

## 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 exemptions 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 1949 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.
- 2.4. 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;
    - 3.1.1 optionally, the official emblem of the member country to which the issuing postal administration is subject;
    - 3.1.2 in principle, their face value in roman letters or arabic numerals;
    - 3.1.3 optionally, the word "Postes" (Postage) in roman or other letters.
4. Emblems of State, official control marks and logos of intergovernmental organizations featuring on postage stamps shall be protected within the meaning of the Paris Convention for the Protection of Industrial Property.
5. The subjects and designs of postage stamps shall:
  - 5.1 be in keeping with the spirit of the Preamble to the UPU Constitution and with decisions taken by the Union's bodies;

- 5.2 be closely linked to the cultural identity of the country to which the issuing postal administration is subject, or contribute to the dissemination of culture or to maintaining peace;
  - 5.3 have, when commemorating leading figures or events not native to the country or territory to which the issuing postal administration is subject, a close bearing on the country or territory in question;
  - 5.4 be devoid of political character or of any topic of an offensive nature in respect of a person or a country;
  - 5.5 be of major significance to the country to which the issuing postal administration is subject or to that postal administration.
6. Postage stamps may contain as the subject of intellectual property rights:
- 6.1 an indication of the issuing postal administration's entitlement to use the intellectual property rights concerned, such as:
    - 6.1.1 copyright, by affixing the copyright sign ©, indicating ownership of the copyright and mentioning the year of issue;
    - 6.1.2 a mark registered in the territory of the member country to which the issuing postal administration is subject, by affixing the registered trademark symbol ® after the mark;
  - 6.2 the name of the artist;
  - 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 pedophilic 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.

Nepal Law Commission

**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

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 maybe 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 favorable 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 nonobservance 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 favor of the addressee. Conversely, the addressee may waive his rights in favor 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 favorable 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 addresses 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.

Nepal Law Commission

**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. 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 favorable 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 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 multicountry projects in favor 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 endeavor, 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.