of the territory of the Republic of Azerbaijan" are neither legal nor legitimate.

"The future status of Nagorno-Karabakh must be determined through the peace negotiations within the framework of the Minsk process of the Organization of Security and Cooperation in Europe (OSCE), and taking into account all of the founding principles of the OSCE.

"The fact that the Republic of Nagorno-Karabakh has thus far not been officially recognized by the international community cannot prevent its population from freely communicating, inter alia via the postal services.

"Consequently, the postal administration of the Republic of Armenia acts as intermediary for the postal administration of the Republic of Nagorno-Karabakh within the meaning of Article 4 of the Constitution of the Universal Postal Union.

"The Republic of Armenia hopes that all the UPU member states pay due attention to the above-mentioned facts and arguments."

(Congrès–Doc 49.Add 9)

X

On behalf of Jordan:

"Jordan will apply the Acts and other decisions adopted by this Congress insofar as they are consistent with its other international rights and obligations and, in particular, the General Agreement on Trade in Services (GATS)."

(Congrès–Doc 49.Add 10)

XI

On behalf of the Republic of Indonesia:

"The delegation of the Republic of Indonesia declares that Indonesia will apply the Acts adopted by the 23rd Congress of the Universal Postal Union, in accordance with the Constitution, Laws and Regulations of the Republic of Indonesia and pursuant to its obligations as a party to other treaties, conventions and any principles of international law.

"The delegation of the Republic of Indonesia reserves the right of its Government to take any action or measures it deems necessary to safeguard its national interests

should any Acts adopted by this Congress directly or indirectly affect its sovereignty or contravene the Constitution, Laws or Regulations of Indonesia, should any Member in any way fail to comply with the Constitution, Convention or Acts of the Universal Postal Union, or should the consequences of reservations by any Member jeopardize its postal services or result in an unacceptable increase in its contributory share towards defraying the expenses of the Union."

(Congrès–Doc 49.Add 11)

XII

On behalf of the Republic of Togo:

"On signing the Final Acts of the 23rd Congress of the Universal Postal Union (Bucharest 2004), the Togolese delegation declares that the Republic of Togo will in no way be bound by any provisions of these Acts that infringe its sovereignty or run counter to its national legislation. Similarly, the signature of these Acts should not be construed as a decision by Togo to give up any rights it has or could claim under the international agreements or instruments to which it is party."

(Congrès–Doc 49.Add 12)

XIII

On behalf of the Republic of Moldova:

"Moldova shall apply the Acts adopted by the 23rd Congress of the Universal Postal Union in conformity with the Constitution, laws and regulations of the Republic of Moldova, pursuant to its obligations as a party to other treaties, conventions and according to the principles of international law.

"Moldova reserves for its Government the right to undertake any actions or measures that it deems necessary to protect its national interests if any Acts adopted by congress directly or indirectly contravene the Constitution of Moldova, its laws and regulations, or if any member country fails to comply with the Constitution, Convention or Acts of the Universal Postal Union."

(Congrès–Doc 49.Add 13)

XIV

On behalf of the State of Kuwait:

"On signing the Final Acts of the 23rd Congress of the Universal Postal Union (Bucharest 2004), the Kuwaiti delegation declares that the State of Kuwait will

apply the Acts and other decisions adopted by this Congress in so far as they are consistent with its other international rights and obligations."

(Congrès–Doc 49.Add 14)

XV

On behalf of the Socialist Republic of Viet Nam:

"The delegation of the Socialist Republic of Viet Nam to the Universal Postal Union Congress (Bucharest 2004) declares that it reserves for its Government the right to take action or measures it deems necessary to safeguard its national interests should any other postal administration in any way fail to comply with the provisions of the UPU Acts or should reservations by other postal administrations impair its postal services or violate its sovereignty.

"Viet Nam reserves for its Government the right to make additional declarations, if necessary, upon ratification of the UPU Acts."

(Congrès–Doc 49.Add 15)

XVI

On behalf of the United States of America:

"The United States regards the characterization of 'customer rights as one of the main features of human rights' in the resolution entitled "Universal Postal Declaration of Customer Rights" as an unfortunate and unwarranted example of the use of hyperbole to emphasize an otherwise important point. Customer rights is an important concept supported strongly in the United States in both law and practice, but it does not rise to the level of human rights such as those enunciated in the Universal Declaration of Human Rights. We are concerned that the attempt rhetorically to link the two concepts will detract from a clear understanding of human rights. The United States did not support the adoption of resolution 064.Rev 1 and does not recognize either that resolution or its annex as constituting the creation, or reflecting the existence, of a human right under international law."

(Congrès–Doc 49.Add 16)

XVII

On behalf of the Kingdom of Tonga:

"The Kingdom of Tonga will apply the Acts and other decisions adopted by this Congress insofar as they are consistent with its other international rights and obligations and, in particular, the General Agreement on Trade in Services."

(Congrès–Doc 49.Add 17)

XVIII

On behalf of the Republic of Azerbaijan:

"In the declaration made on signature of the Acts on behalf of the Republic of Armenia which was distributed on 28 September 2004, Armenia once again, attempts to misinform the representatives of the world public when stating that Azerbaijan uses international forums for conducting an anti-Armenian propaganda campaign.

"In view of the above, Azerbaijan deems it necessary to declare that the Government of the Republic of Azerbaijan, in its declaration made on 20 September 2004 (Congrès–Doc 49.Add 1) informed the UPU member states that it reserves the right not to apply the articles of the Universal Postal Convention in respect of the Republic of Armenia, and gave its reasons for so doing.

"The UN Security Council Resolutions mentioned in the declaration cannot be interpreted violently, as they unambiguously state that Nagorny Karabakh belongs to the Republic of Azerbaijan, and upheld the sovereignty and territorial integrity of the Republic of Azerbaijan.

"The second declaration made on behalf of the Republic of Azerbaijan, which was distributed on 21 September 2004 (Congrès–Doc 49.Add.2), mentions the illegitimate circulation of illegal stamps issued by the occupying power of Armenia under the title of the so-called "Republic of Nagorny Karabakh". The problem of controlling the issue and circulation of illegal stamps comes within the competence of the Universal Postal Union, and by no means within that of the Minsk Group of the OSCE.

"Armenia's statement that the postal administration of the Republic of Armenia acts as an intermediary of the postal administration of the so-called "Republic of Nagorny Karabakh" according to article 4 of the UPU Constitution, can be considered not only as a misinterpretation of the above-mentioned article, but also as major interference in the affairs, and violation of the sovereignty, of the Republic of Azerbaijan. By making statements like this, and at the same time referring to the Constitution of the Universal Postal Union, the Republic of

Armenia abuses the legitimate status of this organization and undermines the prestige of its member states.

"The Government of the Republic of Azerbaijan has never attempted to deprive the people of Nagorny Karabakh of their civil rights, including their right to communication. The postal administration of the Republic of Azerbaijan in its appeal to the General Secretary of the UPU, Mr. Thomas Leavey unambiguously declared that it undertook a commitment to provide delivery of postal items from and to the territory of Nagorny Karabakh.

"The Republic of Azerbaijan hopes that the UPU member states will take note of everything said above, and again reaffirms its sovereignty over the territory of the Nagorny Karabakh region and the adjacent districts.

(Congrès–Doc 49.Add 18)

XIX

On behalf of the People's Democratic Republic of Algeria:

"The delegation of the People's Democratic Republic of Algeria declares that its country will apply the Acts adopted by this Congress in so far as they are compatible with its national legislation and regulations.

"Moreover, the delegation of the People's Democratic Republic of Algeria declares that the signature of these Acts should not be regarded as the waiving by its country of any right it may have and to which it could lay claim by virtue of the agreements and treaties to which it is party.

"The Algerian delegation reserves its government's right to issue other declarations, if necessary, concerning the ratification of the Acts of the UPU Congress."

(Congrès–Doc 49.Add 19)

XX

On behalf of the United States of America:

"The United States is concerned by language adopted by this Congress that could be read to suggest that the classification of countries as Least Developed Countries is a matter falling within the purview of the Universal Postal Union. Such matters may only be properly addressed by the Committee for Development Policy under the United Nations Economic and Social Council (ECOSOC). The United States considers that it is in the best interest of Least Developed Countries that the Committee for Development Policy remain the sole arbiter for the UN system for classification as a Least Developed Country. Accordingly, the United States does

not consider that any decision taken by UPU bodies pursuant to implementation of proposal 20. 26.92.Rev 1 has any effect on the classification of countries as Least Developed Countries within the UN system."

(Congrès–Doc 49.Add 20)

XXI

On behalf of the Republic of Iraq, Kuwait, the Lebanese Republic, the Kingdom of Saudi Arabia, the Republic of Sudan, the Syrian Arab Republic, the United Arab Emirates and the Republic of Yemen:

"Iraq, Kuwait, Lebanon, the Kingdom of Saudi Arabia, Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen confirm that the signature of the UPU Acts (Bucharest 2004) and any subsequent ratification by their respective governments do not apply in respect of the member country known as "Israel" and in no way imply its recognition."

(Congrès–Doc 49.Add 21)

XXII

On behalf of Israel:

"The delegation of Israel to the 23rd Congress of the Universal Postal Union reiterates the declarations and reservations which it has made at previous UPU Congresses, and rejects unreservedly any declaration or reservation made by any other member country of the Union at this 23rd UPU Congress (Bucharest 2004) the intention of which is to disregard Israel's rights and status as a member of the UPU. Furthermore, any such declaration or reservation having been made with the intention of not applying the provisions of the Acts of the UPU to the State of Israel, is in contravention of both the letter and the spirit of the Constitution, Convention and Agreements. The delegation of Israel accordingly considers any such declaration or reservation to be illegal and void, and reserves its rights accordingly."

(Congrès–Doc 49.Add 22)

XXIII

On behalf of the Republic of Zimbabwe:

"The delegation of the Republic of Zimbabwe declares that its country will apply the Acts adopted by this Congress in so far as they are compatible with its national legislation and regulations."

"The Zimbabwean delegation reserves its government's right to issue other declarations, if necessary, concerning the ratification of the Acts of the UPU Congress."

(Congrès–Doc 49.Add 23)

CONSTITUTION OF THE UNIVERSAL POSTAL UNION

(as amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, and 1999 Beijing and 2004 Bucharest Additional Protocols)

Preamble³

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.

The mission of the Union is to stimulate the lasting development of efficient and accessible universal postal services of quality in order to facilitate communication between the inhabitants of the world by:

- **guaranteeing the free circulation of postal items over a single postal territory composed of interconnected networks;**
- **encouraging the adoption of fair common standards and the use of technology;**
- **ensuring cooperation and interaction among stakeholders;**
- **promoting effective technical cooperation;**
- **ensuring the satisfaction of customers' changing needs.**

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

³ Amended by the 2004 Bucharest Congress.

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 1BIS⁴

Definitions

1. For the purpose of the Acts of the Universal Postal Union, the following terms shall have the meanings defined below:

- 1.1 Postal service: all postal services, whose scope is determined by the bodies of the Union. The main obligations of postal services are to satisfy certain social and economic objectives of member countries, by ensuring the collection, sorting, transmission and delivery of postal items.**
- 1.2 Member country: a country that fulfils the conditions of article 2 of the Constitution.**
- 1.3 Single postal territory (one and the same postal territory): the obligation upon the contracting parties to the UPU Acts to provide for the reciprocal exchange of letter-post items, including freedom of transit, and to treat postal items in transit from other countries like their own postal items, without discrimination.**
- 1.4 Freedom of transit: obligation for intermediate postal administrations to transport postal items passed on to them in transit by another UPU postal administration, providing similar treatment to that given to domestic items.**
- 1.5 Letter-post item: items described in the Convention.**
- 1.6 International postal service: postal operations or services regulated by the Acts; set of these operations or services.**

⁴ Introduced by the 2004 Bucharest Congress.

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

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 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

The official language of the Union shall be French.

ARTICLE 7⁵

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

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.⁶
3. The Union may send observers to Congresses, Conferences and meetings of Restricted Unions.

⁵ Amended by the 1989 Washington Congress.

⁶ Amended by the 1969 Tokyo and 1994 Seoul Congresses.

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.

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 11⁷

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.

⁷ Amended by the 1969 Tokyo and 1989 Washington Congresses.

ARTICLE 12⁸

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 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 13⁹

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

1. Congress shall be the supreme body of the Union.
2. Congress shall consist of the representatives of member countries.

⁸ Amended by the 1989 Washington Congress.

⁹ Amended by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Congresses.

ARTICLE 15

Extraordinary Congresses

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.)¹⁰

ARTICLE 17¹¹

Council of Administration

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 18¹²

Postal Operations Council

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

ARTICLE 19

Special Committees

(Deleted.)¹³

¹⁰ By the 1984 Hamburg Congress.

¹¹ Amended by the 1994 Seoul Congress.

¹² Amended by the 1969 Tokyo and 1994 Seoul Congresses.

¹³ By the 1984 Hamburg Congress.

ARTICLE 20¹⁴

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.

CHAPTER IV

Finances of the Union

ARTICLE 21¹⁵

Expenditure of the Union. Contributions of member countries

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.

¹⁴ Amended by the 1984 Hamburg and 1994 Seoul Congresses.

¹⁵ 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 **and shall not be subject to reservations**.¹⁶
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 **and shall not be subject to reservations**.¹⁷
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.¹⁸
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.¹⁹
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.²⁰
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.

¹⁶ Amended by the 2004 Bucharest Congress.

¹⁷ Amended by the 2004 Bucharest Congress

¹⁸ Amended by the 1999 Beijing Congress.

¹⁹ Amended by the 1999 Beijing Congress.

²⁰ Amended by the 1989 Washington, 1994 Seoul and 1999 Beijing Congresses.

ARTICLE 23²¹

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.

²¹ Amended by the 1989 Washington Congress.

CHAPTER II

Acceptance and denunciation of the Acts of the Union

ARTICLE 25²²

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.²³
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 26²⁴

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 22.4.

²² Amended by the 1989 Washington and 1994 Seoul Congresses.

²³ Amended by the 1999 Beijing Congress.

²⁴ Amended by the 1969 Tokyo and 1989 Washington Congresses.

2. Accession of member countries to the Agreements shall be notified in accordance with article 11.3.

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

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.²⁵

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 **having the right to vote**.²⁶
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

²⁵ Amended by the 1999 Beijing Congress.

²⁶ Amended by the 2004 Bucharest Congress.

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 26.

ARTICLE 31²⁷

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 **Convention and the Agreements** 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.²⁸

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 33²⁹

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.

²⁷ Amended by the 1984 Hamburg Congress.

²⁸ Amended by the 2004 Bucharest Congress.

²⁹ Amended by the 2004 Bucharest 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 **International Bureau of the Universal Postal Union**.

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 14.2 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

De jure observers

1. Representatives of the United Nations shall be admitted as observers to attend and take part in the debates of Congress.
2. Restricted Unions shall be admitted as observers to Congress and its Committees.
3. The League of Arab States and the African Union (AU) shall be admitted as observers to Congress and its Committees.
4. Members of the Consultative Committee shall be admitted as observers to Congress and its Committees.
5. The observers referred to in paragraphs 1 to 4 shall not be entitled to vote, but may take the floor with the permission of the Chairman of the meeting.
6. In exceptional circumstances, the right of observers referred to in paragraph 4 to participate in certain meetings, or parts of meetings, may be restricted if the confidentiality of the subject dealt with so requires. They shall be so informed as quickly as possible. This restriction may be decided on a case-by-case basis by any body concerned or its Chairman. Such decisions shall be reviewed by the Bureau of Congress, which shall have the authority to confirm or reverse such decisions by a simple majority vote.

ARTICLE 6

Invitees

1. Representatives of UN specialized agencies and intergovernmental organizations shall be designated by the Council of Administration to attend specified meetings of Congress and its Committees when questions of interest to these organizations are discussed.
2. Representatives of any international body, any association or enterprise or any qualified person duly designated by the Council of Administration shall be admitted to specified meetings of Congress or its Committees.
3. The invitees referred to in paragraphs 1 and 2 shall not be entitled to vote but may take the floor with the permission of the Chairman of the meeting.

ARTICLE 7

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 8

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 9

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 **12.1**, shall attend the meetings of the Bureau.

ARTICLE 10

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 11

Working parties

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

ARTICLE 12

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

ARTICLE 13

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 14

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 15

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 16

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 17

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 18

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 19

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 **having the right to vote**.
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 20

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 **report** 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 21

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 **having the right to vote**;
 - (b) in the case of the General Regulations, be approved by a majority of the member countries represented in Congress **and having the right to vote**;
 - (c) in the case of the Convention, be approved by a majority of the member countries present and voting **which have the right to vote**;
 - (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 **and have the right to vote**.

2. Procedural matters which cannot be settled by common consent shall be decided by a majority of the member countries present and voting **which have the right to vote**. 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 **which have the right to vote**.

3. Subject to paragraph 5, "member countries present and voting" shall mean member countries **which have the right to vote** 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 22

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 23

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 24

Reports

1. The **reports** 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 reports either verbatim or in summary form, provided the French **or English** 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 reports 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 **report** of a previous meeting for approval. The same shall apply in regard to Committee reports. The 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 **reports** to them.

6. The International Bureau shall be authorized to correct in the 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 25

Appeal against decisions taken by the Committees and by Congress

1. Any delegation may appeal against a decision concerning proposals (Acts, resolutions, etc.) which have been approved or rejected in Committee. Notice of the appeal must be given to the Chairman of Congress, in writing, within 48 hours from the adjournment of the Committee meeting at which the proposal was approved or rejected. The appeal shall be considered during the next plenary meeting.
2. When a proposal has been adopted or rejected by Congress, it can be reconsidered by the same Congress only if the appeal has been supported by at least ten delegations. Such an appeal must be approved by a two-thirds majority of the members present and voting which have the right to vote. This possibility shall be limited to proposals submitted direct to plenary meetings, it being understood that a single question cannot give rise to more than one appeal.

ARTICLE 26

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. **The Chairman may, with the agreement of the majority, use a faster procedure, for instance chapter by chapter. Each Act** can only be regarded as adopted after an overall favourable vote. Article 21.1, shall apply to such a vote.
2. 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.
3. The drafts of decisions other than those amending the Acts, submitted by the Drafting Committee, shall as a general rule be considered en bloc. **The provisions of paragraph 2** shall also apply to the drafts of these decisions.

ARTICLE 27

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 28

Reservations to Acts

1. Reservations must be submitted **in the form of a proposal to the Secretariat** in writing in **one of the working languages of the International Bureau** (proposals concerning the Final Protocol) **as soon as possible after adoption of the proposal concerning the article to which the reservation refers.**
2. **To enable it to distribute proposals concerning reservations to all member countries before adoption of the Final Protocol by Congress, the Congress Secretariat shall set a deadline for the submission of reservations and notify member countries of it.**
3. **Reservations to the Acts of the Union submitted after the deadline set by the Secretariat shall not be considered by the Secretariat or by Congress.**

ARTICLE 29

Signature of Acts

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

ARTICLE 30

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 **and having the right to vote.**

POSTAL PAYMENT SERVICES AGREEMENT

The undersigned, plenipotentiaries of the Governments of the member countries of the Union, having regard to article 22.4, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have, by common consent and subject to article 25.4, of the Constitution, drawn up the following Agreement.

CHAPTER I

Preliminary provisions

ARTICLE 1

Purpose of the Agreement and products concerned

1. This Agreement shall govern all the postal services for the transfer of 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 organization 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 administrations 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. Should a postal administration not provide financial services as described in this Agreement, or should the quality of service not match customer requirements, postal administrations may cooperate with non-postal organizations in that particular country.

3. Member countries shall provide the International Bureau, within six months following the end of the Congress, with the name and address of the governmental body responsible for supervising the postal financial services and the name and address of the operator or operators officially designated to operate the postal financial services and to fulfil the obligations arising out of the Acts of the Union on their territory.

3.1 Member countries shall provide the International Bureau, within six months following the end of the Congress, with the contact details of the persons responsible for the operation of the postal financial services and the inquiry service.

3.2 Between Congresses, changes in the governmental bodies and the officially designated operators and persons responsible should be notified to the International Bureau as soon as possible.

4. The following postal payment products are regulated in the present Agreement:

4.1 postal money orders including cash-on-delivery (COD) money orders;

4.2 transfers between accounts.

5. Other services can be provided on the basis of bilateral or multilateral agreements between or among the postal administrations concerned.

CHAPTER II

Postal money orders

ARTICLE 2

Definition of the product

1. Ordinary money order

1.1 The ordering customer hands over funds at a post office counter or orders his account to be debited and requests outpayment of the full amount without any deduction to the payee in cash.

2. Inpayment money order

2.1 The ordering customer hands over funds at a post office counter and requests that they be paid without any deduction into the payee's account operated by a postal administration or to an account operated by other financial organizations.

3. Cash-on-delivery money order

3.1 The receiver of a "cash-on-delivery item" hands over funds or orders his account to be debited and requests outpayment of the full amount without any deduction to the sender of the "cash-on-delivery item".

ARTICLE 3

Depositing of orders

1. In the absence of a special agreement, the amount of the postal money order shall be expressed in the currency of the destination country.
2. The issuing postal administration shall fix the conversion rate of its currency into that of the destination country.
3. The maximum amount of the postal money order shall be fixed bilaterally.
4. The issuing postal administration shall be entirely free to specify the documents and methods for depositing the postal money order. If the money order is to be transferred by mail, only the forms provided for in the Regulations shall be used.

ARTICLE 4

Charges

1. The issuing postal administration shall freely decide the charges to be collected at the time of issue.
2. Postal money orders 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 postal 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 upon between the postal administrations concerned and deducted from the amount of the postal money order. However, this charge may be collected from the sender and allocated to the postal administration of the intermediary country if the postal administrations concerned have so agreed.
3. Documents, instruments and payment orders pertaining to transfers of postal funds exchanged between postal administrations by post under the terms of articles RL 110 and 111 shall be exempt from all charges.

ARTICLE 5

Obligations of the issuing postal administration

1. The issuing postal administration shall meet the service standards stipulated in the Regulations in order to provide satisfactory services to the customers.

ARTICLE 6

Transmission of orders

1. Money order exchanges shall be carried out by means of the electronic networks provided for by the International Bureau of the UPU or by other organizations.
2. Electronic exchanges shall be carried out by dispatch sent directly to the paying office or to an office of exchange. The security and the quality of the exchanges must be guaranteed, either by the technical specifications relative to the networks used, or by bilateral agreement between the postal administrations.
3. Postal administrations may agree to exchange money orders by means of paper-based forms, provided for in the Regulations, and sent by priority mail.
4. Postal administrations may agree to use other means of exchange.

ARTICLE 7

Treatment in the destination country

1. Postal money orders shall be paid according to the regulations of the destination country.
2. As a general rule, the whole amount of the postal money order shall be paid to the payee; optional charges may be collected if the latter requests supplementary special services.
3. The validity of electronic postal money orders shall be fixed according to bilateral agreements.
4. The validity of paper-based postal money orders shall extend, as a general rule, until the end of the first month following the month of issue.
5. After the period specified above, an unpaid postal money order shall be sent back immediately to the issuing postal administration.

ARTICLE 8

Remuneration of the paying postal administration

1. For each postal money order paid, the issuing postal administration shall allocate to the paying postal administration a remuneration, the rate of which shall be fixed in the Regulations.

2. Instead of the flat rate set out in the Regulations, postal administrations may agree on different remuneration rates.
3. Transfers of funds made free of charge shall give rise to no remuneration.
4. When the postal administrations concerned agree, transfers of aid funds exempted from charges by the issuing postal administration may be exempted from remuneration.

ARTICLE 9

Obligations of the paying postal administration

1. The paying postal administration shall meet the service standards stipulated in the Regulations in order to provide satisfactory services to the customers.

CHAPTER III

Postal transfers

ARTICLE 10

Definition of the product

1. The holder of a postal account asks for an amount to be debited from his account and credited to the payee's account operated by the postal administration or to another account through the postal administration of the destination country.

ARTICLE 11

Depositing of orders

1. The amount of the transfer shall be expressed in the currency of the destination country or in any other currency according to agreement between issuing and receiving postal administrations.
2. The issuing postal administration shall fix the conversion rate of its currency into the one of that expressed in the transfer.
3. The amount of the transfers shall be unlimited, unless the postal administrations concerned decide otherwise.
4. The issuing postal administration shall be entirely free to specify the documents and methods for the issuing of transfers.

ARTICLE 12

Charges

1. The issuing postal 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. Transfers of funds exchanged between a contracting party and a non-contracting party, through the intermediary of a country party to this Agreement, may be subjected by the intermediary administration to an additional amount. The amount of this charge shall be agreed between the administrations concerned and deducted from the amount of the transfer. However, this charge may be collected from the sender and allocated to the administration of the intermediary country if the postal administrations concerned have so agreed.
3. Documents, instruments and payment orders pertaining to postal fund transfers exchanged between postal administrations by mail under the terms of articles RL 110 and 111 shall be exempt from all charges.

ARTICLE 13

Obligations of the issuing postal administration

1. The issuing postal administration shall meet service standards stipulated in the Regulations in order to provide satisfactory services to the customers.

ARTICLE 14

Transmission of orders

1. Transfers shall be carried out by means of the electronic networks provided for either by the International Bureau of the UPU or by other organizations, on the basis of technical specifications adopted by the administrations concerned.
2. The security and the quality of the exchanges must be guaranteed, either by the technical specifications relative to the networks used, or by bilateral agreement between the issuing and paying postal administrations.
3. Postal administrations may agree to exchange transfers by means of paper-based forms, provided for in the Regulations, and sent by priority mail.
4. Postal administrations may agree to use other means of exchange.

ARTICLE 15

Treatment in the destination country

1. Incoming transfers shall be treated according to the regulations of the destination country.
2. As a general rule, the fees in the destination country shall be paid for by the beneficiary; however, this charge could be collected from the sender and allocated to the postal administration of the destination country, according to bilateral agreement.

ARTICLE 16

Remuneration of the paying postal administration

1. For each transfer, the paying postal administration may request payment of an arrival charge. This charge may either be debited to the payee's account or taken care of by the issuing postal administration by debiting its liaison account.
2. Transfers of funds made free of charge shall give rise to no remuneration.
3. When the postal administrations concerned agree, transfers of aid funds exempted from charges by the issuing postal administration may be exempted from remuneration.

ARTICLE 17

Obligations of the paying postal administration

1. The paying postal administration shall meet the service standards stipulated in the Regulations in order to provide satisfactory services to the customers.

CHAPTER IV

Liaison accounts, monthly accounts, inquiries, liability

ARTICLE 18

Financial relations between participating postal administrations

1. Postal administrations shall agree with one another on the technical methods to be used for settling their debts.

2. Liaison accounts

- 2.1 **As a general rule**, where postal administrations have a giro institution, each shall cause to be opened in its name with the corresponding administration a liaison account, by means of which shall be settled mutual debts and claims resulting from exchanges made through the transfer and money order services and any other operations that the postal administrations may agree to settle by this means.
- 2.2 Where the postal administration of the destination **country** does not have a giro system, the liaison account may be opened with another postal administration.
- 2.3 Postal administrations may agree to settle their financial exchanges through designated administrations by multilateral agreement.
- 2.4 If the liaison account is overdrawn, interest, the rate of which is set in the Regulations, shall be payable on the amounts owing.
- 2.5 Interest yield on the outstanding balance of the liaison account shall be permitted.

3. Monthly accounts

- 3.1 In the absence of a liaison account, each paying postal administration shall prepare for each issuing postal 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.

ARTICLE 19

Inquiries

1. Inquiries shall be entertained within a period of six months from the day after that on which the postal money order was posted or the transfer was executed.
2. Postal administrations shall have the right to collect from customers charges on inquiries in regard to postal money orders or transfers.

ARTICLE 20

Liability

1. Principle and extent of liability
 - 1.1 The postal administration 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 The postal administration shall be liable for erroneous information supplied by it 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 The postal administration 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 a 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 19;
 - 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 from his account.
 - 1.5 Postal 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 to the administration that paid the indemnity shall be those laid down in the Regulations.

CHAPTER V

Electronic networks

ARTICLE 21

General rules

1. For the transmission of payments by electronic means, postal administrations shall use the UPU network or any other network which permits fast, reliable and secure transfers.
2. UPU electronic financial services shall be regulated between postal administrations on the basis of bilateral agreements. The general operating rules for UPU electronic financial services shall be subject to the appropriate provisions of the Acts of the Union.

CHAPTER VI

Miscellaneous provisions

ARTICLE 22

Application to open a giro account abroad

1. **When a giro account or another account is opened abroad, or a financial product is applied for abroad, the postal organizations of the countries party to this Agreement shall agree to provide assistance in the application of those products.**
2. **The parties may agree bilaterally on the assistance they can provide to each other in the detailed procedure for application, and on the charges for providing such assistance.**

CHAPTER VII

Final provisions

ARTICLE 23

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 **and the Regulations**.
 - 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 **and have the right to vote**. At least half of these member countries represented at Congress **and having the right to vote** must 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 **and have the right to vote**.
 - 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 **which are parties** to the Agreement **and have the right to vote** having **taken part in the vote**, if they involve the addition of new provisions;
 - 3.3.2 a majority of the votes, at least one half of the member countries **which are parties** to the Agreement **and have the right to vote** having **taken part in the vote**, 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 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 2006** 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 **International Bureau of the Universal Postal Union**.

Done at **Bucharest** on **5 October 2004**.



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