UPU UNIVERSAL POSTAL UNION

Constitution
General Regulations

Rules of procedure

Legal status of the UPU

With commentary
by the UPU International Bureau

List of resolutions and decisions

Berne 2010
International Bureau of the Universal Postal Union

Note concerning the printing

The **bold characters** in the texts indicate amendments to the 2004 Bucharest Congress Acts.
The texts of the commentary by the International Bureau are printed in small characters preceded by a square (■). The number of the provisions commented on is printed in **bold characters.**
Any amendments to the texts made in subsequent updates of the Manual are marked by a vertical line (**|**) in the margin opposite the amended text.

Remarks

This binder containing the organic Acts of the Universal Postal Union replaces volume 1 of the Annotated Code published by the International Bureau after each Congress from 1940 to 1991. It includes the provisions of the UPU Constitution and the General Regulations, with the amendments made by the 24th Congress held in Geneva in 2008, various regulations and agreements on the operation and legal status of the UPU and the commentary made by the International Bureau. The commentary also includes only topical elements to the exclusion of purely historical developments. People doing research and wishing to define the origins and development of the texts are advised to carefully retain the 1991 edition of volume 1 of the Annotated Code.

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Part I
General

The Universal Postal Union
Its creation and development (historical outline)

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I. Historical background

The origin of the Post is lost in the mists of time. In ancient lands such as China, Persia, Egypt, Greece and the Roman Empire, we find traces of a communication system operating by word of mouth or writing and based on relays of men and horses stationed at different points along the highways. The Post as such was the monopoly of monarchs and princes, whose main concern was that their orders should reach the farthest corners of their vast domains. Later, monasteries had their own courier system, the ramifications of which spread as religion gained ground. And eventually, as social life developed under the stimulus of the guilds

and merchants, private individuals were allowed to communicate with one another by means of the couriers of princes and monasteries.
This rudimentary organization, half official and half private, lasted until the end of the Middle Ages, but before long it was found to be inadequate to meet the needs of a continually changing society. With the advent of printing, education penetrated into all social strata, while the discovery of new worlds and the consequences of that event extended relations between nations. Thus communications steadily increased.
Under the pressure of these needs, the Post inevitably developed. During the sixteenth century, thanks to the impetus given to it by Franz von Taxis, who for the first time created a postal service operating in several European States, it began to extend beyond national frontiers. Later, in the eighteenth century, it definitively became a public service and gradually assumed its present form.
International postal communications were originally governed by bilateral agreements which answered the particular needs of each country. This system, involving as it did a great variety of rates calculated in different currencies and according to different units of weight and different scales, made it complicated to operate the service and hampered its development. The invention of steam navigation and the railway brought about a change in the postal system. The administrations began to realize that, if international communications were to keep pace with the means of transport, formalities would have to be standardized and reduced.
A first step in that direction was taken in Great Britain in 1840. On the proposal of Rowland Hill, the rate for letters in the internal service was reduced to a penny (penny postage); that reform was accompanied by the creation of the postage stamp. In 1862, Montgomery Blair, Postmaster-General of the United States of America, took the initiative of convening the first international meeting with a view to reaching a common postal agreement. The conference, which met in Paris on 11 May 1863, was attended by delegates from fifteen European and American countries: Austria, Belgium, Costa Rica, Denmark, France, Great Britain, the Hanseatic Towns, Italy, the Netherlands, Portugal, Prussia, the Sandwich Islands, Spain, Switzerland and the United States of America. It adopted a number of general principles which administrations were recommended to bear in mind when concluding postal conventions with other administrations.

II. The foundation of the Union

The attempts made to improve the service by applying uniform principles in the bilateral agreements could not long meet the growing needs arising from the rapid development of international relations. This prompted Heinrich von Stephan, a senior official in the postal administration of the North German Confederation, to draw up the outline of a plan for a postal union of civilized countries, in 1868. He proposed to his Government that the plan be submitted to a Plenipotentiary Conference, which, at the invitation of the Swiss Government, met at Berne on 15 September 1874. Plenipotentiary delegates from the following twenty-two countries attended the conference: Austria and Hungary, Belgium, Denmark, Egypt, France, Germany, Great Britain, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland, Turkey

and the United States of America. The Congress resulted in the signing of the 1874 Treaty of Berne, which established the first collective Convention governing the international postal service and founded the "General Postal Union". The Treaty went into force on 1 July 1875. Three years later, in view of the numerous accessions which had taken place since the coming into force of the Treaty of Berne, the title "General Postal Union" was changed to "Universal Postal Union".
The fundamental rules introduced by the 1874 Treaty of Berne were as follows:

i the formation among all member countries of a single postal territory for the reciprocal exchange of letter-post items;
ii guaranteed freedom of transit within the territory of the Union;
iii standardization of the charges to be collected by each country for letter-post items addressed to any part of the Union's territory (a principle changed by the 1989 Washington Congress, which gave countries the option of increasing or reducing the basic charges. These charges are therefore now guideline charges);
iv abolition of the sharing of charges for letter-post items between the country of origin and the country of destination, each administration retaining the entire amount of the charges which it collects, subject to remuneration, at the established rates, of intermediate administrations ensuring the transit of such items. (Since the 1969 Tokyo Congress, which adopted the system of terminal dues, the UPU has allowed administrations of destination to demand a lump-sum remuneration from dispatching administrations as compensation for the amount of mail received in excess of the mail dispatched);
v the institution of an arbitration procedure to settle disputes between administrations;
vi the creation of a central office, called the International Bureau, the cost of which is borne by all contracting countries;
vii periodical meetings of a Congress of plenipotentiaries of the member countries with a view to revising the basic Acts of the Union and discussing questions of common interest.

Today, these rules appear in the UPU Constitution adopted in Vienna in 1964 and in the Convention, adopted at successive Congresses up to the 24th Congress.

III. Structure of the Acts

The first Acts of the Union concluded in 1874 were the "Treaty concerning the creation of a General Postal Union" and the "Detailed and Administrative Regulations" for the execution of this Treaty. Four years later, at the 1878 Paris Congress, this Treaty became the "Convention", which with its "Detailed and Administrative Regulations" evolved with each successive Congress until the 1964 Vienna Congress. To these two Acts were added a number of optional agreements which were binding only on those countries that signed them.
The present structure of the Acts of the Union, with the Constitution, the General Regulations, the Convention and the Detailed Regulations of the latter, containing only the rules for operation of the letter post, was established by the 1964 Vienna Congress. The provisions concerning postal parcels were brought together in the Postal Parcels Agreement and its Detailed Regulations. There follows a brief review

of this evolution of the Acts of the Union between the 1947 Paris Congress and the 1964 Vienna Congress.

1947 Paris Congress
At the 1947 Paris Congress, Committee 4 expressed the opinion that the work on reviewing the structure and drafting of the Acts should be resumed. This opinion was adopted by that Congress, which tasked the Executive and Liaison Committee with reviewing and restructuring the Convention and the Agreements.

1952 Brussels Congress
After four years of work, the draft recast of the 1947 Paris Convention was submitted to the 1952 Brussels Congress in the form of a proposal from the Executive and Liaison Committee. This proposal, which involved placing the Union's organic provisions and the provisions governing the letter-post service in separate Acts, was rejected by a clear majority.

1955–1957 Executive and Liaison Committee
During the 1955 session of the Executive and Liaison Committee, the United States of America requested that a general review of the Convention be conducted with a view to removing from it all the regulatory provisions and giving it a constitutional form that would not need to be re-ratified every five years. This proposal was adopted by the Committee, which instructed the International Bureau to conduct such a study. In view of the divergent views expressed, the Committee was unable to take a position at its 1957 session on the principle on which the review should be based. However, it ruled that the study should be conducted, and adopted a recommendation for submission to the 1957 Ottawa Congress on the continuation of the study on the review of the Convention during the following inter-Congress period.

1957 Ottawa Congress
In view of the trends that emerged from the consultation on the general review of the Convention conducted among postal administrations in 1956, and of the vote in this connection at the Ottawa Congress, the latter adopted a special resolution under which the Executive and Liaison Committee was charged with studying the matter in depth. Between the Ottawa Congress and the 1964 Vienna Congress, the Executive and Liaison Committee and its Subcommittee did a great deal of work in restructuring the former Convention into four separate Acts and revising their content.

1964 Vienna Congress
The 1964 Vienna Congress, which marked a watershed in terms of the structure and content of the Union's Acts, approved the proposals submitted by the Executive and Liaison Committee. By a very clear majority it ruled in favour of separating the Acts and any amendments of a drafting nature thereto. The results obtained were the fruit of the Executive and Liaison Committee's long and painstaking work of the previous 17 years.
It was thus the 1964 Vienna Congress which, having approved the separation into different parts of the Convention, as it had existed since the 1878 Paris Con-

gress, adopted the new structure of the UPU Acts comprising the Constitution, the General Regulations, the Universal Postal Convention and the latter's Detailed Regulations.

i Constitution of the Universal Postal Union

The Constitution of the Universal Postal Union, containing the organic rules of the Union, is the fundamental Act which does not have to be renewed for each Congress. It is a diplomatic Act ratified by the competent authorities of each member country.

ii General Regulations of the Universal Postal Union

The General Regulations of the Universal Postal Union contain the provisions relating to the application of the Constitution and the operation of the Union. Since the 2004 Bucharest Congress, the General Regulations no longer need to be renewed by each Congress. Amendments to them can now only be made at Congress, and are recorded in an Additional Protocol.

iii Universal Postal Convention

The Universal Postal Convention, as adopted by the 1999 Beijing Congress, is an Act containing the basic and essential obligations of governments concerning the common rules applicable to the international postal service for letter-post and parcel-post items. Between the 1964 Vienna Congress and the 1999 Beijing Congress, the Convention contained only provisions concerning letter-post services. Those concerning postal parcels were to be found in the Postal Parcels Agreement and its Detailed Regulations. By resolution C 14/1989, the Washington Congress charged the Executive Council with carrying out a study on the structure of the Convention, the Agreements and their Detailed Regulations, with a view to determining the essential provisions that should remain in the Convention and Agreements, and other provisions that should be transferred to the Regulations. The results of this study, which enabled several operational provisions to be transferred from the Convention to the Detailed Regulations, were the subject of proposal 01 presented to the 1994 Seoul Congress, which adopted it (see also Seoul Congress Congrès–Doc 60). In addition, the Seoul Congress approved resolution C 59/1994 which, inter alia, tasked the CA, POC and IB with continuing the study on the recast of the Acts. This study thus served as the basis for the presentation to the 1999 Beijing Congress of the draft Convention and Postal Parcels Agreement, which were duly adopted (resolution C 31/1999).

iv Regulations

Previously known as the Detailed Regulations of the Universal Postal Convention, a name which remained current until the 1999 Beijing Congress, this Act contained only the operational and commercial rules applied by the postal services, and included only provisions relating to the execution of the letter-post service. At the 1999 Beijing Congress, these Regulations were separated into two new sets of Regulations: the Letter Post Regulations and the Parcel Post Regulations (resolution C 31/1999).

The Constitution, the General Regulations, the Convention and the two sets of Regulations are binding on all member countries.

v Agreements

Up until the 1999 Beijing Congress, the branches of the international postal service other than the letter post were governed by special agreements and their Detailed Regulations (for a list of these Agreements, see note 5 under article 22 of the Annotated Code, Volume I, Vienna 1964). Over the years, certain agreements were withdrawn or recast, and by the time of the 1999 Beijing Congress only three Agreements remained: the Money Orders Agreement, the Giro Agreement and the Cash-on-delivery Agreement. The 1999 Beijing Congress, by resolution C 38/1999, decided to merge these three Agreements into a single Postal Payment Services Agreement. This Agreement governs all postal fund transfer services. The executory provisions are laid down in the Postal Payment Services Agreement Regulations. These Acts are binding on all member countries that are party to the Agreement. In addition to the UPU Acts proper, there are various resolutions, decisions, recommendations and formal opinions which make up the Decisions of Congress other than those modifying the Acts.

There is also the Agreement giving the UPU the status of a specialized agency of the United Nations and defining relations between the two organizations. This Agreement is annexed to the Constitution and defines the conditions for its possible revision. An additional Agreement was concluded in 1949 on the subject of the use of the UN laissez-passer.

IV. Membership of the Union

Among the organic provisions embodied in the Constitution, the one relating to *the acquisition of membership of the Union* is especially noteworthy in that it has developed by successive stages. The 1874 Treaty laid down that overseas countries not members of the Union at the time of its foundation might be admitted subject to agreement with administrations having postal conventions or direct relations with them. Charges and transit dues to be collected had to be fixed. On this basis, a conference was held at Berne in 1876 with a view to the accession of British India and the French colonies. Similar applications for membership were made almost simultaneously by the Netherlands colonies and Brazil, but they did not succeed, the conference considering that it did not have the data needed to fix the charges and dues to be collected. The 1878 Paris Congress decreed that any country could accede to the Union merely by a *unilateral declaration,* without consulting the existing members beforehand. The Union thus became an “open union”, and, as accessions occurred in rapid succession, it soon included almost every country in the world. This system lasted seventy years, ie up to 1 July 1948, the date of the entry into force of the Convention revised by the 1947 Paris Congress, which amended the article relating to accessions. Requests for admission had henceforth to be approved by two thirds of the member countries of the Union. This new procedure was one of the conditions laid down for the UPU to become a specialized agency of the United Nations.

The 1964 Vienna Congress maintained this admission procedure; but in addition, it decided that *any member of the United Nations* could accede to the Union by a unilateral act involving a formal declaration of accession to the Constitution and to the compulsory Acts of the Union. Thus UN members wishing to join the UPU are

not compelled to submit to any consultations of member countries of the Union; a unilateral declaration of accession to the Union and to the compulsory Acts is sufficient. This is the procedure used by most new member countries.

V. Universality

One of the essential features of the Union is its universality. The number of member countries, originally twenty-two, has been 191 since 2006. The title "Universal Postal Union" is thus fully justified.
The task of the Union is essentially functional, which is one of the primary reasons for its success. Another reason lies in the eminently humanitarian aim which it pursues: that of serving the public by constantly improving its methods of operation. Moreover, the expansion of its work has not been hampered by difficulties comparable with those encountered by other international organizations. Lastly, the UPU's universal nature is not incompatible with the defence of regional interests, and this is a task to which the Restricted Unions in particular apply themselves. The UPU maintains the closest relations with the latter and cooperates with them in many fields, especially that of technical assistance.

VI. The legal status of the Union in Switzerland and in certain other States

In view of the status of the Universal Postal Union as a United Nations specialized agency, the Swiss Government decided on 3 February 1948, that, as from 1 January 1948, the Interim Arrangement on Privileges and Immunities of the United Nations, concluded on 1 July 1946 between the Swiss Federal Council and the Secretary-General of the United Nations and revised in 1963, would by analogy apply to the Universal Postal Union, its bodies, the representatives of member countries, and the Union's experts and officials. The decision was approved by both Chambers of the Federal Parliament in a Federal Decree dated 29 September 1955.
Outside Switzerland the Union's legal status is governed by the Convention on the Privileges and Immunities of the Specialized Agencies – approved on 21 November 1947 by the United Nations General Assembly and accepted by the Union – in so far as States have acceded to this Convention and undertaken to apply its provisions to the Universal Postal Union. As of 17 January 2008, 110 countries have acceded to this Convention and have accepted the obligations stipulated therein with regard to the Union.
Other States may be expected to act in the same manner, since there is nothing to prevent them from granting the Union, either by their own legislation or by a simple unilateral declaration, such privileges and immunities as they may consider desirable. Thus the President of the United States of America, under the legislation of that country, has recognized the Universal Postal Union as an international organization entitled to the privileges, exceptions and immunities conferred under the *International Organizations Immunities* Act (US Code Title 22 S 288).

VII. Bodies and operation of the Union

A Congress

Supreme authority of the Union, Congress meets no later than four years after the end of the year in which the previous Congress was held, unless exceptional circumstances justify the convening of an extraordinary Congress.
So far the Union has held the following 24 ordinary Congresses, listed below with their duration, and the number of participants, countries represented and proposals made:

		Days	*Dele-gates*	*Officials, experts, etc attached to dele-gates*	*Total number of parti-cipants*	*Countries repre-sented*	*Number of props*
1	Berne 1874 (15 September–9 October)	25	33	9	42	22	—
2	Paris 1878 (2 May–4 June)	34	54	9	63	37	413
3	Lisbon 1885 (4 February–21 March)	46	57	27	84	48	818
4	Vienna 1891 (20 May–4 July)	46	74	25	99	49	553
5	Washington 1897 (5 May–15 June)	42	86	17	103	56	653
6	Rome 1906 (7 April–26 May)	50	107	26	133	63	798
7	Madrid 1920 (1 October–30 November)	61	138	33	171	69	2248
8	Stockholm 1924 (4 July–28 August)	56	148	34	182	78	1501
9	London 1929 (10 May–28 June)	50	148	31	179	85	1895
10	Cairo 1934 (1 February–20 March)	48	121	32	153	81	1666
11	Buenos Aires 1939 (1 April–23 May)	53	141	33	174	81	1108
12	Paris 1947 (7 May–5 July)	60	208	83	291	79	821
13	Brussels 1952 (14 May–11 July)	59	228	55	283	91	1712
14	Ottawa 1957 (14 August–3 October)	51	241	49	290	96	1288
15	Vienna 1964 (29 May–11 July)	44	466	54	520	122	1244
16	Tokyo 1969 (1 October–14 November)	45	474	54	528	133	1156
17	Lausanne 1974 (22 May–4 July)	44	616	75	691	143	1038
18	Rio de Janeiro 1979 (12 September–26 October)	45	681	143	824	143	1351
19	Hamburg 1984 (18 June–27 July)	40	757	179	936	153	1048
20	Washington 1989 (13 November–14 December)	32	1006	157	1163	162	881
21	Seoul 1994 (22 August–14 September)	24	1055	82	1137	174	823

		Days	Delegates	Officials, experts, etc attached to delegates	Total number of participants	Countries represented	Number of props
22	Beijing 1999 (23 August–15 September)	24	1401	116	1517	178	677
23	Bucharest 2004 (15 September–5 October)	22	1745	122	1867	180	836
24	Geneva 2008 (22 July–12 August)	21			2699	181	370

An extraordinary Congress which met at Berne in July 1900 celebrated the 25th anniversary of the foundation of the Union and decided that a commemorative monument should be erected. Its 50th anniversary was commemorated at the 1924 Stockholm Congress, its 75th anniversary at Berne in 1949, and its 100th anniversary at Berne in 1974. The 125th anniversary of the UPU was celebrated in Beijing and Berne on 7 September and 9 October 1999 respectively. At the 2004 Bucharest Congress, delegates celebrated the 130th anniversary of the founding of the UPU.

Among the important measures initiated by ordinary Congresses, special mention should be made of the following:

i Paris 1878
conclusion of Insured Letters and Money Orders Agreements (see xiii, point 2).

ii Lisbon 1885
conclusion of a Collection of Bills Agreement (see xv, point 1).

iii Vienna 1891
conclusion of a Subscriptions to Newspapers and Periodicals Agreement (see xv, point i).

iv Rome 1906
creation of the international reply coupon.

v Madrid 1920
conclusion of a Giro Transfers Agreement (now Giro Agreement).

vi London 1929
creation of the small packet service.

vii Paris 1947
conclusion of an Agreement with the United Nations; changes in the procedure relating to the admission of new members; creation of the Executive and Liaison Committee; conclusion of a Cash-on-Delivery Agreement.

viii Brussels 1952
extension of the free postage already provided for prisoners of war and civilian internees and granting of the same exemption to literature for the blind; introduction of simultaneous interpretation in the accepted languages for sessions of Congress and of the other UPU bodies.

ix Ottawa 1957
– conclusion of an International Savings Agreement Service (see xv, point 1);

– creation of the Consultative Committee for Postal Studies (see xi).

x Vienna 1964
– general revision of the Convention and its Detailed Regulations, and their division into four distinct Acts: Constitution, General Regulations, Convention and Detailed Regulations;
– the institution of a new language system providing inter alia for the provision of the Union's publications in other languages than the official one, at the request and at the expense of a member country or group of member countries (see xii, point 3);
– confirmation of the UPU's participation in various technical assistance programmes and inclusion of that activity in the UPU Constitution.

xi Tokyo 1969
creation of the Consultative Council for Postal Studies in place of the Consultative Committee for Postal Studies and its Management Council.

xii Lausanne 1974
– transfer to Congress of the power to elect the Director General and Deputy Director General of the International Bureau;
– new services within the framework of the Giro Agreement;
– official publication of UPU documents in French, Arabic, English and Spanish at the Union's expense; agreement by the Union to bear the costs of publication, the costs of translation into languages other than French being borne by the language groups.

xiii Rio de Janeiro 1979
– introduction of a further four languages, Chinese, German, Portuguese and Russian, for the official publication of Union documents with a limited subsidy (see also Hamburg 1984);
– incorporation of the provisions of the Insured Letters Agreement in the Convention and its Detailed Regulations;
– 50 percent increase in basic rates, the possibility being left to countries to adapt their rates better to their production costs (see also Hamburg 1984);
– aligning the Union financing system on that of the other UN specialized agencies; from 1980, member countries pay their contributions in advance and Switzerland no longer has to provide the necessary advances of funds;
– introduction alongside the gold franc of "Special Drawing Rights" (SDR) as a reference currency in international settlements (see xv, point 1).

xiv Hamburg 1984
adoption of two basic rates for calculating "terminal dues": 8 gold francs per kg for letter-post items (not including printed papers sent in special bags) and 2 gold francs per kg for printed papers sent in special bags.

xv Washington 1989
– abolition of the Collection of Bills Agreement, the International Savings Service Agreement and the Subscriptions to Newspapers and Periodicals Agreement; abolition of the gold franc as monetary

unit of the Union; transfer to the Executive Council of legislative powers as regards the Detailed Regulations;
- introduction of a separate rate for LC and AO in relations between two administrations with an annual volume of traffic of more than 150 tonnes;
- adoption of the Washington General Action Plan.

xvi Seoul 1994
- reform of the Union based on the following four main components:
  - restructuring of the organization (creation of the CA and the POC in particular);
  - strategic planning;
  - programme budgeting;
  - recast of the Acts of the UPU;
- adoption of English as second working language of the International Bureau and creation of a French language group.

xvii Beijing 1999
- adoption of the Beijing Postal Strategy (C 103/1999);
- adoption by the Beijing Congress of a new terminal dues system. Beginning in 2001, country-specific rates for terminal dues came into effect in approximately 30 countries, classified as “industrialized”. This was the first major step in a country-specific system with terminal dues rates to be based on cost and market factors. A key element in this transition was the differentiation between developing and industrialized countries, which was to apply until the end of 2005. Another feature of this transition was a linkage between terminal dues payments and quality of service;
- introduction of a new text at the beginning of the Universal Postal Convention concerning the universal postal service;
- incorporation of postal parcels into the Convention;
- introduction of a system of automatic sanctions against member countries regarding non-payment of mandatory contributions.

xviii Bucharest 2004
- addition of the UPU mission to the Preamble of the Constitution;
- conversion of the General Regulations into a permanent Act;
- introduction of the codification for the procedure of formulating and accepting reservations presented to Congress and the reciprocity applicable to reservations in respect of liability;
- prohibition of the formulation of reservations to the Constitution and General Regulations;
- introduction of definitions in the Constitution and the Convention;
- creation of the Consultative Committee, which represents the interests of the broader international postal sector within the UPU;
- the reduction from five to four years of the period between two Congresses;
- the introduction in the Convention of a new article concerning the designation of the entity or entities responsible for fulfilling the obligations arising out of adherence to the Convention;

– the adoption of a position in relation to extraterritorial offices of exchange (ETOEs) (resolution C 44/2004);
– the decision to accede to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986, the depository of which is the UN Secretary General.

xix Geneva 2008

– adoption of a position designed to strengthen interconnectivity, development and governance, namely:

interconnectivity:

- multilateral agreement for the development of electronic money order services;
- integrated programme for improving the quality of the international postal service;
- a new terminal dues system designed to cover more of countries' actual costs of handling inward international mail and a new methodology for the classification of countries;
- the Union's first action plan for electronic services to facilitate access to the information society and narrow the digital divide;
- a global approach for addressing and the development of the necessary standards in this area;
- strengthening of postal security, particularly in terms of treatment of dangerous goods, security in developing countries, e-commerce and strategies for financial services and for combating money laundering;

development:

- development of markets, consisting of facilitating the growth of letter post, parcels, postal financial services, express services, direct mail, logistics and e-commerce;
- development cooperation aimed at leveraging wider sector involvement to make it more effective and forward-looking, continue applying the regional approach, help developing countries implement postal sector reform, and adapt the methods and means of the UPU presence in the field accordingly;

governance:

- within the framework of work on the reform of the Union, replacement of the term "postal administration" with "designated operator" and "member country" to define more clearly the specific responsibilities of governments and designated operators for the provision of the universal postal service;
- approval of the new structures for the CA and POC;
- adoption of a new budget system.

Apart from the ordinary or extraordinary Congresses, the Constitution used to provide for *Administrative Conferences* for the consideration of purely technical questions. The Union has availed itself of this possibility only three times, namely:

– the 1880 Paris Conference, which led to the conclusion of a Special Convention concerning Postal Parcels;
– the 1890 Brussels Conference, which was entrusted with the drawing up of a draft Subscriptions to Newspapers and Periodicals Agreement; and
– the 1927 Hague Conference, which laid down the first airmail provisions.

There are two reasons why Administrative Conferences did not meet with much success: firstly, most of the questions for which they had been created were henceforth dealt with by the Executive Council or the Consultative Council for Postal Studies; secondly, the Detailed Regulations of the Convention and of the Agreements which could have been revised at such Conferences were revised at Congresses at the same time as the treaties to which they related. The 1984 Hamburg Congress did away with the possibility of holding Administrative Conferences, and with Special Committees, for the same reasons. On the other hand, the 1994 Seoul Congress adopted resolution C 75/1994 establishing the holding of high-level meetings between Congresses, now known as "strategy conferences", to enable senior executives to meet between Congresses and discuss the strategic approach to be adopted and keep in step with the fast-changing postal environment. Since the Seoul Congress, three strategy conferences have been held: in Geneva in 1997 and 2002, and in Dubai in 2006. These conferences were deemed a success, yielding positive results in terms of the Union's strategic planning process.

B The Council of Administration (CA)

This body, originally called the Executive and Liaison Committee (ELC), was created by the 1947 Paris Congress for two reasons. One, external to the UPU, is that the UN made the creation of this body a condition for the admission of the UPU as a specialized agency; the other is that the need was increasingly felt for a body that could replace the Special Committees previously set up on an occasional basis for the study of special problems.
It became the Executive Council at the 1964 Vienna Congress. Its present title dates from the 1994 Seoul Congress. Its role essentially is to oversee all Union activities and to study questions regarding government policies.

C The Postal Operations Council (POC)

At its inception, the Executive and Liaison Committee (ELC) was instructed to deal with technical questions of all kinds, of interest to the international postal service. In this field it has to its credit the establishment within the International Bureau of a service for technical studies and for the exchange of information of all kinds, as well as the publication of several studies in the "Collection of Postal Studies". But as the technical problems became increasingly numerous and more complicated and the administrations became increasingly concerned with their solution, it soon became necessary to entrust these tasks to a special body of the Union.
At its May 1955 session, the ELC considered a proposal for the setting up of a permanent Special Committee for technical studies, which would devote itself to studies in the field of postal mechanization. Before taking a decision, the ELC instructed the Secretary-General to draw up a report on the various aspects of the problem. The report was discussed at the 1956 session, which expressed its desire that information on the most up-to-date experiences should be generally

disseminated and that the most extensive data should be given on all questions likely to assist the progress and improvement of the postal service. As regards the body to be created, there were two general tendencies in the ELC: that a Special Committee within the meaning of article 16 of the Convention (Brussels 1952) should be set up, and that a Subcommittee of the ELC should be created. Finally, the ELC appointed, for the period up to the Ottawa Congress, a Subcommittee for Technical Studies.

The Subcommittee for Technical Studies met in November 1956 at Rome and in March 1957 at Lausanne. It recommended that the ELC should set up a Consultative Committee for Postal Studies and should submit to it, firstly, the proposals submitted jointly by its members on their behalf to the Ottawa Congress by the administration of the Netherlands, and secondly a list of subjects for studies which the Ottawa Congress could entrust to this new organ. During its 1957 session, the ELC made a detailed examination of the question, and the results of its deliberations took the form of a recommendation, a resolution and two amendments to the proposals of the Netherlands mentioned above.

In addition to the proposals of the ELC and the Netherlands, the 1957 Ottawa Congress considered various proposals for a new body to which the various questions would be entrusted for study. A Special Committee was set up (the Committee for the Technical and Economic Studies Programme) to study all these proposals. The results of its work (among which should be particularly noted the draft resolution on the convening of the constituent plenary assembly of the CCPS, and the proposals to be inserted into the UPU Acts) were approved by Congress.

The 1964 Vienna Congress coordinated the functioning of the bodies of the UPU. By a special provision of its Rules of Procedure, it decided that the CCPS should meet at the same time as Congress, that it should be one of the Committees of Congress and that the latter should elect the members of its Management Council. These measures for immediate application were subsequently made definitive. Moreover, Congress ratified the creation of the Steering Committee of the Management Council, a body which the latter had thought appropriate for preparing and directing the work; it authorized the Management Council to formulate proposals to Congress subject to the approval either of the EC or of the CCPS, according to the nature of the propositions; finally it decided definitively on publication of the “Comprehensive report on the work of the Management Council”, which this Council had considered should be submitted to the Vienna Congress, basing itself on the procedure followed by the EC.

The CCPS, set up by the 1957 Ottawa Congress, was a semi-fictitious body; in fact the permanent and active body was its Management Council. Under the General Regulations, article 104, paragraph 4 (Vienna 1964), the CCPS was supposed to meet at places and on dates fixed by Congresses and to function like a Congress Committee. In fact the CCPS only acted as Committee 3 of the 1964 Vienna and 1969 Tokyo Congresses and played no effective part in the period between Congresses.

To avoid confusion between the CCPS as a permanent body and as a Congress Committee, the 1969 Tokyo Congress abolished the Consultative Committee for Postal Studies and replaced its Management Council by a Consultative Council for Postal Studies. The new Consultative Council for Postal Studies, also called hereinafter “CCPS”, thus became a body of the Union.

At the Seoul Congress in 1994, the Consultative Council for Postal Studies (CCPS) became the Postal Operations Council (POC). This Council mainly deals with operational, economic and commercial issues.

D The Consultative Committee

At the 1994 Seoul Congress, the Council of Administration (CA) was initially given the task of studying the "Status of UPU members" and drawing up proposals in this respect. In essence, the CA's task was to evaluate the possibility of stakeholders other than member countries – profit-making or non-profit making non-governmental organizations – to take part in the Union's work with a status adapted to their situation/position in the postal world.
The 1999 Beijing Congress authorized the CA to set up an Advisory Group (AG) with membership open to members of the CA and the POC, to Restricted Unions and to international non-governmental organizations, such as consumers' organizations, organizations of private operators, trade union organizations and users' organizations whose interests and activities were directly related to the Union's objectives and which were able to contribute to its work.
The 1999 Beijing Congress set up a High Level Group (HLG) which was given the task of formulating props for the mission and structure of the Union and the management of its work. The HLG proposed the establishment of a permanent body to represent the interests of interested parties from the private sector within the Union (third circle), namely the Consultative Committee.
The 2004 Bucharest Congress approved the establishment of the Consultative Committee and the necessary amendments to the relevant Acts.
The establishment of the Consultative Committee was a major step towards greater UPU openness and should help the Union to fully take on board the ideas, interests and activities of the stakeholders in its work.

E The International Bureau (IB)

The International Bureau was created by article 15 of the 1874 Berne Treaty. The actual installation of the International Bureau took place on 15 September 1875. The International Bureau is the only really permanent body of the Union, whose headquarters are at Berne. It serves as an instrument of liaison, information and consultation for administrations. Since the 1994 Seoul Congress, it has been called upon to play an expanded role that goes well beyond its traditional secretariat and administrative support functions with the Councils and with Union member countries. On the other hand, it is not qualified to intervene in relations between postal administrations and their customers. For the functions of the International Bureau, see the comments under articles 112 and 113 of the General Regulations.
The International Bureau may also be called upon to give its opinion on the interpretation of the Acts of the Union, whether in cases of dispute between postal administrations or not. It may even be appointed as sole arbitrator in disputes between two administrations. In such cases the arbitration decision is binding on the parties involved.
The International Bureau also acts as a clearing house in the settlement of accounts of all kinds relating to the international postal service between postal administra-

tions requesting this facility. The Beijing Congress decided that the same facility should be provided to other entities involved in the postal services, eg airlines.
Since the 1989 Washington Congress, the International Bureau, through its Director General, has acted as depository of the Acts of the Union. The 1999 Beijing Congress also adopted the new paragraph 2.2 of article 112 of the General Regulations, giving the Director General responsibility for notifying the decisions taken by Congress to all the governments of member countries.

VIII. Language system of the UPU

Since the creation of the UPU it has been a principle that French is the official language of the Union. This principle was applied to the Acts and the documentation of the Union and in Congress discussions and the work of the International Bureau. At the 1920 Madrid Congress, however, the question was raised of using Spanish and English as additional official languages, either for Congress discussions or for the documentation to be published by the International Bureau. The problem then developed differently as regards the languages used in discussions and those used for documentation. As from the 1924 Stockholm Congress and up to and including the 1947 Paris Congress, the Congress Rules of Procedure provided, in exceptional cases, for the possibility of delegations using interpreters designated by themselves to speak in French on their behalf. The 1952 Brussels Congress, while retaining French as the sole official language of the UPU, authorized simultaneous interpretation of its discussions into French, English, Russian and Spanish, and, in exceptional cases, permitted delegations to use an interpreter designated by themselves to put forward observations or proposals in French or in one of the other admissible languages. As from this Congress it was judged advisable, in view of the measures necessary before conferences to ensure the smooth working of the new system (installing technical equipment, engaging highly qualified interpreters, etc), to insert into the actual Convention binding provisions concerning the language system of the Union, in order to solve the language problem, not merely for future Congresses, but also for the meetings of other bodies of the Union. Following the 1964 Vienna Congress, the provisions concerning the language system applicable to discussions were transferred to the General Regulations (current article 110).
The question of the languages to be used for the Acts and documentation of the Union was the subject of various proposals at the 1947 Paris Congress, the 1952 Brussels Congress and the 1957 Ottawa Congress. These proposals were not adopted. The 1964 Vienna Congress, after debating, at great length, decided to uphold the policy that French should be the Union's official language, while agreeing that the documentation of the Union may, at the request of the interested parties, and in accordance with the procedure laid down in General Regulations, article 108, be supplied in other languages.
While keeping French as the Union's sole official language, the 1974 Lausanne Congress also admitted Arabic, English and Spanish for Union documentation, in accordance with the system laid down in the General Regulations, article 108.
The 1979 Rio de Janeiro Congress, in turn, admitted the official publication of Union documentation in Chinese, German, Portuguese and Russian but limited to 50,000 Swiss francs a year for each language group the relevant costs to be

borne by the Union (see General Regulations, article 108, paragraphs 1 and 6, and resolution C 106/1979). The 1984 Hamburg Congress, by resolution C 63/1984, increased this amount to 150,000 Swiss francs.
While confirming French as the Union's official language, the 1994 Seoul Congress accepted English as the second working language of the International Bureau alongside French. The 1999 Beijing Congress established the principle that member countries using the official language will bear part of the costs of translation into that language.

IX. Postal technical assistance – Development cooperation

The idea of postal technical cooperation was added to article 1 of the UPU Constitution at the 1964 Vienna Congress, with the aim of providing assistance to the many newly formed countries that had joined the UPU in the early 1960s. The UPU mission statement adopted by the 2004 Bucharest Congress, and included in the Preamble to the Constitution, reinforces the importance of this principle.
From 1966 until the beginning of the 1990s, UPU multilateral technical cooperation was carried out within the framework of the UN's general technical cooperation system for this purpose and benefited extensively from funding from the United Nations Development Programme (UNDP). Since then, the development of the international cooperation policy of the United Nations system, and that of the UNDP in particular, has had negative consequences for the postal sector, which is no longer a main priority of the UN's aid programme.
Today, the bulk of the funds earmarked for financing the development of cooperation activities come from the UPU's regular budget and from voluntary contributions from its member countries to the Special Fund.
In addition to possible aid from multilateral assistance bodies, the UPU encourages and supports, as far as possible, bilateral and multilateral assistance among postal administrations, and also makes a continued effort to promote technical cooperation among developing countries (TCDC) in order to encourage mutual assistance among these countries.
Moreover, the implementation since the 2004 Bucharest Congress of development cooperation in the form of regional development plans, as the principal tool of the regional approach, enables the integration of the UPU's activities in the field, and represents a significant means of mobilizing additional funds.

X. Quality of service

Quality of service is one of the Union's main priorities across the globe. The objective is to support the development and improvement of the whole world postal network through the development of infrastructure, products and services, and the use of information and communication technologies. The actions to be implemented concern quality testing, in particular through the Global Monitoring System, showing actual performance for use in calculating terminal dues remuneration. The provision of information on quality is another important aspect enabling designated operators to improve their planning and their operational procedures. Meanwhile, the project-

based regional approach enables the UPU to lend its assistance to designated operators in the field to strengthen their capacity in terms of modern technology and evaluation systems, and their quality of service improvement competencies. Designated operators that meet the organizational and quality management criteria set by the UPU may obtain certification from the UPU, if they so wish.

XI. The finances of the Union

Congress fixes the Union's maximum expenditure for each of the years following Congress. This expenditure may be exceeded only in the circumstances and according to the procedure laid down in article 128 of the General Regulations. Expenditure, including that relating to Congress, the Council of Administration, the Postal Operations Council and the International Bureau, is jointly borne by all member countries of the Union. The cost-sharing system provides for the division of members into 13 contribution classes (the 30 and 40 unit classes were introduced by the 2004 Bucharest Congress) paying from one-half to fifty units, as the case may be. In the case of the accession or admission of a member country, it is free to choose the class in which it is to be placed. Any member country may subsequently change its contribution class provided the change is notified to the International Bureau at least two months before the opening of Congress and provided the member country does not ask to be downgraded more than one class at a time. The Beijing Congress empowered the CA to authorize a temporary reduction in contribution class once between two Congresses in exceptional circumstances and limited its duration to a maximum of two years. There are no restrictions on changes to a higher class. In order to limit the increase of arrears of mandatory contributions, the Beijing Congress introduced a system of sanctions. Since the 24th Congress (Geneva), this system has applied by analogy to translation costs billed by the International Bureau to the member countries of the various language groups.

The 24th Congress expanded the Union's funding system. This now provides access to the full range of funding sources, both public and private. The Union's new funding system is based on three pillars, representing different sources of funds. Another innovation is that any member country may elect to contribute a higher number of units than that corresponding to the contribution class to which it belongs, for a term equivalent to the period between Congresses. The payment of additional contributions will increase the expenditure accordingly. Lastly, the financial impact of any Congress proposal liable to entail substantial expenditure will need to be determined by the author country in consultation with the International Bureau.

The Union's budget is submitted every year for the consideration and approval of the Council of Administration. The Union's annual accounts are verified by the Federal Audit Office of the Swiss Confederation, which certifies their correctness. The Beijing Congress decided to introduce a biennial budgetary cycle from 2001, in line with the practice of other UN specialized agencies. Until the 1979 Rio de Janeiro Congress, advances of funds were made by the Swiss Government. Since then, the UPU has adopted a system of self-financing similar to that of the UN and the specialized agencies.

XII. Relations with the UN and other international organizations

Legal basis of UPU–UN relations

The UN Charter signed at San Francisco on 26 June 1945 contains in its preamble the considerations which inspired its founders. In particular it states that the UN is resolved "to employ international machinery for the promotion of the economic and social advancement of all peoples". In accordance with this principle, the Charter contains a special chapter on international economic and social cooperation (chapter IX). The articles of this chapter which form the basis for the relations between the UPU and the UN are given below:

"Article 55

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a higher standards of living, full employment, and conditions of economic and social progress and development;

b solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

"Article 56

"All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in article 55.

"Article 57

"1 The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of article 63.

"2 Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

["Article 17

...

"3 The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned."]

"Article 58

"The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

"Article 59
"The Organization shall, where appropriate, initiate negotiations among the States concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in article 55.

"Article 60
"Responsibility for the discharge of the functions of the Organization set forth in this chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in chapter X.

"Article 62
"1 The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the members of the United Nations, and to the specialized agencies concerned.
"2 It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
"3 It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
"4 It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

"Article 63
"1 The Economic and Social Council may enter into agreements with any of the agencies referred to in article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.
"2 It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to members of the United Nations.

"Article 64
"1 The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
"2 It may communicate its observations on these reports to the General Assembly.

"Article 70
"The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies."

Since the 1947 Paris Congress, the Union has been linked with the United Nations (UN) under an Agreement which is appended to the Constitution. This Agreement, approved by the UN General Assembly on the recommendation of the ECOSOC, was signed on 4 July 1947 and went into force at the same time as the Paris Convention on 1 July 1948. It was completed by the Supplementary Agreement dated 13 and 27 July 1949, applied as from 22 October 1949, which is also appended to the Constitution. Under these Agreements the UN recognizes the Universal Postal Union "as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purpose set forth therein".

Relations between the UPU and the UN, the specialized agencies, the funds and programmes, and other international organizations

Initially, contacts between the UN and the UPU were infrequent and of minor importance. They increased following the 1957 Ottawa Congress, particularly owing to the development of technical assistance and the alignment of the conditions of service of the International Bureau staff on the UN common system.

The questions of interest to and dealt with by both the UN and the UPU are periodically discussed in various documents brought to the attention of Congress or the Council of Administration at its annual sessions.

At the moment, UPU cooperation with the UN, including organizations with specialized agency status, covers many spheres of activity both global and technical in nature. This cooperation consists of several structures and levels.

As regards the UN proper, the UPU is particularly involved in the follow-up to many international conferences worldwide organized under UN auspices.

The UPU Director General is a member of the Chief Executives Board (CEB) (the former Administrative Committee on Coordination (CAC)), the main coordination body within the UN system. In April 2008, the CEB met at UPU headquarters in Berne, under the chairmanship of the UN Secretary General.

The UPU maintains particularly close relations with many organizations operating in the social and communications sectors. These include such specialized agencies as UNESCO, WHO, ICAO, ILO and ITU, the WB (World Bank), WTO, WIPO, UNEP, UNDP and IAEA.

In most cases, these relations are based on a cooperation agreement signed between the two parties (for example the memorandum of understanding signed between the UPU and the United Nations Environment Programme in April 2008), or have been formalized through an exchange of letters between the Directors General of the two organizations (for example, the ad hoc observer status obtained by the UPU at the WTO Council for Trade in Services in 2006).

The UPU has a close working relationship with other intergovernmental organizations outside the UN system, such as INTERPOL, the World Customs Organization (WCO) and the International Organization for Migration (IOM). The UPU is also developing close relations with other non-governmental international organizations such as IATA or ISO, because of their direct involvement in international postal activities. The UPU organizes its work with all these organizations through contact committees (such as the WCO–UPU and IATA–UPU Contact Committees), or through an official status (for example observer status with the WCO since 2006).

United Nations postal administration

The United Nations postal administration was created in 1951.
At its October 1948 session, the ELC adopted a resolution which, as amended at the 1951 May–June session, reads as follows:
"The Secretary-General of the United Nations having officially informed the Universal Postal Union of the resolution adopted at the third session of the United Nations General Assembly, held in Paris, which approves in principle the idea of establishing a United Nations postal administration and to this end requesting the assistance of the Universal Postal Union, the Executive and Liaison Committee expressed the following opinion:

"(1) The United Nations, without being a member of the Universal Postal Union, may form a separate postal administration belonging to the Universal Postal Union, represented as regards postal matters by a member country of the Universal Postal Union.

"(2) The member country representing the postal administration of the United Nations shall at the appropriate time inform all the administrations of the Universal Postal Union of the establishment of this administration, through the intermediary of the International Bureau.

"(3) In carrying out its postal operations the United Nations postal administration shall be bound to observe the provisions of the Convention and its Regulations (Summary Record of the May–June session, 1951, page 13)."

The UN General Assembly adopted several resolutions concerning the creation of a UN administration.
The UN administration went into operation on 24 October 1951 in pursuance of the Postal Agreement between the UN and the United States of America, concluded on 28 March 1951 (for text of the Agreement, see Documents of 1952 Brussels Congress, II 100–102). The provisions of the Agreement were amended as from 17 November 1952 by an exchange of letters between the Secretary-General of the UN and the United States of America, dated 7 November 1952 and 17 November 1952 respectively.
The 1952 Brussels Congress recognized the establishment of the UN administration in resolution C 2/1952.
At its 14th session the ECOSOC in turn adopted a resolution (part B) 451 (XIV) of 28 July 1952 worded as follows:
"The Economic and Social Council,
"Noting with satisfaction that the Administrative Committee on Coordination has taken the view that it would be advantageous for the United Nations and the specialized agencies to make common arrangements with regard to postal matters,
"Noting also the resolution on United Nations and specialized agencies postal affairs adopted by the 13th Congress of the Universal Postal Union and, specifically, the recommendation therein that any further postal activity proposed by the United Nations or by a specialized agency should be the subject of consultation with the Universal Postal Union through its Congress or Executive and Liaison Committee, and that after such consultation any agreement should be concluded only after favourable recommendation by the General Assembly of the United Nations,
"Requests the specialized agencies to submit any proposals which may be made by them concerning postal operations to the Secretary-General of the United Nations

for consultation with the Universal Postal Union through its competent organs, and for subsequent consideration by the General Assembly."
Moreover, in expectation of an agreement between the Swiss PTT and the UN concerning the use of UN postage stamps by the UN Office at Geneva, the EC adopted resolution CE 8/1968 in which, after reaffirming the sovereign right of administrations in the issue of postage stamps (Convention, article 9), it declared its confidence in the administrations of the UN and Switzerland with regard to the implementation of the envisaged agreement, it being understood that this agreement:

– should be restricted in its application exclusively to the UN Office at Geneva, as part of the UN Secretariat;
– should in no way constitute a precedent for similar requests which might be made by the specialized agencies, regional offices or other bodies of the UN, or, more generally, by any services of the UN other than the UN Secretariat in New York and at Geneva.

Despite this latter condition, in connection with the issue of UN postage stamps in Austrian currency for use by the part of the UN Secretariat installed in Vienna, the EC passed resolution CE 8/1978 similar, with appropriate changes, to resolution CE 8/1968.
The issue of special postage stamps at the request of the UN and the specialized agencies was considered by the ELC. The latter thought that the UPU should not get involved in the question of special issues, since this was an internal matter for each country. This view was upheld by the 1964 Vienna Congress, which rejected a draft recommendation calling on administrations to issue from time to time postage stamps mentioning the activities of a UN specialized agency. However, under the UN–UPU Agreement, suggestions regarding special or commemorative issues originating with the UN and its specialized agencies are brought to the attention of administrations by International Bureau circular.
The links between the UPU and United Nations are the fruit of a convergence of the two organizations' missions in the areas of economic and social development. These historical relationships, both legal and political, have enabled the UPU to develop numerous joint actions with the other members of the UN family and beyond, in a spirit of openness and international cooperation. In order to implement its essential mission, the UPU needs partners at the international level. This policy of openness towards the international arena has helped to raise the standing, visibility and efficiency of the UPU's actions on behalf of its member countries.

XIII. Conclusion

This necessarily brief survey will give the reader an overall picture of the Union's main features and of the successive stages in its development.
Throughout its long history the Union has steadfastly pursued the objectives set for it by its founders. The decisions of its principal bodies have always been characterized by intelligent moderation, and it has constantly expanded its field of activities. It continues its noble mission throughout the world for the greater benefit of international cooperation between peoples and individuals.

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Abbreviations

(The abbreviations listed below are used in the commentary)

ACC	Administrative Committee on Coordination (UN)
Add Prot	Additional Protocol to the Constitution of the UPU
adm(s) or administration(s)	postal administration(s)
Agr	Agreement
AICEP	Association of Postal and Telecommunications Operators of Portuguese-Speaking Countries and Territories
AO	articles or items other than LC in the classification system based on contents
APPC	Arab Permanent Postal Commission
APPU	Asian-Pacific Postal Union
APU	African Postal Union
arbit	arbitration
art(s)	article(s)
BPU	Baltic Postal Union
BPS	Beijing Postal Strategy
CA	Council of Administration
CC	Consultative Committee
CCC	Customs Cooperation Council
CCPS	Consultative Council for Postal Studies (until 1994)
CEPT	European Conference of Postal and Telecommunications Administrations
cf	confer (= compare)
circ(s)	circular(s)
COD	Cash-on-Delivery Agreement
col	column
comm	commentary
Comm	Committee
Compendium	Compendium of Information (Convention, Agreements, etc) published by the International Bureau
Conf(s)	Conference(s)
Const or Constitution	Constitution of the Universal Postal Union
Conv or Convention	Universal Postal Convention
COPTAC	Conference of Posts and Telecommunications of Central Africa
CPU	Caribbean Postal Union
DO	designated operator
Doc(s)	Document(s) (of Congresses, Conferences, etc)
doc	document
DMAB	Direct Mail Advisory Book
EC	Executive Council (up to 1994)

ECOSOC	United Nations Economic and Social Council
EDI	Electronic Data Interchange
eg	for example
ELC	Executive and Liaison Committee (up to 1964)
et seq	and those that follow
FAO	United Nations Food and Agriculture Organization
Fin Prot	Final Protocol (to the respective Act)
fr	franc
g fr	gold franc
Gen Ass	General Assembly
Gen Regs	General Regulations
Giro	Giro Agreement
IATA	International Air Transport Association
IB	International Bureau
ICAO	International Civil Aviation Organization
IDA	International Development Association
IFC	International Finance Corporation
ILO	International Labour Organisation
IMF	International Monetary Fund
IMO	International Maritime Organization
ISO	International Organization for Standardization
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
LC	letters and postcards
LDCs	Least Developed Countries
mn	minute (of time)
Money Orders	Money Orders Agreement
No(s)	number(s)
NPU	Nordic Postal Union
p, pp	page(s)
PAPU	Pan-African Postal Union
para	paragraph
Periodical	Union Postale (quarterly publication of the International Bureau)
POC	Postal Operations Council
POSTEUROP	Association of European Public Postal Operators
prop(s)	proposal(s)
Prot or Protocol	Final Protocol (to the respective Act)
prov(s)	provision(s)
PUASP	Postal Union of the Americas, Spain and Portugal
PUEA	Postal Union of EurAsia
RCPT	Regional Community for Posts and Telecommunications
Rep	Report on the work of the Union (Management Report until 1952), published by the International Bureau
Rules of Proc	Rules of Procedure
s	second (time)

S.A.L.	Surface airlifted mail
SAPOA	Southern Africa Postal Operators Association
SDR	Special Drawing Right
Subcomm	Subcommittee
subpara	subparagraph
TCDC	Technical Cooperation among Developing Countries
T.m.	sea transit
T.t.	land transit
tech asst	technical assistance
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPU or Union	Universal Postal Union
WAPC	West African Postal Conference
WCO	World Customs Organization
WGAP	Washington General Action Plan
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

General list of UPU member countries and of territories included in the Union

(Position at 1 March 2010)

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
Afghanistan	01.04.1928	0.5	IV	–
Albania	01.03.1922	1	III	P
Algeria	01.10.1907	5	V	–
Angola	03.03.1977	0.5	V	P
Antigua and Barbuda	20.01.1994	1	I	–
Argentina	01.04.1878	3	I	P
Armenia	14.09.1992	1	II	P
Australia	01.10.1907	20	IV	–
– Norfolk Island				
Austria	01.07.1875	5	III	P
Azerbaijan	01.04.1993	1	II	–
Bahamas	24.04.1974	1	I	–
Bahrain (Kingdom)	21.12.1973	1	IV	–
Bangladesh	07.02.1973	3	IV	P
Barbados	11.11.1967	1	I	P
Belarus	13.05.1947	1	II	P
Belgium	01.07.1875	15	III	P
Belize	01.10.1982	1	I	–
Benin	27.04.1961	0.5	V	P
Bhutan	07.03.1969	0.5	IV	P
Bolivia	01.04.1886	1	I	–
Bosnia and Herzegovina	01.07.1892/ 26.01.1993	1	II	–
Botswana	12.01.1968	1	V	–
Brazil	01.07.1877	20	I	P
Brunei Darussalam	15.01.1985	1	IV	P
Bulgaria (Rep.)	01.07.1879	3	II	P
Burkina Faso	29.03.1963	0.5	V	P
Burundi	06.04.1963	0.5	V	P
Cambodia	21.12.1951	1	IV	P
Cameroon	26.07.1960	1	V	P
Canada	01.07.1878	40	I	–
Cape Verde	30.09.1976	0.5	V	P
Central African Rep.	28.06.1961	0.5	V	–
Chad	23.06.1961	0.5	V	P
Chile	01.04.1881	3	I	P
China (People's Rep.)	01.03.1914	25	IV	P
– Hong Kong, China[1]				
– Macao, China				
Colombia	01.07.1881	3	I	–

[1] After the resumption of the exercise of sovereignty over Hong Kong by the People's Republic of China on 1 July 1997, the postal administration of Hong Kong, China pays one contribution unit to the UPU.

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
Comoros	29.07.1976	0.5	V	P
Congo (Rep.)	05.07.1961	1	V	P
Costa Rica	01.01.1883	1	I	P
Côte d'Ivoire (Rep.)	23.05.1961	3	V	–
Croatia	24.12.1921/ 20.07.1992	1	III	P
Cuba	04.10.1902	1	I	P
Cyprus	23.11.1961	1	III	P
Czech Rep.	18.05.1920/ 18.03.1993	5	II	P
Dem. People's Rep. of Korea	01.01.1900/ 06.06.1974	1	IV	P
Dem. Rep. of the Congo	01.01.1886	3	V	P
Denmark	01.07.1875	10	III	–
– Faröe Islands				
– Greenland				
Djibouti	06.06.1978	0.5	V	–
Dominica	31.01.1980	1	I	–
Dominican Republic	01.10.1880	1	I	P
Ecuador	01.07.1880	1	I	–
Egypt	01.07.1875	5	V	–
El Salvador	01.04.1879	1	I	–
Equatorial Guinea	24.07.1970	0.5	V	P
Eritrea	19.08.1993	0.5	V	–
Estonia	07.07.1922/ 30.04.1992	1	II	–
Ethiopia	01.11.1908	0.5	V	–
Fiji	18.06.1971	1	IV	–
Finland (including the Åland Islands)	12.02.1918	10	III	–
France	01.01.1876	50	III	P
– French Overseas Departments:				
– – French Guiana				
– – Guadeloupe (including St Barthélémy and St Martin)				
– – Martinique				
– – Réunion				
– Territorial Community of Mayotte				
– Territorial Community of St Pierre and Miquelon				
– French Overseas Territories coming within the Union's jurisdiction by virtue of article 23 of the Constitution:				
– – French Polynesia (including Clipperton Island)				
– – French Southern and Antarctic Territories (St Paul and Amsterdam Islands, Crozet Islands, Kerguelen Islands, Terre Adélie)				
– – New Caledonia				
– – Wallis and Futuna Islands				

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
– – Scattered islands (Bassas da India, Europa, Juan de Nova, Glorieuses, Tromelin)				
Gabon	17.07.1961	1	V	P
Gambia	09.10.1974	0.5	V	–
Georgia	01.04.1993	1	II	–
Germany	01.07.1875	50	III	P
Ghana	10.10.1957	3	V	P
Great Britain: – United Kingdom of Great Britain and Northern Ireland – Guernsey – Jersey – Isle of Man	01.07.1875	50	III	–
Overseas Territories (United Kingdom of Great Britain and Northern Ireland): – Anguilla – Bermuda – British Indian Ocean Territory – British Virgin Islands – Cayman Islands – Falkland Islands (Malvinas) – Gibraltar – Montserrat – Pitcairn, Henderson, Ducie and Oeno (Islands) – South Georgia and the South Sandwich Islands – St Helena, Ascension and Tristan da Cunha – St Helena (dependencies) (Islands) – Turks and Caicos Islands	01.04.1877	4[1]	IV	P
Greece	01.07.1875	3	III	P
Grenada	30.01.1978	1	I	–
Guatemala	01.08.1881	1	I	–
Guinea	06.05.1959	0.5	V	P
Guinea-Bissau	30.05.1974	0.5	V	–
Guyana	22.03.1967	1	I	–
Haiti	01.07.1881	0.5	I	–
Honduras (Rep.)	01.04.1879	1	I	–
Hungary (Rep.)	01.07.1875	5	II	–
Iceland	15.11.1919	1	III	–
India	01.07.1876	20	IV	P
Indonesia	01.05.1877	10	IV	P
Iran (Islamic Rep.)	01.09.1877	5	IV	P
Iraq	22.04.1929	3	IV	–
Ireland	06.09.1923	5	III	–
Israel	24.12.1949	3	IV	P
Italy	01.07.1875	25	III	P

[1] Four units: the contribution class of 3 units and a voluntary contribution equivalent to 1 unit.

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
Jamaica	29.08.1963	1	I	P
Japan	01.06.1877	50	IV	P
Jordan	16.05.1947	1	IV	P
Kazakstan	27.08.1992	1	II	P
Kenya	27.10.1964	3	V	–
Kiribati	14.08.1984	0.5	IV	–
Korea (Rep.)	01.01.1900	15	IV	P
Kuwait	16.02.1960	5	IV	P
Kyrgyzstan	26.01.1993	1	II	P
Lao People's Dem. Rep.	20.05.1952	0.5	IV	–
Latvia	01.10.1921/ 17.06.1992	1	II	P
Lebanon	12.05.1931/ 15.05.1946	1	IV	–
Lesotho	06.09.1967	0.5	V	P
Liberia	01.04.1879	1	V	P
Libyan Jamahiriya	04.06.1952	5	V	P
Liechtenstein	13.04.1962	1	III	P
Lithuania	01.01.1922/ 10.01.1992	1	II	–
Luxembourg	01.07.1875	3	III	P
Madagascar	02.11.1961	1	V	P
Malawi	25.10.1966	0.5	V	–
Malaysia	17.01.1958	3	IV	P
Maldives	15.08.1967	1	IV	–
Mali	21.04.1961	0.5	V	P
Malta	21.05.1965	1	III	P
Mauritania	22.03.1967	1	V	–
Mauritius	29.08.1969	1	V	P
Mexico	01.04.1879	10	I	P
Moldova	16.11.1992	1	II	P
Monaco	12.10.1955	1	III	P
Mongolia	24.08.1963	1	IV	P
Montenegro	26.07.2006	1	II	P
Morocco	01.10.1920	5	V	P
Mozambique	11.10.1978	0.5	V	P
Myanmar	04.10.1949	1	IV	–
Namibia	30.04.1992	1	V	–
Nauru	17.04.1969	1	IV	–
Nepal	11.10.1956	0.5	IV	P
Netherlands	01.07.1875	15	III	–
Netherlands Antilles and Aruba	01.05.1877	1	I	–
– Netherlands Antilles (Bonaire, Curaçao, Saba, St Eustatius, St Maarten)				
– Aruba				
New Zealand (including the Ross Dependency)	01.10.1907	5	IV	–
– Cook Islands				
– Niue				
– Tokelau				
Nicaragua	01.05.1882	1	I	P
Niger	12.06.1961	0.5	V	–

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
Nigeria	10.07.1961	10	V	P
Norway	01.07.1875	10	III	–
Oman	17.08.1971	1	IV	P
Pakistan	10.11.1947	10	IV	P
Panama (Rep.)	11.06.1904	1	I	P
Papua New Guinea	04.06.1976	1	IV	–
Paraguay	01.07.1881	1	I	P
Peru	01.04.1879	1	I	P
Philippines	01.01.1922	1	IV	P
Poland	01.05.1919	5	II	P
Portugal	01.07.1875	5	III	P
Qatar	31.01.1969	1	IV	–
Romania	01.07.1875	3	II	P
Russian Federation	01.07.1875	15	II	P
Rwanda	06.04.1963	0.5	V	P
Saint Christopher (St Kitts) and Nevis	11.01.1988	1	I	–
Saint Lucia	10.07.1980	1	I	–
Saint Vincent and the Grenadines	03.02.1981	1	I	–
Samoa	09.08.1989	0.5	IV	–
San Marino	01.07.1915	1	III	P
Sao Tomé and Principe	22.08.1977	0.5	V	–
Saudi Arabia	01.01.1927	20	IV	–
Senegal	14.06.1961	1	V	P
Serbia	01.07.1875/ 24.12.1921/ 18.06.2001/ 26.07.2006	1	II	P
Seychelles	07.10.1977	1	V	–
Sierra Leone	29.01.1962	0.5	V	P
Singapore	08.01.1966	1	IV	P
Slovakia	18.05.1920/ 18.03.1993	3	II	P
Slovenia	24.12.1921/ 27.08.1992	1	III	P
Solomon Islands	04.05.1984	0.5	IV	–
Somalia	01.04.1959	0.5	V	–
South Africa	01.01.1893/ 22.08.1994	10	V	P
Spain	01.07.1875	25	III	P
Sri Lanka	13.07.1949	3	IV	P
Sudan	27.07.1956	0.5	V	–
Suriname	01.05.1877/ 20.04.1976	1	I	P
Swaziland	07.11.1969	1	V	P
Sweden	01.07.1875	15	III	–
Switzerland	01.07.1875	15	III	P
Syrian Arab Rep.	12.05.1931/ 15.05.1946	1	IV	P
Tajikistan	09.06.1994	1	II	–
Tanzania (United Rep.)	29.03.1963	0.5	V	P
Thailand	01.07.1885	3	IV	P

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the Postal Payment Services Agreement (P) (24th Congress, 2008)
the former Yugoslav Republic of Macedonia	12.07.1993	1	II	–
Timor-Leste (Dem. Rep.)	28.11.2003	0.5	IV	–
Togo	21.03.1962	0.5	V	P
Tonga (including Niuafo'ou)	26.01.1972	1	IV	P
Trinidad and Tobago	15.06.1963	1	I	–
Tunisia	01.07.1888	5	V	P
Turkey	01.07.1875	5	III	P
Turkmenistan	26.01.1993	1	II	–
Tuvalu	03.02.1981	0.5	IV	–
Uganda	13.02.1964	0.5	V	–
Ukraine	13.05.1947	5	II	P
United Arab Emirates	30.03.1973	1	IV	P
United States of America	01.07.1875	50	I	–
– Territories of the United States of America coming within the Union's jurisdiction by virtue of article 23 of the Constitution:				
– – Guam, Puerto Rico, Samoa, Virgin Islands of the United States of America				
– – Trust Territory of the Pacific Islands (Mariana Islands including Saipan and Tinian, but not the United States Possession of Guam)				
Uruguay	01.07.1880	3	I	P
Uzbekistan	24.02.1994	1	II	P
Vanuatu	16.07.1982	1	IV	–
Vatican	01.06.1929	1	III	P
Venezuela (Bolivarian Rep.)	01.01.1880	1	I	P
Viet Nam	20.10.1951	1	IV	P
Yemen	01.01.1930	0.5	IV	P
Zambia	22.03.1967	1	V	–
Zimbabwe	31.07.1981	3	V	P

Number of member countries: 191

UN member countries whose situation with regard to the UPU has not yet been settled:

Andorra
Marshall Islands
Micronesia (Federated States of)
Palau

Part II
Constitution of the Universal Postal Union

(amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, 1999 Beijing, 2004 Bucharest and 24th Congress – 2008 Additional Protocols)

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Constitution of the Universal Postal Union

■ **Commentary**

The Const of the UPU was adopted at the 1964 Vienna Congress. The organic provs of the Union were previously contained in the Conv, in which they preceded the provs relating to the postal service in the strict sense.

The present Const contains the amendments made by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, 1999 Beijing and 24th Congress – 2008 (Geneva) Add Prots. For the complete text of these Add Prots, see 1969 Tokyo Congress, III 5–8, 1974 Lausanne Congress, III 23–25, 1984 Hamburg Congress, III 25–28, 1989 Washington Congress, III/1 27–32, 1994 Seoul Congress, III 25–29, 1999 Beijing Congress, A 3–A 6, 2004 Bucharest Congress, A 3–A 7, and 24th Congress – 2008, paperback version, pages 5–8.

The institution set up at Berne by the Treaty of 9 October 1874 was originally called "General Postal Union". Many countries joined it after 1874, and the 1878 Paris Congress changed its title to "Universal Postal Union".

Preamble

With a view to developing communications between peoples by the efficient operation of the postal services, and to contributing to the attainment of the noble aims of international collaboration in the cultural, social and economic fields, the plenipotentiaries of the governments of the contracting countries have, subject to ratification, adopted this Constitution.

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.

■ **Commentary**

According to international law, the preamble to a treaty is not a simple declaration. It may serve as a legal basis for the interpretation of the treaty; it indicates the spirit of the treaty and the way in which it is to be understood. The preamble is legally binding on the contracting countries, forms an integral part of the treaty and constitutes a solemn statement of the purpose and aims of the UPU. These aims are also defined in art 1.

By its resolution CA 10/1998, the CA incorporated the concept of a universal postal service into the UPU mission statement. The High Level Group, which worked on the future of the UPU, proposed – in its resolution adopted by the 2001 CA (CA 12/2001) – a new definition of the Union's missions referring to lasting development, interconnection of networks, technology and taking account of customers' changing needs. The 2004 Bucharest Congress subsequently introduced the substantive amendment designed to supplement the preamble to the Const of the Universal Postal Union with a definition of its missions.

Section I

Organic provisions

Chapter I

General

Article 1
Scope and objectives of the Union

1 The countries adopting this Constitution shall comprise, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of letter-post items. Freedom of transit shall be guaranteed throughout the entire territory of the Union.

2 The aim of the Union shall be to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration.

3 The Union shall take part, as far as possible, in postal technical assistance sought by its member countries.

■ **Commentary**

1.1 The UPU founders wanted to admit as members not only sovereign States but also certain territorial and political entities that were not totally independent (in particular protectorates or colonies) and that did not have the status of sovereign State in the full sense of the term. That is why they chose the term "country" in order to embrace all the entities admitted as member countries of the UPU, for owing to the essentially geographical notion it expresses, it can be used to cover a group of politically heterogeneous entities. See also comm under arts 2 and 11.

The phrase "The countries ... shall comprise ... a single postal territory" was contained in the "Treaty setting up a General Postal Union" of 1874, to suggest the ideas of standardization and close cooperation which inspired the founders of the Union. The phrase is figurative rather than legal, for strictly speaking there is no single postal territory covering all the States and territories which compose the UPU. Nevertheless, this prov symbolizes the fact that letter-post items in the international service on the various territories of the contracting parties are subject to a postal law which, in its basic principles, is uniform. The idea of a single postal territory involves, moreover, an obligation upon all contracting parties to treat letter-post items in transit from other countries like their own items, without discrimination. The prov laid down in the Conv, art 4, whereby each member country is obliged to ensure that its DOs always forward by the quickest routes and most reliable means which they use for their own items, closed mails and à découvert letter-post items transmitted to them by another DO, also emanates from this principle. Another of its consequences is the fact that the contracting parties cannot subject foreign letter-post items to fees or charges to which dispatches from their own users are not subject, nor make any other distinction between their own letter-post items and those from other countries to the detriment of the latter. However, it should not be assumed from this that the DOs of transit countries must undertake the conveyance of letter-post items across their territories free of charge, since a large number of these DOs would not benefit from reciprocal privileges, or at least equivalent privileges, granted by the countries of origin using their services. The 1999 Beijing Congress introduced a new text about the universal postal service whereby postal users and customers would have the right to quality basic services at all points in member countries' territory, at affordable prices (Conv art 3). On the other hand, the idea of a "single territory" does not preclude mutual agreements between countries regarding facilities. Accordingly, certain "Restricted Unions" and certain "Special Agreements" (art 8) dero-

gate from the system of the UPU and thus detract from the notion of a "single territory", eg by providing for reduced rates, free transit, etc, within their reciprocal relationships (see art 8 and comm).
When the Const was being drafted at the 1964 Vienna Congress, the expanded ELC considered it necessary to indicate at the beginning of this basic Act of the Union the principle of freedom of transit (current Conv art 4), which is fundamental for the UPU. This principle does not mean that countries are obliged to open their frontiers to transport organized by another country of the UPU. It does not derogate from the right to a national postal monopoly; but it implies that intermediate DOs are also obliged to have conveyed by their services, allocated to ordinary postal conveyance, correspondence which is passed on to them by another DO of the UPU.

1.2 The objectives of the Union also follow from the preamble.

1.3 In the Const, the principle of technical assistance has been framed in general terms so as to allow the executive bodies the necessary flexibility in the future use of all forms of assistance. Direct tech asst granted to each other by member countries of the UPU is very important and includes assistance by experts, the prov of study and training facilities, the exchange of background material, information, and the results of experiments, tests, etc. (see part I, Historical outline, chapter IX).

Article 1bis
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 **an** intermediate **member country** to **ensure the transport of** postal items passed on to **it** in transit **for** another **member country,** 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.

1.7 Designated operator: any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfil the related obligations arising out of the Acts of the Union on its territory.

1.8 Reservation: an exemption clause whereby a member country purports to exclude or to modify the legal effect of a clause of an Act, other than the Constitution and the General Regulations, in its application to that member country. Any reservation shall be compatible with the object and purpose of Union as defined in the preamble and article 1 of the

Constitution. It must be duly justified and approved by the majority required for approval of the Act concerned, and inserted in the Final Protocol thereto.

■ **Commentary**

1bis This art was introduced by the 2004 Bucharest Add Prot, and subsequently amended and supplemented by the Add Prot of the 24th Congress – 2008 in Geneva.

The work carried out by the CA Acts of the Union Project Team since the 1999 Beijing Congress was aimed at defining certain terms and expressions used in the various Acts of the Union. The main aim was to eliminate any ambiguities in the wording of the basic texts, while making them easier to understand, more effective and less subject to confusion.

The need to standardize the interpretation of certain terms and expressions in the Acts was already being recognized in the 1950s. In this context, the 1952 Brussels Congress decided to produce a compilation of postal terminology in a work which would later become known as the Multilingual Vocabulary of the International Postal Service. This terminological publication was designed to facilitate the application of the UPU Acts. Precise, standard postal terminology helps to ensure that all Union member countries interpret the Acts in the same way. However, the Multilingual Vocabulary had no legal standing, and served simply as a reference tool.

The 2004 Bucharest Congress adopted two new arts in the Const and the Conv, thereby conferring a legal status on the terms and expressions listed in these arts.

1bis.1.4 The amendments to this para made by the 24th Congress – 2008 were due to the replacement of the term "postal administration" with the terms "member country" or "designated operator", depending on the context. The Const, a fundamental Act containing organic rules, is ratified by the competent authorities of each country. The provs contained in an organic act differ in nature from those relating to the execution of the international postal service. For this reason, the obligations described in the Const are inherently governmental in nature, and the term "postal administration" was generally replaced by "member country". In line with this principle, § 1.4 of art 1bis and arts 8, 22, 25 and 32 of the Const were amended.

1.bis.1.7 Para added by the 24th Congress – 2008. Recognizing the existence of diverse structures in the member countries, the 1994 Seoul Congress declared in its resolution C 29/1994 that the term "postal administration" in the Acts of the Union was to be defined by each member country within the framework of its national legislation. In its resolution C 110/1999, the Beijing Congress stressed the need to more clearly define and distinguish between the governmental and operational roles and responsibilities of the bodies of the Union with respect to the provision of international postal services. And the 2004 Bucharest Congress, in its resolution C 11/2004, instructed the CA to study, in greater depth, the use of the term "postal administration" used in the Acts of the Union and to find a solution to the problem of the definition or replacement of the term "postal administration". At the end of this study, the CA decided to replace the term "postal administration" with the terms "member country" and "designated operator" in the various arts of the Acts, and gave the latter term the definition approved by the 24th Congress in Geneva in 2008 (proposal 10.1B.1).

1.bis.1.8 Para added by the 24th Congress – 2008. The 2004 Bucharest Congress laid down the procedure for the formulation and acceptance of reservations presented to Congress in order to ensure that they were clear and comprehensible to all parties. New Conv arts were also created, concerning areas excluded from reservations, and their legal scope.

A reservation, as used by the Union, is an exemption clause whereby a member country purports to exclude or to modify the legal effect of a clause of the Acts in its application to that member country. The latter submits to a competent legislative body (Congress or the POC) a prop drawn up in accordance with the relevant procedure. In order to take effect, this prop must be approved by the majority required for approval of this Act, and inserted into its Final Protocol. In principle, reservations are applied on a reciprocal basis between the reserving member country and the other member countries, unless it has been decided otherwise. The issuing member country may withdraw them at any time, with immediate effect.

This definition is the result of the work done by the Acts of the Union Project Group within the framework of CA Committee 2. The CA felt it would be very useful to provide this definition, and therefore recommended its inclusion in this art, to ensure that all stakeholders interpret the term in the same way. The 24th Congress – 2008 approved this definition and inserted it in this art (proposal 10.1B.3.Rev 1).

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.

■ **Commentary**

2 Before the 1964 Vienna Congress, there was no art on the composition of the Union which was inferred from the List of Member Countries in the preamble to the Conv. The Vienna Congress decided to delete the List of Member Countries in the preamble to the Acts and to replace it by an art, as in the constitutions of other international organizations, containing the necessary legal conditions for considering a country a member of the UPU.

The List of Member Countries of the Union is now drawn up by the IB in accordance with Gen Regs, art 115, and is reproduced at the end of part I.

According to the customary practice in treaty law, the art on the composition of an international organization makes membership of it dependent on the performance of certain formal legal acts such as ratification of, or accession to, the constitution, or a specific admission procedure. While not wishing to depart from this practice, the 1964 Vienna Congress considered it better not to mention these legal formalities explicitly, but to transfer membership under the Ottawa regulations to the Vienna regulations, so as to ensure continuity between the "old-style" Union and the "new-style" Union. The text used confers membership upon those countries which had acquired that status under the previous Acts.

In support of this it should be pointed out that in the past the absence of formal ratification of the Acts of the UPU did not deprive countries of their membership or of their right to attend and vote at Congresses. It was considered that the Acts were "tacitly ratified" by the implementation of the new provs (see art 25, comm).

The term "country" comprises not only sovereign States which were member countries under the Ottawa Acts, but also non-self-governing territories to which earlier Congresses had granted the status of member countries, and which had, on that basis, the same rights and obligations as the other member countries (see art 1.1, comm).

The only territories still enjoying this position at the time when the 2004 Bucharest Acts came into force, were:

i The Overseas Territories for whose international relations the Government of the United Kingdom of Great Britain and Northern Ireland is responsible;

ii The Netherlands Antilles and Aruba.

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.

■ **Commentary**

3 The jurisdiction of the Union means the territorial area to which the Acts of the UPU apply. This area consists, first of all, of the territory of the member countries in the sense of art 2, as well as, where applicable, territories for whose international relations a member country is responsible (art 23); however, it extends beyond these limits in cases falling under b and c. To facilitate the establishment of postal relations with all parts of the world, the adms of several member countries formerly undertook the organization of or responsibility for the postal service in certain areas where there was no local service or where the postal service was inadequate. This situation led the UPU to consider such offices and territories as within its jurisdiction.

Although there are virtually no more post offices established by member countries on the territory of another country, the 1984 Hamburg Congress kept this provision, but adopted the following interpretation: the term "post offices set up by member countries in territories not included in the Union" shall henceforth designate post offices established by member countries which are uncontrolled or jointly possessed, or internationalized by the international community.
Subpara c concerns territories whose relationship with the member country, on which they depend from the postal point of view, is different from those covered by art 23 (territories for whose international relations a member country is responsible).

Article 4
Exceptional relations

Member countries whose designated operators provide a service with territories not included in the Union are bound to act as intermediaries for other **member countries.** The provisions of the Convention and its Regulations shall be applicable to such exceptional relations.

■ **Commentary**

4 The field of application of this art is at the limits of Union jurisdiction. This prov regulates the relations of member countries with countries or territories which are not part of the UPU within the meaning of art 3, but which maintain postal relations with a member country on the basis of a bilateral Agr.
The 1999 Beijing Congress changed the designation from Detailed Regulations (Det Regs) to Regulations (Regs).
As there was a risk that the second sentence would be interpreted as requiring the application of the Conv and its Det Regs to the relations of a member country of the Union with a country or territory not included therein, the 1929 London Congress stated that in this case "only the intermediary country of the Union would be recognized and that this country would naturally have to abide by the provisions of the Convention".
The 24th Congress – 2008 in Geneva, in line with the principle that in the Const the term "postal administration" should generally be replaced with "member country", reworded this art, while specifying that it is DOs which are responsible for operational aspects (See also comm 1bis.1.4.)

Article 5
Seat of the Union

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

■ **Commentary**

5 The seat of the Union refers to the place considered as the centre of activities of the UPU.
The legal status of the Union in Switzerland is governed by the Agr on the privileges and immunities of the UN. The docs relating thereto are reproduced in this binder under "Legal status of the UPU" (see part I, Historical outline, chapter VI, and part V).
For the "permanent organs", see art 13.

Article 6
Official language of the Union (Gen Regs 109, 110)

The official language of the Union shall be French.

■ **Commentary**

6 On the background to the language system of the UPU, see part I, Historical outline, chapter VIII.
The 1994 Seoul Congress had set up a French language group consisting of the member countries using the official language which have to bear the costs of translation into the official language of docs and correspondence received in Arabic, English and Spanish. The 1999 Beijing Congress abandoned the concept of the French language group, instead adding the prov, in art 110 of the Gen Regs, that member countries using the official language shall pay a lump-sum contribution equal to that paid by member countries using English.

Article 7
Monetary unit

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

■ **Commentary**

7 Art amended by the 1989 Washington Add Prot.
For a long time, the g fr was the monetary unit of the UPU. In January 1976, the IMF approved the principle of demonetizing gold and that decision officially came into force on 1 April 1978. Since then, the member countries of that UN specialized agency may no longer make any reference to gold in fixing the value of their currency. As a result, the g fr could no longer fill in the same way the role that it previously played in international postal accounting, whether in the field of fixing charges and rates or in the preparation and settlement of accounts.
The 1989 Washington Congress abolished the g fr and replaced it with the IMF accounting unit. Only a few DOs still use the g fr for preparing accounts, the totals of which are then converted into SDR for settlement.

Article 8
Restricted Unions. Special Agreements (Gen Regs 119)

1 Member countries, or their **designated operators** if the legislation of those **member** 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.

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

■ **Commentary**

8.1 The amendments to this para, made by the 24th Congress – 2008, resulted from the study on the replacement of the term “postal administration” (see also comm 1bis.1.4). This prov would allow entities providing postal services under the name “designated operator” to form Restricted Unions.
Since its creation, the Union has given its members the possibility of setting up “Restricted Unions” and of concluding “Special Agreements” in order to facilitate cooperation and improve the postal service.
In order to constitute a “Restricted Union”, there must be at least three member countries. They, or their DOs, must conclude a convention to deal with postal questions and draw up a number of provs regarding the organization and functioning of the said Union. In general, a Union is equipped with organs as mentioned

in its constituent Act (periodical confs, headquarters or the designation of one DO as Managing Adm). These Unions must also consider themselves to be Restricted Unions within the meaning of this art.
Special Agrs are agrs concluded between certain UPU member countries or their DOs with the sole aim of facilitating the functioning of the postal service. As a rule these are bilateral agrs, but there is nothing to prevent a multilateral agr being equally considered as a Special Agr.
The Restricted Unions which maintain relations with the UPU on the basis of art 8 are the following:

i Association of Postal and Telecommunications Operators of Portuguese-Speaking Countries and Territories (AICEP), created in 1998. Members: Angola, Brazil, Cape Verde, Guinea-Bissau, Macao, Mozambique, Portugal, Sao Tome and Principe and Timor-Leste (Dem. Rep.).

ii Southern Africa Postal Operators Association (SAPOA), created in 2001. Members: Angola, Botswana, Dem. Rep. of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania (United Rep.), Zambia and Zimbabwe.

iii Association of European Public Postal Operators (POSTEUROP), created in 1993 after the reorganization of the previous CEPT. Members: Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria (Rep.), Croatia, Cyprus, Czech Rep., Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Guernsey/Jersey and Isle of Man, Hungary (Rep.), Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.

iv Arab Permanent Postal Commission (APPC), created in 1992, replaced the Arab Postal Union (UPA), which had been created in 1952. Members: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Rep., Tunisia, United Arab Emirates and Yemen.

v Regional Commonwealth in the field of Communications (RCC) created in 1991. Members: Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

vi Conference of Posts and Telecommunications of Central Africa (COPTAC), created in 1998. Members: Cameroon, Central African Rep., Chad, Congo (Rep.), Dem. Rep. of the Congo, Equatorial Guinea and Gabon.

vii European Conference of Postal and Telecommunications Administrations (CEPT), created in 1959 and reorganized in 1992. Members: Albania, Andorra, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzogovina, Bulgaria (Rep.), Croatia, Cyprus, Czech Rep., Denmark, Estonia, Finland, France, Georgia, Germany, Great Britain, Greece, Hungary (Rep.), Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Vatican.

viii West African Postal Conference (WAPC), created in 2001 and comprising only postal operators charged with the universal postal service, replaced the Conference of Posts and Telecommunications Administrations of the States of West Africa (CAPTEAO). Members: Benin, Burkina Faso, Côte d'Ivoire (Rep.), Ghana, Mali, Niger, Nigeria, Senegal and Togo.

ix Pan African Postal Union (PAPU), created in 1980. Members: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Rep., Chad, Comoros, Congo (Rep.), Côte d'Ivoire (Rep.), Dem Rep. of the Congo, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libyan Jamahiriya, Madagascar, Malawi, Mali, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania (United Rep.), Togo, Tunisia, Uganda, Zambia and Zimbabwe.

x African Postal Union (APU), created in 1961. Members: Burundi, Dem. Rep. of the Congo, Egypt, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Somalia and Sudan.

xi Baltic Postal Union (BPU), created in 1994. Members: Estonia, Latvia and Lithuania.

xii Caribbean Postal Union (CPU), created in 1998. Members: Anguilla, Aruba, Barbados, Canada, Cayman Islands, Dominica, Dominican Republic, France, Great Britain, Grenada, Haiti, Netherlands, Netherlands Antilles, Saint Lucia, Suriname, Trinidad and Tobago, Turks and Caicos Islands and United States of America.

xiii Asian-Pacific Postal Union (APPU), created in 1961. Members: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China (People's Rep.), Fiji, India, Indonesia, Iran (Islamic Rep.), Japan, Korea (Rep.), Lao People's Dem. Rep., Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Singapore, Solomon Islands, Sri Lanka, Thailand, Tonga, Vanuatu and Viet Nam.

xiv Postal Union of the Americas, Spain and Portugal (PUASP), created in 1911. Members: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador,

Guatemala, Haiti, Honduras (Rep.), Mexico, Netherlands Antilles and Aruba, Nicaragua, Panama (Rep.), Paraguay, Peru, Portugal, Spain, Suriname, United States of America, Uruguay and Venezuela.

xv Nordic Postal Union (NPU), created in 1919. Members: Denmark, Finland, Iceland, Norway and Sweden.

xvi Postal Union of EurAsia (PUEA), created in 2001. Members: Azerbaijan, Pakistan and Turkey.

In addition to the Restricted Unions within the meaning of art 8, there are others which de facto fulfil the same conditions and pursue similar aims, but which for various reasons do not consider themselves (or are not considered to be) Restricted Unions within the meaning of the said art, eg the European Postal Financial Services Commission (CSFPE), which admits as members banks but not DOs.

The general clause of art 8 clearly relates above all to the provs governing relations between DOs and the users of the Post. On the other hand, as regards provs concerning relations between DOs, the possibility of "contracting out" is also repeatedly mentioned in the various provs.

In particular, countries can agree on reduction of charges and transit charges.

8.2 Para amended by the 1969 Tokyo and 1994 Seoul Add Prots.

In order to promote cooperation between itself and the Restricted Unions, the UPU initially permitted the latter to send observers to Congresses, Confs and the EC, and later to the CCPS when that body was set up. The 1964 Vienna Congress decided that observers from Restricted Unions might also attend Congress Comm meetings. The Unions may also take part in meetings of the Comms and Working Parties of the CA and POC (see CA and POC Rules of Proc).

The desirability of having recourse to the Restricted Unions in tech asst matters was raised at the 1974 Lausanne Congress. The latter adopted resolution C 38/1974 instructing the EC, the CCPS and the IB to take all appropriate steps to develop UPU–Restricted Union cooperation, particularly in the field of tech asst. Subsequently, the 1979 Rio de Janeiro Congress instructed the EC to study and, where applicable, take practical measures in connection with:

a the technical, financial and legal aspects of the problem presented by greater participation of the Restricted Unions in the various tech asst programmes;

b the relations between the UPU, the Restricted Unions and the Regional Economic Commissions;

c the safeguarding of the interests of adms which are not members of Restricted Unions.

On the basis of this resolution, the EC adopted resolution CE 6/1983 to establish the legal framework for such cooperation.

The 1984 Hamburg Congress, in its turn, sanctioned cooperation from the Restricted Unions in tech asst matters on the basis of the principles and procedures applied by the UNDP when it laid down the priorities and principles of UPU tech asst.

The 1989 Washington, 1994 Seoul, 1999 Beijing and 2004 Bucharest Congresses adopted a series of resolutions on the subject of tech asst.

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.

■ **Commentary**

9 See part I, Historical outline, chapter XII, and part V, UN–UPU Agreements.

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.

■ **Commentary**

10 By international organizations shall be understood above all intergovernmental international organizations, including the specialized agencies which are listed below:

International Labour Organisation (ILO);
Food and Agriculture Organization of the United Nations (FAO);
United Nations Educational, Scientific and Cultural Organization (UNESCO);
International Civil Aviation Organization (ICAO);
World Health Organization (WHO);
World Bank Group, consisting of:
– International Bank for Reconstruction and Development (IBRD);
– International Development Association (IDA);
– International Finance Corporation (IFC);
International Monetary Fund (IMF);
Universal Postal Union (UPU);
International Telecommunication Union (ITU);
World Meteorological Organization (WMO);
World Customs Organization (WCO);
International Maritime Organization (IMO);
World Intellectual Property Organization (WIPO);
International Fund for Agricultural Development (IFAD);
United Nations Industrial Development Organization (UNIDO);
International Atomic Energy Agency (IAEA);
World Trade Organization (WTO).
The Union also cooperates with some non-governmental organizations (eg IATA, ISO and such UN bodies as the UNDP, the UNEP and the UNDCP).
The activities of the UPU and the nature of its technical work are extremely varied. They raise problems which sometimes necessitate the cooperation of international organizations with common interests in these spheres. In general such problems are dealt with by the CA, which establishes the necessary contact through the IB. See on this point Gen Regs, art 102, § 6.19, and art 112, § 2.12. See also Gen Regs, art 102, comm.
As regards the participation of international organizations in Congresses, see Gen Regs, art 101, comm; for the invitation of intergovernmental organizations to Congresses, see Gen Regs, art 102, comm, and the Rules of Proc of Congresses.
For UPU representation at meetings of international organizations, see art 20, comm.

Chapter II

Accession or admission to the Union. Withdrawal from the Union

Article 11
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 **counting from the date of the consultation** 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.

■ **Commentary**

11 Art amended by the 1969 Tokyo, 1989 Washington and 24th Congress – 2008 (Geneva) Add Prots. From its inception up to the 1947 Paris Congress, the UPU was an "open union", ie any sovereign or quasi-sovereign country could become a member by means of a unilateral declaration of accession to the Conv. At the 1947 Paris Congress the UPU decided, in view of its new status as a specialized agency of the UN, to amend the former procedure by requesting that countries desirous of becoming members of the UPU submit an application to that effect and that all member countries be consulted, the application to be formally approved by two thirds of the member countries.
The 1964 Vienna Congress introduced, in addition to the above procedure, a simplified procedure for the members of the UN. The latter may accede to the UPU by a unilateral declaration; in such cases no consultation takes place with member countries.

11.2 The word "sovereign" was introduced by the 1947 Paris Congress (see also art I, comm).
In default of accession or admission as a member, the application of the Acts of the UPU in dependent territories is at all times possible on the basis of arts 3, c, or 23.

11.3 By the formal declaration of accession to the Const and the compulsory Acts which must be included in the act of accession (§ 1) or the application for admission (§ 2), the aim was to prevent a country from acceding to the Const without also undertaking to apply the provs of the other compulsory Acts (see art 22).

11.4 Para amended by the 24th Congress – 2008 (8th Add Prot), in order to specify the starting date for the period of consultation of member countries on the admission to the Union of a UN non-member.
The Swiss Government having asked to be relieved of its function as depositary of the Acts, the EC carried out a study in 1985 (decision CE 33/1985) and, on the basis of this study, the 1989 Washington Congress decided to transfer that power to the Director-General of the IB.

11.5 See comm 11.3 above.
For the financial obligations of new member countries, see art 21 and Gen Regs, art 128, § 7.

Article 12
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.

■ **Commentary**

12 Art amended by the 1989 Washington Add Prot.

12.1 Like most international organizations, the Union grants its members the right of voluntary withdrawal. This follows denunciation of the Const.
On the other hand, there is no withdrawal within the meaning of this art when a country loses its membership through loss of its right to be regarded as subject to international law (when a State is annexed, merges with another or is dissolved).
Power transferred to the Director-General of the IB by the 1989 Washington Congress (see art 11, comm).

12.2 For the contributions of a member in process of withdrawal, see Gen Regs, art 128, § 7.

Chapter III

Organization of the Union

Article 13
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.

■ **Commentary**
13 Art amended by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Add Prots.
The 1994 Seoul Congress replaced the names "Executive Council" and "Consultative Council for Postal Studies" with "Council of Administration" and "Postal Operations Council", which better suit the new nature of their activities.

13.2 Art 5 also contains a reference to "permanent" bodies. The phrase "permanent bodies" gave rise to prolonged discussions since some held the view that only the IB had continuous activities and should be considered a permanent body. This opinion did not however prevail. It has, on the contrary, been recognized that the composition and activity of the CA and the POC are constant and are maintained throughout the interval between Congresses. In accordance with art 17, it is the CA which ensures the continuity of the work of the Union between Congresses.

Article 14
Congress (Gen Regs 101, 108)

1 Congress shall be the supreme body of the Union.

2 Congress shall consist of the representatives of member countries.

■ **Commentary**
14.1 Under the system preceding the 1964 Vienna Congress, the Union was legally renewed at each Congress, since the Conv in force was each time replaced by a new one. Now the UPU has a permanent legal basis, which means that Congress is no longer the general assembly which recreated the Union every five years (at the 2004 Bucharest Congress the period between Congresses was reduced to four years), but an actual body of the Union in the same way as the CA and the POC. In order of importance, the Congress is the supreme body of the Union.

Congress exercises all the powers coming within the scope of the UPU and which have not been expressly entrusted to another body by the Acts of the Union. In the first place, it has to amend the Acts of the Union. In addition to this legislative activity, it has a certain competence in administrative matters (eg considering the Comprehensive reports on the work of the CA and the POC, fixing the annual expenditure ceiling for the next four-year period, approving the Strategic Plan, considering tech asst matters, electing the Director-General and the Deputy Director-General) (see Gen Regs, art 111). It may only take decisions compatible with the Acts in force. For example, it may not itself settle a dispute, which must be submitted to arbitration.

14.2 By "representative" is meant "any person empowered to negotiate and sign (plenipotentiaries) or merely to negotiate (delegates) on behalf of a member country". The power to negotiate includes that of participation in deliberations and the right to vote. Officials attached to delegations are not considered representatives. They may, however, vote on behalf of their country at Comm meetings if formally authorized to do so by the head of their delegation, in accordance with the Rules of Proc of 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.

■ **Commentary**

15 A single Extraordinary Congress was held at Berne in 1900 (2–5 July) on the occasion of the 25th anniversary of the foundation of the UPU. This Congress decided to erect the UPU monument at Berne. The CA may, at the request of any member country, take the initiative in consulting member countries with a view to convening an Extraordinary Congress.
For the practical organization of such Congresses, see Gen Regs, art 101, §§ 7 and 8.

Article 16
Administrative Conferences

(Deleted.)

■ **Commentary**

16 The 1984 Hamburg Congress decided to do away with the possibility of holding Administrative Confs. Administrative Confs were held to discuss certain questions of restricted scope:

a at Berne in 1876 (17–27 January), on the question of the admission of British India and the Whole of the French Colonies as members of the UPU, and to establish maritime transit charges affecting distances greater than from Europe to the United States of America and Egypt;
b in Paris in 1880 (9 October–3 November), to conclude a Special Conv specifically concerning the exchange of postal parcels; the delegates to this Conf had, however, plenipotentiary powers;
c at The Hague in 1927 (1–10 September), to lay down provs in respect of airmail.

Article 17
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.

■ **Commentary**

17 Art amended by the 1994 Seoul Add Prot.

17.1 The CA is regarded as a permanent body of the Union (see art 13).
The expression "between Congresses" may give rise to two interpretations ("until the next Congress meets" or "until the coming into force of the Acts of the next Congress"). To solve this problem, Congress on several occasions adopted a resolution bringing the amended provs relating to the two Councils into force as soon as it has adopted them.

17.2 Ratification of the principle that members of the CA represent neither their country nor their respective geographical groupings and that individual interests must give way to the general interest.

Article 18
Postal Operations Council

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

■ **Commentary**

18 Art amended by the 1969 Tokyo and 1994 Seoul Add Prots.
The POC is regarded as a permanent body of the Union (see art 13).

Article 19
Special Committees

(Deleted.)

■ **Commentary**

19 The 1984 Hamburg Congress decided to do away with the possibility of convening Special Comms.
The following Special Comms have been convened between Congresses:

1 Study Comm at Brussels 1890 (26 June–1 July), for the preparation of the Subscriptions to Newspapers Agr; members: the three adms which had submitted drafts.
2 Study Comm appointed by the 1920 Madrid Congress, for the improvement and simplification of the Acts as regards form and drafting.
3 Study Comm set up by the 1924 Stockholm Congress, to simplify and expedite the work of Congress.
4 Preparatory Comm, appointed by the 1929 London Congress and instructed to prepare for the Cairo Congress.
5 Moreover, a Technical Committee on Transit (TCT) was set up by the 1939 Buenos Aires Congress. It was instructed to inquire into the most equitable bases for the fixing of transit charges and to suggest the best possible methods of simplifying the calculation of the levies due for this purpose.

Article 20
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.

■ **Commentary**

20 Art amended by the 1984 Hamburg and 1994 Seoul Add Prots.

When it was founded, the IB was placed under the general supervision of the Swiss Government which, in that capacity, laid down and periodically revised the Regulations governing the organization, functioning and control of the activities of the IB. This situation continued until 1972. Since that date, it is the EC that has been drawing up the Staff Regulations and the Financial Regulations of the Union. The 1979 Rio de Janeiro Congress, for its part, decided to stop using the services of the Swiss Government for maintaining the Union's finances and opted for a self-financing system similar to that of the other specialized agencies of the UN. The supervisory authority of the Swiss Government thus having been practically emptied of its substance, the 1984 Hamburg Congress amended art 20 by replacing "the general supervision of the Government of the Swiss Confederation" by "the control of the Executive Council".
The Swiss Government continues, however, to audit the Union's accounts free of charge (see Gen Regs, art 128, § 15).
The IB's contacts with the other international bodies were practically non-existent until the UPU became a UN specialized agency.
Then they developed gradually. The IB now takes part in many interagency meetings, especially within the UN framework (see art 10, comm, and UN–UPU Agrs). To that end, the Rules of Proc of the CA lay down that the Secretary-General of the Council is responsible for organizing, in the interval between sessions and in accordance with any instructions from the Council, representation of the Union at meetings of the UN, the specialized agencies, the Restricted Unions and other international organizations in which the Union is interested.
The 1994 Seoul Congress specified that the IB is also responsible for discharging all the tasks entrusted to it and for taking on the necessary support activities.

Chapter IV

Finances of the Union

Article 21
Expenditure of the Union. Contributions of member countries
(Gen Regs 128, 129, 130)

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.

■ **Commentary**

21 Art amended by the 1969 Tokyo, 1974 Lausanne and 1989 Washington Add Prots.

21.1 Congress fixes a "financial ceiling" (corresponding to the net expenditure) for each year of the period from the entry into force of the Acts concluded at one Congress to the entry into force of the Acts of the following Congress (generally, since the 2004 Bucharest Congress, for a period of four years).
A separate "financial ceiling" is fixed for the expenditure relating to the next Congress as defined in Gen Regs, art 128, § 2, it being understood that this expenditure is charged to the regular budget, of which it forms a separate chapter.

21.2 The ceiling of the Union's expenditure may be exceeded in certain circumstances in accordance with the rules laid down in Gen Regs, art 128, §§ 3 to 6 in order to deal with situations created by new and unforeseen circumstances entailing unavoidable expenditure.

21.3 The annual expenditure of the Union and that relating to the meeting of Congress is apportioned globally between all members of the Union. The costs of translation and simultaneous interpretation are borne by the countries concerned (Gen Regs, art 110, §§ 6, 7 and 12).
The 1974 Lausanne Congress abolished the power previously held by Congress to classify member countries in the different contribution classes and confirmed the principle of free choice of contribution class (see also Gen Regs, art 130).

21.4 In confirming the principle of free choice of contribution class in case of accession or admission to the Union, the 1989 Washington Congress simply ratified the practice followed thus far.

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.

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. **Member countries shall ensure that their designated operators fulfil the obligations arising from the Convention and its Regulations.**

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 **member** countries only. **Signatory member countries shall ensure that their designated operators fulfil the obligations arising from the Agreements and their Regulations.**

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.

■ **Commentary**

22 Art amended by the 1989 Washington, 1994 Seoul, 1999 Beijing, 2004 Bucharest and 24th Congress – 2008 (Geneva) Add Prots. For the structure of the Acts, see part I, Historical outline, chapter III.

22.1 The 1964 Vienna Congress established the Const to ensure the permanence of the Union by a stable and permanent Act, analogous to the Acts of other international organizations.
The Const is not subject to renewal at each Congress as were the other Acts of the Union hitherto. The 2004 Bucharest Congress codified the practice in relation to reservations.
The changes made in the Const were the subject of the First Add Prot (Tokyo 1969), the Second Add Prot (Lausanne 1974), the Third Add Prot (Hamburg 1984), the Fourth Add Prot (Washington 1989), the Fifth Add Prot (Seoul 1994), the Sixth Add Prot (Beijing 1999), the Seventh Add Prot (Bucharest 2004), and the Eighth Add Prot (24th Congress – 2008, Geneva), respectively.
To ensure the stability of the Const, only essential and lasting organic provs were included.

22.2 The Conv and its Regs were declared "Acts binding on all member countries" so as to maintain the situation which existed prior to the 1964 Vienna Congress. At present, all member countries are obliged to accept not only all the comprehensive provs governing the organization and the operation of the Union, but also the general regulations on the international postal service and those on the letter post and parcel post, all of which were incorporated in a single Act. Because of this binding character, the title "Convention" has been retained for the provs governing the letter post and parcel post. In this way the Act can be more easily distinguished from the Agrs, which are optional.
The internationally binding character of the Gen Regs, the Conv and its Regs, does not exempt member countries from the obligation to see that the Acts are given national approval in accordance with constitutional regulations, in pursuance of art 25, § 4 (see art 25, comm).

22.3 The new Conv approved by the 2004 Bucharest Congress contains only those provisions that are mainly intergovernmental in nature or which are so fundamental that they require Congress approval. It also contains the fundamental provisions governing the letter-post and parcel-post service. The regulations that derive from the Conv comprise all the rules that are not submitted to Congress. They are no longer limited to implementing the Conv, but also supplement it.
The aim of the 24th Congress, in adding the final sentence to §§ 3 and 4, was to show that there are two national entities charged with fulfilling the obligations arising from the UPU Acts, namely member countries and DOs, and that it is member countries which control the provision of postal services by DOs.

22.4 The 1999 Beijing Congress approved the Postal Payment Services Agreement, which dealt with all the services for the transfer of postal funds. The original texts of the three previous Agr, namely the Money Order Agr, Giro Agr and Cash-on-Delivery Agr have been merged, rearranged and harmonized into the new Agr.

22.5 Until the 1989 Washington Congress the Regs of the Conv and of the Agrs were laid down by the representatives of the adms, whereas the Const, Gen Regs, Conv and Agrs are adopted by the plenipotentiaries of member countries. This distinction, which goes back to the inception of the Union (1874 Berne Treaty, art 13), was established to prevent Congress from being unnecessarily burdened by having to consider questions of a purely technical and secondary nature and so that these provs could be revised

at Administrative Confs by the postal experts. However, the Congresses introduced the practice, from the beginning of the Union, of revising the Det Regs themselves and of submitting them for signature together with the other UPU Acts. To remedy this situation, the 1989 Washington Congress transferred to the EC, and the 1994 Seoul Congress to the POC, the authority to draw up and revise the Regs. The 1999 Beijing Congress changed the designation from "Detailed Regulations (Det Regs)" to "Regulations (Regs)". This distinction in the legal character of the UPU Acts means that the UPU does not demand ratification or approval of the Regs. In many countries, therefore, the Regs are not included in the ratification procedure to which the other Acts are subject. The 2004 Bucharest Congress incorporated a new art into the Gen Regs (art 123) to provide a legal basis for the deadlines for submitting props to the POC concerning the preparation of new Regs in the light of decisions taken by Congress.

22.6 § 6 obliges countries wishing to have the benefit of a reservation to present the latter in the form of a prop, and to have it confirmed by Congress or the POC with a view to its inclusion in the Final Prot to the Act concerned.
As regards general practice on reservations and the UPU's practice, the 2004 Bucharest Congress laid down the procedure for the presentation and acceptance of reservations and confirmed the concept of reciprocity of reservations.
Unilateral declarations, by means of which member countries react to a given political situation or set forth their relations with a given State, are not properly speaking reservations. They do not refer to the application of a prov of the Acts, but arise from political considerations external to the UPU. They are consequently not subject to any particular procedure and may be presented at any time.

Article 23
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.

■ **Commentary**
23 Art amended by the 1989 Washington Add Prot. The territories in question are those which do not form part of the "wholes" of territories on which the Union has conferred the status of member country and which are bound by the Acts of the Union in accordance with the same formalities as the other member countries (ratification, approval, accession).

This art was added at the 1934 Cairo Congress in order to introduce a UPU procedure similar to that commonly used in other international treaties concerning non-self-governing territories.

23.1 The declaration in question can be made either on admission to the Union, or when the Congress Acts are signed, ratified or otherwise approved, on accession to them or subsequently.

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.

■ **Commentary**

24 In accordance with a generally accepted principle in law and the courts, a rule established by treaty takes precedence over the national legislation of the contracting States. Consequently, in so far as the UPU Acts have regulated a question, such regulation shall take precedence over any national legislation which conflicts with it.

As long as a country has not actually withdrawn from the UPU (see art 12), its national legislation cannot derogate from the binding provs of the UPU Acts to which it has acceded.

In particular, regulations governing postal items which remain within the boundaries of the country of origin are reserved for national legislation.

Moreover, the provs of national legislation have supplementary application in respect of international postal service items, either when such application is expressly stipulated in the UPU Acts or when the questions which might be involved have been left open in the Acts of the UPU.

Chapter II

Acceptance and denunciation of the Acts of the Union

Article 25
Signature, authentication, ratification and other forms of approval of the Acts of the Union

1 The Acts of the Union arising from the Congress shall be signed by the plenipotentiaries of the member countries.

2 The Regulations shall be authenticated by the Chairman and the Secretary General of the Postal Operations Council.

3 The Constitution shall be ratified as soon as possible by the signatory countries.

4 Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.

5 When a **member** 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 **member** countries that have ratified or approved them.

■ **Commentary**

25 Art amended by the 1989 Washington, 1994 Seoul, 1999 Beijing and 24th Congress – 2008 (Geneva) Add Prots. The legal significance of the signature apposed by the plenipotentiaries may differ according to the Act under consideration and the constitutional provs of the member country. It may:

– either definitively bind the country concerned, if internal legislation so permits; this possibility must depend on the powers vested in the plenipotentiaries; it does not, however, apply to the Const and the Add Prot, since the UPU requires ratification;
– or be followed by ratification or by some other form of approval; in the absence of any specific clause in the plenipotentiaries' powers, preference is given to formal approval of the treaties by the national authorities.

Ratification is a formality by which a State definitively binds itself with regard to a treaty. It is generally carried out by the supreme executive authority of a State and leads to the drawing up of a specific diplomatic act called "instrument of ratification".

Ratification is a very formal act. It is this that distinguishes it from other forms of approval, which follow a simpler procedure, not necessarily involving the supreme authority. Naturally the internal legislation must determine the latter procedure.

In the past, most of the member countries had not ratified the Acts of the Union by the time they came into force, although they applied them. To settle disputes arising in such circumstances the principle of "tacit ratification" was admitted, based on the effective application of the provs contained in the new Acts of the Union (see 1897 Washington Congress and 1934 Cairo Congress). This principle still applies, with, however, two minor adjustments:

i because of changes introduced into the procedure of approval of the Acts by art 25, the principle of "tacit approval" is a more correct term than the principle of "tacit ratification";
ii as regards the Conv and the Gen Regs, this principle has lost part of its value, since the Acts have been declared binding under art 22, and all member countries are bound by the provs of the Const.

25.5 The clarification of this para by the 24th Congress – 2008 was made within the framework of the study on the replacement of the term "postal administration" with the terms "member country" or "designated operator". It also stems from the fact that the right to ratify or not ratify the Acts of the Union lies with member countries of the Union only, and not to countries in general (see also comm.1bis.1.4 to art 1bis).

Article 26
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.

■ **Commentary**

26 Art amended by the 1969 Tokyo and 1989 Washington Add Prots. Before the 1964 Vienna Congress, the host country to the Congress acted as depositary of the Acts of the Union; this meant officially recording the instruments of ratification and subsequently notifying – through diplomatic channels – the member countries of the Union of the ratifications thus recorded. The 1964 Vienna Congress considered it preferable to entrust to one and the same authority the task of dealing with all diplomatic notifications connected with the Acts of the UPU. The Swiss Confederation was chosen for this purpose, as Berne was the seat of the UPU and the Swiss Confederation was already responsible for the procedure of admission and accession to the Union. The 1989 Washington Congress transferred that power to the Director-General of the IB (see art 11, comm). Depositing the instrument of ratification or of approval is decisive in determining the date on which these formalities shall come into effect.

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.

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

■ **Commentary**
27 Accession is a unilateral legal act by which a member country which has not signed an Agr may become a party to one or other of them. This may be done at any time, whereas accession to the Const and to the compulsory Acts must necessarily take place either at the time of admission or accession to the Union in pursuance of art 11, § 3.
This notification must be addressed to the Director-General of the IB. Accession becomes effective on notification, since the prov refers to art 11, § 3, and by analogy to the provs of § 5 of the same art.
Accession to an Agr implies accession to its Prot and Regs.

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.

■ **Commentary**
28 Art 12 is applicable as regards the procedure to be followed and the date on which denunciation takes effect.

Chapter III

Amendment of the Acts of the Union

Article 29
Presentation of proposals (Gen Regs 122, 123, 124)

1 **A** member country shall have the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which **it** 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 all member countries **and all designated operators.**

■ **Commentary**

29.1 The amendment of this para by the 24th Congress – 2008 was made within the framework of the study on the replacement of the term "postal administration" with the terms "member country" or "designated operator". (See also comm 1bis.1.4 to art 1bis.)
For the right of the CA and the POC to present props to Congress, see Gen Regs, art 102, § 6.22, and art 104, § 9.5.

29.2 Until the 1964 Vienna Congress, provs concerning the organization and functioning of the Union could be amended between Congresses, in which case the props dealing with these provs had to be approved by unanimous vote; this proved impracticable, however.

29.3 The 1999 Beijing Congress added a new para to art 29 for two reasons. Firstly, in line with its fundamental decision to place all provisions in the Regulations which are not intergovernmental in nature, it concluded that it was no longer justified to formally submit to Congress props for amending the Regs. Congress, when required, can give necessary guidelines to the POC on any proposal of a member country under art 22, § 5, of the Const. Secondly, abolishing the obligation to submit props concerning the Regs to Congress would result in lower costs. However, the 1999 Beijing Congress desired that prior information on proposals relating to the Regs should be communicated to all Union member countries to enable the countries concerned to send in written comments or attend the relevant POC meeting as observers. See also art 22.5, comm.
Within the framework of the study on the replacement of the term "postal administration" with the terms "member country" or "designated operator", the 2008 CA decided, and the 24th Congress – 2008 confirmed, that props concerning the Regulations would need to be transmitted in advance by the IB not only to all member countries but also to all their DOs, since it was the latter that were primarily affected by changes to the Regulations.

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.

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.

■ **Commentary**

30.1 The 1999 Beijing Congress introduced a system of automatic sanctions relating to the arrears of mandatory contributions owed to the Union (art 129 of the Gen Regs). Member countries against which sanctions have been applied lose their voting rights at Congress and at meetings of the Councils. This amendment is a consequence of that decision, designed to provide a legal basis in the Acts (art 133 of the Gen Regs, art 36 of the Conv and art 35 of the Rules of Procedure of Congresses).

30.2 The amendments so far made to the Const are contained in the Add Prot, Tokyo 1969, the Second Add Prot, Lausanne 1974, the Third Add Prot, Hamburg 1984, the Fourth Add Prot, Washington 1989, the Fifth Add Prot, Seoul 1994, the Sixth Add Prot, Beijing 1999, the Seventh Add Prot, Bucharest 2004, and the Eighth Add Prot, 24th Congress – 2008 (Geneva). The text of the present Const was updated on the basis of these eight Prots.

Article 31
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.

■ **Commentary**

31 Art amended by the 1984 Hamburg and 2004 Bucharest Add Prots.

31.1 The conditions for the amendment of the Acts in Congress are to some extent graded in accordance with the importance of the Act in question:

Const: majority of two thirds of the member countries of the Union (art 30); two thirds of the latter must be present and eligible to vote before the voting takes place (art 21.1a of the Rules of Procedure of Congresses).

Gen Regs: majority of the member countries represented at Congress; two thirds of the member countries of the Union must be present and eligible to vote at the time of voting (art 21.1b of the Rules of Procedure of Congresses and art 133 of the Gen Regs).

Conv: majority of the member countries having the right to vote present and voting; half of the member countries represented at Congress must be present at the time of voting (art 21.1c of the Rules of Procedure of Congresses and art 35.1 of the Conv adopted by the 24th Congress – 2008 (Geneva)).

Agr: majority of the member countries having the right to vote present, voting and party to the Agr; half of the member countries represented at Congress must be present at the time of voting (art 21.1d of the Rules of Procedure of Congresses and art 27.3.1 of the Postal Payment Services Agr adopted by the 24th Congress – 2008 (Geneva)).

The conditions for amending the Acts between Congresses are stricter (Conv, art 35.3, Postal Payment Services Agr, art 27.3.3).

31.2 § 2 takes account of the following considerations:

i The very numerous amendments made to the Acts of the Union during Congresses resulted in the practice of the UPU renewing the Acts as a whole at each Congress. The 2004 Bucharest Congress decided that the Gen Regs, like the Const, shall remain in force for an indefinite period (art 135 of the Gen Regs). The 24th Congress – 2008 (Geneva) specified in this art 135 of the Gen Regs that amendments to the Gen Regs adopted by a Congress would need to be the subject of Add Prots.

ii From a practical point of view it is important that all the amendments made by a Congress should go into force simultaneously and independently of approval by national legislation. This requirement of a practical nature conforms, moreover, to the spirit of art 1, § 1, according to which the countries which have adopted the Const form a single territory for the reciprocal exchange of letter-post items. Moreover, since the aim of the revision is the improvement of the postal services (art 1, § 2), it is most important that the new provs, once established, should be implemented promptly.

These two considerations notwithstanding, the contracting parties must be allowed sufficient time to take the essential practical and legislative measures and to carry out the procedure of approving the Acts.

Chapter IV

Settlement of disputes

Article 32
Arbitration (Gen Regs 132)

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

■ **Commentary**

32 The amendment of this para by the 24th Congress – 2008 was made within the framework of the study on the replacement of the term "postal administration" with the terms "member country" or "designated operator". (See also comm 1bis.1.4 to art 1bis.) Any dispute existing or arising at international level between two parties may be solved by various means, notably by negotiation, inquiry, mediation, conciliation, arbitration or judicial settlement (see UN Charter, art 33).

The Union, while not excluding any means likely to lead by common consent to a solution to disputes between two parties, has to this end specifically established two procedures within the framework of the Acts, namely:

a agreement to seek the opinion of the IB (Gen Regs, art 116, § 2); this opinion is not, however, binding on the parties;

b recourse to the arbitration procedure laid down in arts 32 of the Const and 132 of the Gen Regs (either unilaterally or by common consent); in this case, the arbitration award is binding on the parties.

However, this is possible only in the case of disputes between parties, it being understood that such disputes may originate in complaints made by customers. Disagreements between customers and DOs must, on the other hand, be laid before the legal authorities of the country of the DO sued, if they cannot be settled in any other way. If the arbitration procedure between the DOs ends before the proceedings instituted by the claimant against the DO of origin, the judge will, according to legal doctrine, not be bound by the arbitrators' findings or award; he will, of course, consider them carefully, but he will judge them independently before adopting them. An arbitrator will do the same if the case between the sender and the DO of origin ends before the arbitration procedure.

There is no right of appeal against an arbitration award, whether decided by majority vote of the arbitrators or by a single arbitrator; it is binding on the parties to the dispute.

Twenty-eight arbitration awards were pronounced in the following cases:

1 *Internal legislation. Inviolability of sealed letters* (Periodical 1877, p 215 et seq).
2 *Various transit questions. Special Agreements* (1896 Rep, p 6).
3 *Payment in gold coins* (1897 Rep, pp 7 and 8).
4 *Liability* (1910 Rep, pp 6 and 7).
5 *Liability for COD items* (1913 Rep, pp 7 et seq).
6 *Transit by quickest route* (1913 Rep, pp 10 et seq).
7 *"Force majeure" exemption clause* (1920 Rep, pp 6 et seq).
8 *Transit by Simplon–Orient Express* (1923 Rep, pp 9 et seq; Periodical 1923, pp 145 et seq).
9 *Liability in the case of prohibited articles* (1924 Rep, pp 9 et seq; Periodical 1925, pp 33 et seq).
10 *Liability* (1925 Rep, pp 12 et seq; Periodical 1926, pp 26 et seq).
11 *Sea transit* (1925 Rep, pp 13 et seq; Periodical 1926, pp 50 et seq).
12 *Conversion rates for money orders* (1926 Rep, pp 8 et seq; Periodical 1926, p 149).
13 *Declaration of value smaller than the actual value* (1927 Rep, pp 8 et seq; Periodical 1927, p 93).
14 *Liability* (1927 Rep, pp 11 et seq; Periodical 1927, pp 373 et seq).
15 *Liability* (1929 Rep, pp 12 et seq; Periodical 1929, pp 278 et seq).
16 *"Franc effectif" (gold-based franc)* (1930 Rep, pp 8 et seq; Periodical 1930, pp 381 et seq).
17 *Liability* (1931 Rep, pp 10 et seq; Periodical 1931, pp 91 et seq).
18 *Liability* (1931 Rep, pp 14 et seq; Periodical 1932, p 141).
19 *Liability* (1932 Rep, pp 8 et seq; Periodical 1932, pp 201 et seq).
20 *Liability* (1932 Rep, pp 18 et seq; Periodical 1933, pp 1 et seq).

21 *Transit statistics* (1933 Rep, pp 8 et seq).
22 *Liability* (1934 Rep, pp 8 et seq; Periodical 1934, pp 273 et seq).
23 *Liability* (1935 Rep, pp 8 et seq; Periodical 1935, pp 43 et seq).
24 *Compensation in respect of sea conveyance* (1945 Rep, pp 7 et seq; Periodical 1946, pp 10 et seq).
25 *Liability* (1948 Rep, pp 14–20).
26 *Setting off debts. Legal succession* (1956 Rep, pp 24–28; Periodical 1956, pp 90A–93A).
27 *Liability* (1966 Rep, pp 62–67).
28 *Conversion rate for an account expressed in g fr* (1981 Rep, pp 94–97).

Section III

Final provisions

Article 33
Coming into operation and duration of the Constitution

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

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.

■ **Commentary**

33 Art amended by the 2004 Bucharest Congress.

In accordance with the practice followed by the Union since its foundation, Congress fixes the date on which the Acts enter into force, irrespective of the number and dates of the ratifications deposited by the signatory countries. This procedure differs from the traditional practice still used, but less frequently than before, under which the treaties enter into force after a certain number of signatory countries have ratified them. The UPU also discarded very quickly the procedure of exchanging instruments of ratification, which was widely practised previously and which the UPU used at the outset before introducing the procedure of depositing the instruments with the Government which organized the Congress, and, following the 1989 Washington Congress, with the Director General of the UPU International Bureau.

It should also be stated that despite the delays in ratification and approval, the Acts of the Union have always been applied by all the member countries from the date of their entry into force.

Previous to the 1964 Vienna Congress, the function of depositary of the Acts of a Congress was assumed by the country in which Congress was held. Since the Const is a permanent Act and to avoid Acts which are simultaneously in force being deposited with Governments of different countries, the function of depositary for all the Acts of the Union was entrusted to the Government of the country in which the UPU's headquarters are situated, namely the Government of the Swiss Confederation, before being transferred to the Director-General of the IB by the 1989 Washington Congress.

Since the 2004 Bucharest Congress, it is the IB which is responsible for delivering a copy of the Acts to each Government of the contracting countries.

Final Protocol to the Constitution of the Universal Postal Union

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

Sole article
Accession to the Constitution

Member countries of the Union which have not signed the Constitution may accede to it at any time. Instruments of accession shall be adressed through diplomatic channels to the Government of the country in which the seat of the Union is situated and by that Government to the Governments of the member countries of the Union.

■ **Commentary**
As all Union member countries have now signed or acceded to the Constitution, this Protocol has lost its topicality.

Additional Protocols to the Constitution of the Universal Postal Union

■ **Commentary**
Since the UPU Const was adopted at the 1964 Vienna Congress, it has been amended successively by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, 1999 Beijing, and 2004 Bucharest Congresses and the 24th Congress – 2008 in Geneva. The amendments have been incorporated in the text of the Const as given in this binder. However, it was considered useful to reproduce arts IX and X, of the Eighth Add Prot, adopted by the 24th Congress – 2008, which are not incorporated in the Const, but are still valid.

Eighth Additional Protocol to the Constitution of the Universal Postal Union (24th Congress – 2008 held in Geneva)

(Extract)

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IX.		Accession to the Additional Protocol and to the other Acts of the Union
X.		Entry into force and duration of the 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 Geneva, in view of article 30.2 of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have adopted, subject to ratification, the following amendments to that Constitution.

Article **IX**
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 **X**
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 **2010** 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 Geneva, 12 August 2008.

Declarations made on signature of the Acts of the 24th Congress (Geneva 2008)

I

On behalf of the Syrian Arab Republic:

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

(CONGRÈS–Doc 41.Add 1)

II

On behalf of the Argentine Republic

"The Argentine Republic recalls the reservation made on ratification of the Constitution of the Universal Postal Union signed in Vienna, Austria, on 10 July 1964, and reaffirms its sovereignty over the Malvinas Islands, South Georgia, the South Sandwich Islands and the Argentine Antarctica sector which are a constituent part of its national territory.
"It also recalls that, in relation to the 'Question of the Falkland Islands (Malvinas)', the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, by which it recognizes the existence of a sovereignty dispute and requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to settle this dispute.
"The Argentine Republic emphasizes also that the United Nations Special Committee on Decolonization has repeatedly pronounced judgement in that same sense, most recently through the resolution adopted on 12 June 2008, and that the General Assembly of the Organization of American States adopted a new decision on the issue in similar terms on 3 June 2008."

(CONGRÈS–Doc 41.Add 2)

III

On behalf of the Socialist Republic of Viet Nam

"The Socialist Republic of Viet Nam declares that:
i It reserves the right of the Vietnamese Government to take any action or measures it deems necessary to safeguard national interests should any

other postal administrations in any way fail to comply with the provisions of the UPU Congress Acts or should reservations by other postal administrations jeopardize its postal services or its sovereignty.

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

(CONGRÈS–Doc 41.Add 3)

IV

On behalf of the Republic of Indonesia

"The delegation of the Republic of Indonesia declares that Indonesia will apply the Acts adopted by the 24th 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 toward defraying the expenses of the Union."

(CONGRÈS–Doc 41.Add 4)

V

On behalf of the Republic of Austria, the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Cyprus, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, Ireland, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland

"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 41.Add 5)

VI

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 41.Add 6)

VII

On behalf of the Kingdom of Thailand

"On the signing of the Final Acts of the 24th Congress of the Universal Postal Union (Geneva, 2008), the Thai delegation declares that:

1 The Kingdom of Thailand will in no way be bound by any provisions of these Acts that infringe its sovereignty or run counter to its national legislation.

2 The signature of these Acts should not be construed as a decision by the Kingdom of Thailand to alter any rights it has or could claim under any other international agreements or instruments to which it is party.

3 The Kingdom of Thailand reserves the right to take any action or measures it deems necessary to safeguard its national interests should the consequences of reservations by any member jeopardize its postal services or affect its sovereignty.

4 The Kingdom of Thailand reserves the right to make reservations, if necessary, upon ratification of these Acts."

(CONGRÈS–Doc 41.Add 7)

VIII

On behalf of the Republic of Georgia

"The Georgian delegation declares that Georgia will apply the Acts, amendments and additions adopted by this Congress only in accordance with the Constitution of Georgia and its national legislation and universal norms, and provided they do not impair the country's sovereignty and its national interests.

"The Georgian Delegation will protect the rights of its Government by:

– making further statements in the national interest in the event that the Acts, amendments and additions adopted by this Congress directly or indirectly contradict the Constitution of Georgia and/or its national legislation and

normative acts, and if any UPU member country fails to observe the UPU Convention, Constitution or Acts;
– taking any action needed for the organization, regulation and functioning of the Postal community and the issuing of postage stamps in compliance with national legislation and normative acts throughout the territory of Georgia, any other action of that kind being illegal;
– taking any action to defend its national interests in the event that any UPU member country takes action that endangers the normal functioning of postal services throughout the territory of Georgia."

(CONGRÈS–Doc 41.Add 8)

IX

On behalf of the Bolivarian Republic of Venezuela

"The Bolivarian Republic of Venezuela, on signature of the Acts, declares that it reserves the right to take all the necessary measures to protect its national interests in the event that other member countries of the Universal Postal Union (UPU) take actions that contravene the Acts or that might directly or indirectly affect its sovereignty or national legislation. Moreover, the signature of the UPU Acts may in no circumstances be interpreted as a renunciation of the rights of the Bolivarian Republic of Venezuela as a sovereign country or the principles of international law that are specific to it as a sovereign country."

(CONGRÈS–Doc 41.Add 9)

X

On behalf of the Kingdom of Lesotho

"The delegation of the Kingdom of Lesotho declares that Lesotho will apply the Acts adopted by the 24th Congress of the Universal Postal Union, in accordance with the Constitution, Laws and Regulations of the Kingdom of Lesotho and pursuant to its obligations as a party to other treaties and any principles of international law."

(CONGRÈS–Doc 41.Add 10)

XI

On behalf of New Zealand

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

(CONGRÈS–Doc 41.Add 11)

XII

On behalf of Canada

"Canada 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 41.Add 12)

XIII

On behalf of Togo

"On the signing of the Final Acts of the 24th Universal Postal Congress, held in Geneva (Switzerland) from 23 July to 12 August 2008, the Togolese delegation declares that the Republic of Togo reserves the right not to apply any provisions that are contrary to its legislation or to the provisions of the international agreements to which it is party.
"The Republic of Togo also reserves the right to make any reservations it deems necessary to protect its legal order and international commitments prior to the ratification of the Acts."

(CONGRÈS–Doc 41.Add 13)

XIV

On behalf of a group of countries

"The postal administration of the Syrian Arab Republic reiterates the declaration made at the 2004 Bucharest Congress by the Kingdom of Bahrain, the Islamic Republic of Iran, the Republic of Iraq, the Socialist People's Libyan Arab Jamahiriya, the Lebanese Republic, the Islamic Republic of Pakistan, the Kingdom of Saudi Arabia, 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 (24th Congress – 2008), and any subsequent ratification of those Acts by their respective governments, shall not be valid vis-à-vis the member inscribed under the name of Israel and shall in no way imply its recognition."

(CONGRÈS–Doc 41.Add 14)

XV

On behalf of the Republic of Turkey

"The delegation of the Republic of Turkey makes the following statement in connection with the participation of the delegation of the Greek Cypriot Administration of Southern Cyprus at the 24th Congress of the Universal Postal Union purportedly on behalf of the 'Republic of Cyprus':
"There is no single authority, in law or in fact, that is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and, consequently, Cyprus as a whole. The Greek Cypriot Administration has, since 1963, represented exclusively the Greek Cypriots and their interests. Therefore, as a guarantor power under the 1960 Treaty of Guarantee, Turkey does not recognize this administration or any of its illegitimate claims.
"In view of the above, Turkey's presence and participation in the work of the Universal Postal Union and its signature of the Final Acts should in no way be construed as recognition by Turkey of the so-called 'Republic of Cyprus', nor should it imply any obligation on the part of Turkey to enter into any dealing with the so-called 'Republic of Cyprus' within the framework of Universal Postal Union activities."

(CONGRÈS–Doc 41.Add 15)

XVI

On behalf of Israel

"The delegation of Israel to the 24th Congress of the Universal Postal Union reiterates the declarations and reservations which it has made in previous UPU Congresses, and rejects unreservedly any declaration or reservation made by any other country of the Union at this 24th Congress (Geneva) the intention of which is to disregard Israel's rights and status as a member of the UPU. Furthermore, any such declaration or reservation is in contravention of both the letter and 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 41.Add 16)

XVII

On behalf of the Republic of Azerbaijan

"Although Nagorno Karabakh and seven other districts adjacent to it form an integral part of Azerbaijan, they continue to be occupied by Armenia.
"The so-called 'Nagorno Karabakh Republic' is an artificial, illegitimate and unrecognized entity that resulted from the illegal occupation of Azerbaijan's Nagorno Karabakh and neighbouring districts by armed forces of Armenia in 1992 and 1993. Ethnic cleansing of Azerbaijanis had been carried out by Armenia in these occupied territories.
"As a result, more than one million Azerbaijanis uprooted from their permanent places of residence became refugees and internally displaced persons in their own country only because they were Azerbaijanis. Many of them are still living in temporary shelters and residential areas and look forward with impatience and determination to the day when they can return to their homes.
"The international community has taken a clear and unequivocal position with regard to Armenia's aggressive policy towards Azerbaijan. Although four UN Security Council resolutions (822 of 30 April 1993, 853 of 29 July 1993, 874 of 14 October 1993 and 884 of 12 November 1993) demanded the complete, immediate and unconditional withdrawal of occupying forces from the occupied territories of Azerbaijan, none of these resolutions has been implemented by the aggressor.
"In its resolution entitled 'The situation in the occupied territories of Azerbaijan', adopted during its 62nd session on 14 March 2008, the UN General Assembly once again confirmed the 'respect and support to sovereignty and territorial integrity in the internationally recognized borders of the Republic of Azerbaijan' and demanded the 'immediate, complete and unconditional withdrawal of all Armenian forces from all territories of Azerbaijan that are under occupation'. Once again, Armenia has ignored this call from the international community.
"As a result of the continuing occupation of 20% of Azerbaijani territory by Armenia, extensive damage has been caused to Azerbaijan's economy.
"In the territories of the Republic of Azerbaijan occupied by Armenia, it has become impossible to implement the provisions of the Universal Postal Convention concerning the circulation of postage stamps (article 8). With the direct support of Armenia, the puppet regime of the so-called 'Nagorno Karabakh Republic' has been printing illegal postage stamps, in blatant violation of the provisions of the Universal Postal Convention, and promoting their illegal circulation.
"We feel that the Universal Postal Union cannot remain indifferent to such activity and that, on the basis of its own Acts, as well as the UN Charter and the resolutions of the UN Security Council and General Assembly concerning the Nagorno Karabakh conflict between Armenia and Azerbaijan, it should effectively prevent the dissemination of illegal postage stamps by illegal and unrecognized entities and take the necessary measures with regard to its member country Armenia, which supports this kind of activity, in contravention of international law. We also take this opportunity to ask UPU member countries and the companies operating under their legal authority to refrain from any postal relations or communication with the so-called 'Nagorno Karabakh Republic'.

"We do believe that in the future actions of the Universal Postal Union, this kind of activity will be kept under control and that relevant measures will be taken where necessary.
"The Government of Azerbaijan holds the position that the postal administration of the Republic of Azerbaijan is the only relevant postal authority in its territory recognized by the world community and international organizations.
"The Government of Azerbaijan considers any attempt to recognize the so-called illegitimate 'Nagorno Karabakh Republic' as an independent state to be in blatant violation of the territorial integrity and sovereignty of the Republic of Azerbaijan and in violation of all international legal standards, including the right to provide postal services.
"The Government of Azerbaijan states that, in view of the occupation of the Azerbaijan's Nagorno Karabakh and neighbouring districts by the armed forces of Armenia, the Republic of Azerbaijan reserves the right not to apply the provisions of the Universal Postal Convention with regard to Armenia."

(CONGRÈS–Doc 41.Add 17)

XVIII

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

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and maritime areas.
"The principle of self determination, enshrined in the charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands, unless and until such time as the Falkland Islands so wish. The islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty.
"The United Kingdom frequently makes its position on the Falkland Islands known to the international community. Our position was last set out in detail by the United Kingdom's Permanent Representative to the United Nations, Sir John Sawers, in a written right of reply dated 1 October 2007 (A/62/469) to the statement by President Néstor Carlos Kirchner of the Argentine Republic in the United Nations General Assembly on 25 September 2007. That remains the United Kingdom's position.
"The United Kingdom has no doubt about its sovereignty over the British Antarctic Territory and in this context draws attention to Article IV of the Antarctic Treaty, to which both the United Kingdom and Argentina are parties."

(CONGRÈS–Doc 41.Add 18)

XIX

On behalf of the Republic of Cyprus

"The delegation of the Republic of Cyprus to the 24th Congress of the Universal Postal Union reiterates the declaration it made at previous UPU Congresses, and rejects unreservedly the declaration and reservation made by the Republic of Turkey on 11 August 2008 (CONGRÈS–Doc 41.Add 15) at the 24th Congress in Geneva in connection with the participation, rights and status of the Republic of Cyprus as a member of the UPU.
"The Turkish positions are totally inconsistent with the relevant provisions of international law and the specific provisions of the mandatory UN Security Council resolutions on Cyprus. It should be noted that, in its resolutions 541(1983) and 550(1984), inter alia, the UN Security Council condemned the purported secession of part of the Republic of Cyprus, regarded its 'unilateral declaration of independence' as 'legally invalid' and called for its withdrawal. It also called on all States not to recognize any Cypriot State other than the Republic of Cyprus and 'not to facilitate or in any way assist the aforesaid secessionist entity'. Lastly, it called on all States to respect the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus.
"The Republic of Cyprus has been a member state of the United Nations since its independence in 1960, and a member state of the European Union from 1 May 2004. It has also been a member of the Universal Postal Union since November 1961 and, in this capacity, participates in all of the organization's activities. The Government of the Republic of Cyprus is the internationally recognized government in Cyprus, with the competence and authority to represent the State, notwithstanding the de facto division of the island as a result of the 1974 Turkish invasion.
"Since 1 May 2004, the Republic of Cyprus has been a full member of the European Union, underscoring the fact that there is only one state in Cyprus. In recognizing the problems caused by the occupation of part of its territory in implementing Community laws, Protocol 10 to the Act of Accession of the Republic of Cyprus to the European Union provides that implementation of the acquis communautaire shall be suspended in the area of the Republic of Cyprus over which its Government exercises no effective control.
"In view of the above, the declaration and reservation made by the Republic of Turkey contravene both the letter and spirit of the UPU Constitution, Convention and Agreements. The delegation of the Republic of Cyprus therefore considers any such declaration or reservation to be illegal and null and void, and reserves its rights accordingly."

(CONGRÈS–Doc 41.Add 19)

Part III
General Regulations of the Universal Postal Union

(amended by the First Additional Protocol of the 24th Congress – 2008)

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General Regulations of the Universal Postal Union

(amended by the First Additional Protocol of the 24th Congress – 2008)

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 member 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.

■ **Commentary**

101 For the list of Congresses see part I, Historical outline, chapter VII.

101.1 The 2004 Bucharest Congress decided to reduce the inter-Congress period from five to four years to enable the UPU to take decisions more quickly in response to changes in the postal environment.

101.2 Art 3.3 of the Rules of Proc of Congresses deals with delegates' credentials. "Government" signifies here the highest authority having the power to negotiate and conclude treaties and conventions, namely the executive power representing the state. In fact, the delegates' credentials are signed by the head of state, the head of government or the minister for foreign affairs, as provided in the Rules of Proc of Congresses.

101.3 A federal state or a confederation of states with a central government, even if composed of several states which have preserved a certain autonomy, may not claim several votes.

101.4 The next Congress will be held in Qatar in 2012. This para was added by the 1964 Vienna Congress. Before then, Congress alone was empowered to designate the host country of the next Congress. This strict practice caused difficulties in the organization of the 15th Congress, which was eventually held in Austria. As the host country (Brazil) designated by the Ottawa Congress declined the office, the ELC had no alternative but to ask the Swiss Government to consult the member countries of the UPU through diplomatic channels, in order to approve the candidature of a new host country (India) which in turn also had to decline. A second diplomatic consultation resulted in the designation of Austria, which thus became the host country of the 15th Congress.
The present procedure, while enabling Congress to designate the host country of the next Congress, allows the CA to settle this question itself if, as a result of special or unforeseen circumstances, the host country designated is unable to meet its obligations.

101.5 This para, added by the 1964 Vienna Congress, formalizes the practice followed until then as regards invitations to be sent to member countries in respect of the next Congress. The date and exact place of the Congress only become definite at the moment of the official convocation of the member countries by the government of the host country.
Diplomatic difficulties between countries should not influence or prevent an invitation – either sent direct or through the intermediary of another country – or the country concerned from being represented at a Congress.
To delimit the duties of the host country and the IB as regards the organization of Congress, the IB Director General concludes a special agreement with the organizing countries of the Congresses.

101.6 This para was invoked for the first time in 2008 when the Congress venue was changed from Nairobi to Geneva (See CA decision CA 1/2008).

Article 101bis
Functions of Congress

1 On the basis of proposals by member countries, the Council of Administration and the Postal Operations Council, Congress shall:

1.1 determine the general policies for achieving the object and purpose of the Union set out in the Preamble and article 1 of the Constitution;

1.2 consider and adopt, where appropriate, proposals for amendments to the Constitution, General Regulations, Convention and Agreements submitted by member countries and the Councils, in accordance with article 29 of the Constitution and article 122 of the General Regulations;

1.3 set the date for the entry into force of the Acts;

1.4 adopt its Rules of Procedure and the amendments to those Rules;

1.5 consider the comprehensive reports on the work of the Council of Administration, the Postal Operations Council and the Consultative Committee, covering the period from the previous Congress, presented by these respective bodies in accordance with articles 103, 105 and 107 of the General Regulations;

1.6 adopt the Union's strategy;

1.7 fix the maximum amount of the Union's expenditure in accordance with article 21 of the Constitution;

1.8 elect the member countries to sit on the Council of Administration and the Postal Operations Council;

1.9 elect the Director General and Deputy Director General;

1.10 set in a resolution the ceiling of the costs to be borne by the Union for the production of documents in Chinese, German, Portuguese and Russian.

2 Congress, as the supreme body of the Union, shall deal with such other questions concerning postal services.

■ **Commentary**

101bis This art was added by the 24th Congress (Geneva). Unlike the functions of the CA, POC and IB, the functions of Congress had previously not been centralized in one art, but set out in several different provisions of the Const and Gen Regs, and a commentary to the Gen Regs. This dispersal made it difficult to easily and quickly understand what the functions of the supreme body of the Union were. These difficulties were experienced by Romania when preparing to host the Bucharest Congress, and led it to propose to Congress that a new art consolidating its functions be added to the Gen Regs. In addition to these functions, Congress also customarily adopts decisions and resolutions concerning the operation of the various bodies of the Union, fixes the ways and means of applying certain provisions of the Acts of the Union, and gives its interpretation (authentic interpretation) or its opinion on the application of provisions of the Acts of the Union, or on a question of common interest.

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 **member** country of Congress. If that **member** 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 **member** 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 **Programme and** 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 **Union;**

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 **by a member country,** taking into account the views expressed by the **member** 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 on the work of the Union and the biennial Financial Operating Reports prepared by the International Bureau and where appropriate to furnish observations on them;
6.18 to decide on the contacts to be established with **member countries** 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 **member countries,** 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 **member** countries between Congresses;
6.22 to formulate proposals which shall be submitted for the approval either of Congress or of **member countries** in accordance with article 125;
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 104.9.16;
6.26 to designate the **member** country where the next Congress is to be held in the case provided for in article 101.4;
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, in consultation with the Postal Operations Council,** the draft **Strategy** for presentation to Congress ;

6.30 to approve the four-yearly report, prepared by the International Bureau in consultation with the POC, on the performance of member countries in respect of the execution of the Union Strategy approved by the preceding Congress, for submission to the following Congress;

6.31 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;

6.32 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;

6.33 to designate **those of its** members that will serve as members of the Consultative Committee;

6.34 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 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 **travel expenses of the** representative of each of the members of the Council of Administration participating in its meetings **shall be borne by his member country. However, the representative of each of the member countries classified as developing or least developed countries according to the lists established by the United Nations shall, except for meetings which take place during Congress,** 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 **air** 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 **member** country in which the Council of Administration meets shall be invited to take part in the meetings in the capacity of observer, if **it** 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 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.

■ **Commentary**

102 The provisions concerning the CA and POC (art 104) come into effect immediately, in conformity with Seoul Congress resolution C 41/1994.

102.1 The number of members of the CA (and its predecessors, the ELC and EC) has gradually increased over the years with the increase in UPU membership. The progression has been as follows:

	Number of CA (or EC or ELC) members	*Number of UPU member countries*
Paris 1947	19	88
Brussels 1952	20	94
Ottawa 1957	20	96
Vienna 1964	27	125
Tokyo 1969	31	142
Lausanne 1974	40	153
Seoul 1994	41	189
Beijing 1999	41	189
Bucharest 2004	41	190
24th Congress (Geneva) 2008	41	191

For the composition of the Council since 1947, see the CA and POC Practical Guides.

102.2 Before the 1974 Lausanne Congress, the EC elected its Chairman itself at the constituent meeting from among the EC members appointed by Congress. Traditionally, this chairmanship was given to the host country of Congress. By inserting this para, the 1974 Lausanne Congress thus codified this tradition and, as a result, the host country of Congress becomes a de jure member of the CA.
This para does not cover the designation of the Chairman at a time when there is no host country and Congress is organized by the IB, as was the case for the 24th Congress. In that instance, Congress took a decision to grant the chairmanship to Kenya as the intended host of the Congress, also taking into account the efforts carried out by Kenya in preparation for the Congress.
At its May 1953 session, the ELC interpreted this provision as meaning that the chairmanship is given to a country, not to a specific person. This idea is confirmed in § 2 of this art.

102.3 The current system for the distribution of seats for the CA is set out in Seoul Congress resolution C 19/1994. The seats (apart from the seat reserved for the host country) are distributed as follows:
1 Western Hemisphere = 8 seats;
2 Eastern Europe and Northern Asia = 5 seats;
3 Western Europe = 6 seats;
4 Southern Asia and Oceania = 10 seats;
5 Africa = 11 seats + Chairman.

The distribution of the member countries elected by the 24th Congress (Geneva) is as follows:

Group 1	Group 2	Group 3	Group 4	Group 5
Western Hemisphere	*Eastern Europe and Northern Asia*	*Western Europe*	*Southern Asia and Oceania*	*Africa*
Argentina	Azerbaijan	Belgium	Bangladesh	Algeria
Canada	Kazakhstan	France	China	Benin
Colombia	Lithuania	Germany	(People's Rep.)	Botswana
Cuba	Russian Federation	Great Britain	India	Cameroon
Panama (Rep.)	Ukraine	Sweden	Indonesia	Congo (Rep.)
Trinidad		Turkey	Kuwait	Egypt
and Tobago			Malaysia	Libyan
United States			Qatar	Jamahiriya
of America			Saudi Arabia	Nigeria
Uruguay			Thailand	Senegal
			United Arab	Tanzania (United Rep.)
			Emirates	Tunisia

Congress has consistently rejected proposed amendments to para 102.3. The 1964 Vienna Congress, 1974 Lausanne Congress and 1984 Hamburg Congress each rejected props to delete the last sentence regarding the number of consecutive terms members could serve. The 1979 Rio de Janeiro Congress rejected a prop seeking to renew one third of the members. The 24th Congress (Geneva) rejected props both to allow the renewal of a third of the CA members and to change the consecutive terms for which members may be elected.

102.6 To carry out the tasks assigned to it by the 24th Congress (Geneva) and resulting from this art, the CA set up four Committees at its 2008 constituent meeting, as well as 14 Project Groups at a subsequent meeting. Congress also decided that 2 of the four committees become joint committees of the CA and POC considering the important role and contribution DOs could provide in those Committees (See Recommendation C 61/2008). The new structure of the CA is as follows:

Committee 1 (Governance Issues)	*Committee 2 (Development and Cooperation)*	*Committee 3 (Finance and Administration)*	*Committee 4 (UPU Strategy)*
	Joint CA/POC Committee		*Joint CA/POC Committee*
● Acts of the Union	● Sustainable Development		● Strategy Planning
● Reform of the Union	● Postal Economics		● Strategy Implementation
● Universal Postal Service	● Technical Cooperation and Postal Reform		● Strategy Reporting
● Interconnectivity	● E-commerce Development		
● Terminal Dues Governance Issues			

102.6.3 Resolution C 6/2008 lays down the development cooperation policy of the Union until 2012. Furthermore, resolutions C 5/2008, C 19/2008, C 32/2008 and C 33/2008 contain references to technical assistance and development cooperation. (See also the comm to art 1 of the Const as well as part I, Historical outline, chapter IX).

102.6.4 The 1999 Beijing Congress decided to introduce a biennial budgetary cycle from the year 2001, in line with the practice of other UN specialized agencies.

102.6.9 The Special Activities Fund, which is maintained partly by the Union budget and partly by voluntary contributions from member countries, was created to finance the work undertaken within the framework of the "permanent project to safeguard and enhance the quality of and to modernize the international postal service", as well as to enable urgent or unforeseen tasks to be executed.

102.6.11 As well as being controlled by the EC, the IB was – up to the 1984 Hamburg Congress – placed under the general supervision of the Government of the Swiss Confederation. The delimitation of functions between the Swiss authorities and the ELC/EC developed progressively from 1947 onwards until the total abolition of the supervisory authority in 1984.

102.6.13 The 1999 Beijing Congress authorized the CA to examine requests for changing a geographical group after consulting the countries which are members of the geographical groups concerned, in case of refusal by the CA, the country concerned could make such a request to Congress in the form of a prop in line with the procedure laid down in art 122.

102.6.14 The IB Staff Regs, revised, have been in force since 1 January 1973. Regarding the conditions of service of elected officials, see art 111.1.

102.6.17 The 1999 Beijing Congress amended the art, bearing in mind that the Financial Operating Report had been a separate publication since 1997, submitted to the CA for approval at its October session. Following the introduction of the biennial budget cycle at the UPU (see comm 102.6.4 above), the CA decided to replace the UPU annual report with a biennial report.

102.6.18 Recognizing the existence of diverse structures in the member countries, the 1994 Seoul Congress declared in its resolution C 29/1994 that the term "postal administration" in the Acts of the Union was to be defined by each member country within the framework of its national legislation. The Beijing Congress, in its resolution C 110/1999, stressed the need to define more clearly, and distinguish between, the governmental and operational roles and responsibilities of the bodies of the Union with respect to the provision of international postal services. In resolution C 11/2004, the Bucharest Congress instructed the CA, in conjunction with the IB, to study in greater depth the use of the term "postal administration" in the Acts of the Union and to suggest solutions for defining or replacing the term. The 24th Congress (Geneva) decided to replace the term "postal administration" with the terms "member country" and/or "DO" in the various arts of the Acts, depending on the context.
With regard to the Gen Regs, the following modifications were made at the 24th Congress (Geneva):
Arts 102 and 104 were modified to reflect the fact that only member countries are entitled to membership of the CA and the POC. Similar considerations were made in modifying paras 7 art 110 (responsibility for language group costs), para 1 of art 112 (Duties of the Director General), and arts 122 to 125 (submission and consideration of props).
Modifications to various clauses of art 104.9 reflect the POC's need to involve DOs and take account of their interests (see arts 104.9.1, 104.9.8, 104.9.11, 104.9.12, 104.9.13, 104.9.15, 104.9.16). Similarly, with regard to official correspondence, paras 5 and 7 of art 110 were modified to include DOs. In addition, other modifications reflect the fact that DOs are entitled to receive information about UPU proceedings (see arts 103.1, 105.1, 15.107.2, 112.2.3, 114, 116.1, 121, 123.4 and 126.2).
The modification of art 132 clarifies the fact that only member countries may participate in the arbitration of disputes, in keeping with their responsibility for meeting UPU obligations, whilst establishing the procedure to be followed by DOs in case of disputes concerning the Acts.

102.6.19 Para amended by the 2004 Bucharest Congress with regard to entities which might be invited to Congress, recognizing the need to distinguish between de jure observers and invitees, i.e. ad hoc observers. See arts 5 and 6 of the Rules of Proc of Congresses.

102.6.23 Introduced by the 1984 Hamburg Congress and further modified by the 1989 Washington Congress, this clause delegates to the CA more flexible and faster decision-making authority in introducing new procedures in the Regs, with a view to allowing the UPU to better cope with rapid technological developments and customer needs.

102.6.31 to 34 New paras introduced by the 2004 Bucharest Congress to take account of the CA's new responsibilities vis-à-vis the Consultative Committee, which was created at that Congress.

102.7 At its constituent meeting on 11 August 2008 in Geneva, the CA appointed Argentina, India, Spain and the United States of America as Vice-Chairmen.

102.8 At the conclusion of the study that the 1984 Hamburg Congress had instructed it to conduct, the EC did not think it advisable to adopt sanctions against members of the EC and CCPS that did not participate regularly in the meetings of these bodies. It nevertheless recommended the Restricted Unions to draw the

attention of member countries which were candidates for seats on the Councils to the obligations which would arise in the event of their election to these bodies (decision CE 21/1985).

102.10 Expenses are not reimbursed when the CA meeting is held during Congress, as participation in Congress is the primary reason for the delegates' travel.
The 24th Congress (Geneva) amended this para so as to allow the CA greater freedom to organize its work without an adverse effect on the budget, and at the same time ensure wider participation by developing countries and the least developed countries.

Article 103
Information on the activities of the Council of Administration

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

■ **Commentary**
103.1 The resolutions and decisions of the CA are published each year with the summary record. The IB has also published a Compendium containing the resolutions and decisions still applicable at the end of the 1999 Beijing Congress (1947–1999).

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 **member** countries and sixteen seats for developed **member** 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 **member countries** participating in the Postal Operations Council shall be borne by **these member countries.** However, the representative of each of the **member** 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, **and** the Committee Chairmen.

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 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 all member countries or **their designated operators,** 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 **member countries** 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 a member country, any proposal which that **member country** 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 member countries;

9.7 to recommend, if necessary, and where appropriate after approval by the Council of Administration and consultation of all the **member countries,** 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 **member countries and their designated operators,** 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 provide input to the Council of Administration for the development of the draft Strategy to be submitted to Congress;**

9.10 to approve those parts of the biennial 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 **member countries and their designated operators in order to carry out its functions;**

9.12 to study teaching and vocational training problems of interest to **member countries and their designated operators as well as to the new and developing countries;**

9.13 to take the necessary steps to study and publicize the experiments and progress made by certain **member** countries **and their designated operators** 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 their designated operators** and in particular with the new and developing countries **and their designated operators;**

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 member country **or designated operator;**

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 **those of its** members that will serve as members of the Consultative Committee.

10 On the basis of the Union **Strategy** 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 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.

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 **any** member **country** not belonging to the Postal Operations Council;
17.3 any association or enterprise that it wishes to consult with respect to its work.

■ **Commentary**

104 The provs relating to the POC and CA (art 102) come into immediate effect in accordance with Seoul Congress resolution C 41/1994.

104.2 In resolution C 5/1999, the Beijing Congress indicated how to apply the criteria for electing members of the POC. The resolution provides that 60 percent of the CA seats allocated to each group will be reserved for the same group in the POC. Furthermore, the criteria are to be applied in the following order:

a the need to renew at least one third of the members;
b distribution among 24 developing countries and 16 industrialized countries;
c the need to ensure qualified geographical distribution, by allocating to each geographical group the number of seats reserved, making sure that the developing countries in each geographical group get the minimum number of seats guaranteed for them.

For a detailed explanation of how the 24th Congress (Geneva) applied the criteria, see Congress docs 34a/2008, 34b/2008 and 34c/2008.

The distribution of the member countries elected by the 24th Congress (Geneva) is as follows:

Group 1 *Western Hemisphere*	*Group 2* *Eastern Europe and Northern Asia*	*Group 3* *Western Europe*	*Group 4* *Southern Asia and Oceania*	*Group 5* *Africa*
Argentina (DC) Brazil[1] (DC) Canada[1] (IC) Costa Rica (DC) Cuba[1] (DC) Mexico (DC) United States of America[1] (IC) Uruguay (DC)	Azerbaijan (DC) Poland (DC) Russian Federation[1] (DC)	Belgium1 (IC) Denmark (IC) France[1] (IC) Germany[1] (IC) Great Britain[1] (IC) Greece[1] (IC) Italy[1] (IC) Netherlands[1] (IC) Portugal[1] (IC) Spain[1] (IC) Switzerland[1] (IC) Turkey (DC)	Bangladesh (DC) China (People's Rep.)[1] (DC) India[1] (DC) Indonesia[1] (DC) Israel (IC) Japan[1] (IC) Korea (Rep.)[1] (DC) New Zealand (IC) Singapore[1] (DC) United Arab Emirates (DC)	Algeria (DC) Egypt[1] (DC) Libyan Jamahiriya (DC) Morocco[1] (DC) Nigeria (DC) South Africa (DC) Tunisia[1] (DC)

104.3 Para amended by the 2004 Bucharest Congress taking into account the structural changes in some member countries of the Union. In addition, delegations may include representatives responsible for governmental and regulatory matters and broader sector interests, including customer organizations, public and private operators, trade unions, special interest groups from trade and civil society, etc.

104.4 The idea of reimbursing representatives of disadvantaged countries the price of the airline ticket was introduced by the 1974 Lausanne Congress and supplemented by the 1979 Rio de Janeiro Congress to make it easier for developing countries to attend CCPS (now POC) meetings. The term "disadvantaged" in this regard is not limited solely to LDCs. Footnote 1 of Rio de Janeiro Congress resolution C 39/1979, although discussing technical assistance, defines "disadvantaged" as including LDCs, countries most seriously affected by economic crisis and natural disasters, and island countries and landlocked countries. Likewise, in addition to the LDCs, the UN also recognizes countries in special situations which include landlocked developing countries (LLDCs) and small island developing states (SIDS) as well as countries affected by natural disasters and conflict.

In January 2010, the following countries appeared on the lists maintained by the Office of the High Representative for Least Developed Countries, landlocked developing countries and small island developing states (ORHLLS) which is under the purview of the UN Economic and Social Committee (ECOSOC). The lists are updated periodically.

I. Least developed countries (LDCs). Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Dem. Rep. of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Dem. Rep., Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda,

[1] Indicates the outgoing POC members elected by the 2004 Bucharest Congress. This is relevant for the calculation of the renewal of one third of the members.
IC – Industrialized Countries (Total 16).
DC – Developing Countries (Total 24).

Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, Tanzania (United Rep.), Timor-Leste (Dem. Rep.), Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia.
II. Landlocked developing countries (LLDCs). (Not including LDCs or SIDS) Armenia, Azerbaijan, Bolivia, Botswana, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Paraguay, Swaziland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan and Zimbabwe.
III. Small island developing states (SIDS). (Not including LDCs or LLDCs) Antigua and Barbuda, Bahamas, Bahrain (Kingdom), Barbados, Belize, Cape Verde, Cuba, Dominica, Dominican Republic, Fiji, Grenada, Jamaica, Mauritius, Nauru, Papua New Guinea, Saint Christopher (St Kitts) and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Singapore, Suriname, Tonga (including Niuafo'ou), Trinidad and Tobago.

104.9 To carry out the tasks assigned to it by the 24th Congress (Geneva) and resulting from this art, the POC set up four Committees and five direct reporting bodies at its 2008 constituent meeting. Congress also recommended that the CA committees dealing with "UPU strategy" and "development and cooperation" become joint committees of the CA and POC, considering the important role and contribution DOs could provide in those committees (see recommendation C 61/2008). The new structure of the POC is as follows:

Committee 1 (Letter Post)	*Committee 2 (Parcels)*	*Committee 3 (Postal Financial Services)*	*Committee 4 (Standards and Technology)*	*Direct reporting bodies*
● Product Development and Marketing Group ● Quality Improvement Group ● Global Monitoring System Implementation Group ● Terminal Dues Group ● Transport Group ● World Association for the Development of Philately ● Quality of Service Link User Group ● Direct Mail Advisory Board	● Product Development and Marketing Group ● Quality Improvement Group ● Remuneration Group ● Customs Group	● Development Group ● Multilateral Framework Group ● Financial Relations Group	● Standards Board ● Addressing Group ● E-services Group ● Operations and Accounting Review Group	● Postal Security Group ● QSF Board of Trustees ● UPU*Clearing User Group ● EMS Cooperative ● Telematics Cooperative

104.10 Art modified by the 24th Congress (Geneva) to replace the term "UPU Strategic planning" with the term "UPU Strategy" since Congress, in fact, adopts the UPU Strategy: See art 101bis para 1.6.

Article 105
Information on the activities of the Postal Operations Council

1 After each session, the Postal Operations Council shall inform the member countries, their **designated operators,** 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 member **countries, their designated operators** and the members of the Consultative Committee at least two months before the opening of Congress.

■ **Commentary**
105 Art amended by the 2004 Bucharest Congress to take account of the creation of the Consultative Committee.

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 **supporting the mission and objectives of the Union.** 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 Operation 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 **102.6.32.**

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.

■ **Commentary**
106 New art introduced by the 2004 Bucharest Congress. See chapter VII, section D, of the Historical outline.

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 **Union** member countries, **to their designated operators** and **to the** 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 the member countries **and their designated operators** at least two months before the opening of Congress.

■ **Commentary**
107 Art introduced by the 2004 Bucharest Congress to take account of the creation of the Consultative Committee.

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.

■ **Commentary**

108 A Congress may amend its Rules of Proc at any time during Congress on the terms laid down in the Rules of Proc of Congresses.

108.1 Bearing in mind the cumbersome procedure that some member countries go through to obtain ratification of the Rules of Proc of Congresses by their legislative bodies, the Beijing Congress decided to detach the Rules of Proc of Congresses from the Gen Regs.

Article 109
Working languages of the International Bureau

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

■ **Commentary**

109 Art created by the 1994 Seoul Congress for the purpose of making English a second working language of the IB in addition to French, the official language of the Union and considered hitherto to be the only working language of the IB. See also part I, Historical outline, chapter VIII.

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 **member countries or their designated operators** 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 **member** 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 **Member countries and/or their designated operators** 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.

■ **Commentary**

110 Following the 1984 Hamburg Congress, the EC undertook a study of a purely editorial nature with a view to defining the terms "documentation", "document" and "publication" used in the Acts of the Union. It adopted as a reference criterion the definitions given in art 15 of the IB's "Internal Rules", the text of which is as follows:

"*Doc and publications*

1 The Union's documentation is made up of doc and publications.

2 Any text prepared for a meeting of a Union body and, in general, any other written or printed paper not intended for sale is considered to be a 'document'.

3 Texts reproduced in the form or brochures of books (loose-leaf binders) and available for sale are 'publications'."

110.1 The first provs governing the translation of docs and publications were introduced after discussion at the 1964 Vienna Congress (see Const, art 6). The difficulties encountered by Congress in this connection made it impossible for it to lay down the detailed procedure for the new language system. Consequently, the EC was instructed to undertake certain studies and to take certain additional decisions in accordance with resolution C 19/1964.

The study of practical and economic methods of translating docs and publications by the IB was carried out jointly with that relating to the distribution of the Union's documentation. Following these studies the EC took decision CE 7/1966, introducing a new language system.

After discussion, the 1974 Lausanne Congress promulgated for the publication of documentation the new language system set out in 1 to 6. The main changes compared with the previous language system lay in the fact that art 110.1, stipulated that Union documentation was published in French, English, Arabic and Spanish, while, under the old system, documentation was provided in any language at the expense of the beneficiaries. In addition, the Arabic, English and Spanish Language Groups no longer stood the cost of translation into their language, since all the costs relating to the production and supply of documentation were borne by the Union.

The 1979 Rio de Janeiro Congress admitted Chinese, German, Portuguese and Russian for the publication of the Union's basic documentation, on the understanding that the Union's contribution must not exceed a common ceiling for the four groups (see § 6, end) (resolution C 106/1979). The 1984 Hamburg Congress increased the subsidy paid to the aforementioned four groups to 150,000 Swiss francs (resolution C 63/1984).

The use of other languages is linked to the condition that it entails no additional expense for the Union; this means that member countries wishing to have documentation published in a language other than those listed in 1 would have to pay all the costs involved, i.e. the translation, production and supply costs.

110.2 The 1994 Seoul Congress decided to set up a French language group. The 1999 Beijing Congress dropped the reference to the French Language Group (see commentary on 110.6).

110.4 The expression "as far as possible" was added by the 1994 Seoul Congress; it applies not only to those languages which are not translated at Berne, but also to documentation printed at Berne, unless, as the result of exceptional circumstances, a translation cannot be completed fast enough and might therefore excessively delay the distribution of the other versions. In such cases, it is in the interest of member countries and DOs to be able to obtain the official version of urgent texts as soon as possible.

110.6 The 1994 Seoul Congress had introduced a provision, according to which the French language group would support the costs of translation into the official language of doc and correspondence received in Arabic, English and Spanish.

For the interpretation and application of this provision, the CA adopted the following resolution CA 11/1997: "The Council of Administration, considering that it is in the interests of member countries as a whole to find a simple formula for setting the amount to be paid by member countries using the official language, noting that most of these countries have already paid the same amount by unit for 1996 and 1997 as the countries using the second International Bureau working language, considering that payment of the same amount per unit by the two groups is fair and compatible with art 110.6, of the Gen Regs, sets the amount per unit to be paid by all member countries using the official language at the same amount as that which will be billed to the member countries of the English Language Group for the period remaining up to the entry into force of the Acts of the Beijing Congress." As regards the translation of non-official doc, the 1999 Beijing

Congress decided that member countries using the official language would pay a lump-sum contribution, the amount of which per contribution unit would be the same as that borne by member countries which use the other International Bureau working language: English. The above solution was added to art 110.6.
With regard to billing for contributions, the IB specified that the following are assumed to use the official language, countries that:

a do not belong to any of the seven language groups constituted (Arabic, Chinese, English, German, Portuguese, Russian, Spanish);
b are members of one of these language groups but wish to receive more than one copy of Union documentation in the official language.

The other costs paid by the Union include, in particular, the word processing, desktop publishing, reproduction and dispatch costs relating to the French, English, Arabic and Spanish versions of IB correspondence, doc and publications, as well as all the administrative costs (management, premises, etc) of the translation services operating in connection with the IB in these languages.

110.9 Until the 1952 Brussels Congress, each meeting (Congress, Conf, Comm) itself fixed, by a prov in its Rules of Proc, the language system applicable to its debates. Since Brussels, the prov relating to this have been included in the Acts of the Union.

110.12 Until the 1969 Tokyo Congress, the cost of the interpreting services at EC and CCPS sessions was apportioned among the members of the language groups, whether they were represented at those sessions or not. The EC amended its Rules of Proc at its 1971 session so as not to make members of language groups pay for interpreting costs when their language is not used at a meeting, provided, however, that the IB has not undertaken any commitment in this connection. On the EC's recommendation, the CCPS amended its Rules of Proc to the same effect at its 1972 session.
Before the 1964 Vienna Congress, the cost of installing and maintaining the technical equipment was borne by the Union for French, English, Russian and Spanish only. The new prov applies to all languages for which a country or group of countries requests simultaneous interpretation.

110.13 The 1947 Paris Congress established for the first time a prov covering the language to be used for official correspondence between adms (1947 Paris Conv, art 33.4).
The 1934 Cairo Congress specified that an adm may refuse to accept letters in any language other than French if no agreement has been reached.

Chapter II

International Bureau

■ **Commentary**

This chapter concerns the management and staff of the IB; it also summarizes the main functions and powers of the IB. Art 112, in particular, forms to some extent a synthesis of all these competences which are detailed.
The actual operation of the IB is also the subject of the following provs, which are not given in this binder:

– Staff Regs, which are drawn up by the CA in accordance with art 102.6.14;
– Staff Rules, which comprise executory provs of the Staff Regs and which are the responsibility of the Director General;
– service conditions of the Director General and the Deputy Director General, which are adopted by the CA in accordance with art 102.6.14; in this connection, see also resolutions C 51/1979 and C 52/1979 of the Rio de Janeiro Congress as well as C 5/2004 of the Bucharest Congress concerning the service conditions and the retirement pensions of the elected officials;
– administrative instructions concerning IB staff and administration, which the Director General draws up as the need arises;
– Regs of the UPU Provident Scheme, which are adopted by the UPU Provident Scheme Management Board with the approval of the Supervisory Authority of the Foundation;
– Social Fund for the staff of the IB of the UPU, which is maintained by payments made to the IB on the sale of official UPU stamps, the regs of which are drawn up by the CA in accordance with art 102.6.16;

- Financial Regs, which are drawn up by the CA in accordance with art 102.6.6;
- Rules on financial administration, accounting organization and control, which are adopted by the Director General under the provs of the Financial Regs;
- A Reserve Fund, which serves to stabilize member countries' contributions; the provs governing its maintenance and use are laid down by the CA in accordance with art 102.6.7 (see art 128.14);
- Special Activities Fund maintained partly by the Union budget and partly by voluntary contributions, in accordance with art 102.6.9.

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.

■ **Commentary**

111.1 Para amended by the 2004 Bucharest Congress to reflect the reduction in the inter-Congress period from five to four years. See art 101.1.

Up to the 1974 Lausanne Congress, the Director General (DG) was appointed by the EC, while the Deputy Director General (DDG) was appointed by the Director General, such appointment then being submitted for the approval of the EC. There was no limit to their terms of office. In practice, they were appointed on a permanent basis like the other IB officials. The 1974 Lausanne Congress decided to have these two senior officials elected by Congress and to limit the duration of their term of office.

In reply to a question from a delegation in 1979 Rio de Janeiro Congress Comm 4, the IB expressed the opinion that a DDG who had completed a first five-year term of office (four years following the 2004 Bucharest Congress) could be elected only once to the post of DG, so that he was therefore not eligible for re-election to that new post. That interpretation was based on the spirit of art 111.1, second sentence, which intended that the period of service completed as an elected official should in no case exceed ten years (eight years following the 2004 Bucharest Congress), whether the person concerned had acted solely as DDG or DG or the two in succession.

While sharing that view, Comm 4 did not consider it necessary to amend the above prov to that effect, since it felt the existing wording was sufficiently clear.

The service conditions of elected officials (DG and DDG) are currently governed by resolutions C 51/1979 and resolution CE 1/1977, and by Bucharest Congress resolution (5/2004).

111.2 Following consideration of the question on what conditions an Assistant Director General (ADG) might apply for the vacant post of DG or DDG, the EC decided in 1983 that the procedure laid down in art 109 applied to all applications, including those by IB officials (decision CE 8/1983).

111.5 Para amended by the 2004 Bucharest Congress to take account of the restructuring of the IB, which went into effect in April 2001 and led to the removal of the Assistant Director Generals' posts. It is a matter of provisionally filling without delay the vacant post of DDG to ensure the continuity of the work and avoid difficulties during the absence of the DG. The D 2 grade Director appointed by the CA retains his D 2 grade; he simply performs the duties of DDG ad interim without being appointed to that grade. Accordingly, §§ 2 and 3 of art 111 are not applicable to him; this interpretation, was confirmed by the EC in 1982 (decision CE 10/1982).

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 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 **member countries and their designated operators** 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 Council **of Administration** and on the basis of directives issued by the **Councils,** the draft Strategy to be submitted to Congress;

2.10 to prepare, for approval by the Council of Administration, a four-yearly report on the member countries' performance in respect of the Union Strategy approved by the preceding Congress, which will be submitted to the following Congress;

2.11 to ensure the representation of the Union;

2.12 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;

2.13 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;

2.14 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.

■ **Commentary**

112.1 The powers of the Director General with regard to the administration of the IB in the staff and financial fields are set out in the IB Staff Regs and in the UPU Financial Regs drawn up by the CA.

The 1979 Rio de Janeiro Congress introduced for the first time, in arts 102 and 110 (now 112), a clear distinction between "appointments" and "promotions" (or between "appoint" and "promote"), in order to bring the terminology of the Gen Regs in line with that of the UN common system; this terminology has also been taken over by the IB Staff Regs. Under this terminology, "appointment" means the recruitment of an external applicant as an international civil servant, while "promotion" is an administrative act by which a serving official moves to a higher grade.

Until the 1964 Vienna Congress, the EC appointed, on the prop of the Swiss Government, all the senior staff, including the Director General. Since that Congress, senior staff and officials in the 1st, 2nd and 3rd classes (corresponding to the present grades of P 4, P 3 and P 2) have been appointed by the Director General, such appointments then having to be approved by the EC.

At the 1974 Lausanne Congress, the responsibility for appointing the Director General and the Deputy Director General was assigned to Congress. That Congress also abolished EC approval for appointments made by the Director General of officials in grades P 4, P 3 and P 2. The 1979 Rio de Janeiro Congress extended to grades D 1 (Senior Counsellor) and P 5 (Counsellor) the Director General's power to appoint and promote IB officials without EC approval. With a view to making the heads of divisions accountable for the work of the teams under their responsibility, the 1999 Beijing Congress empowered the Director General to appoint or promote officials to the grade of Assistant Director General (D 2). The 2004 Bucharest Congress, taking account of the restructuring of the IB in April 2001 and of the removal of the ADG posts, replaced the latter with D 2-grade Directors.

The 1964 Vienna Congress recommended that the Director General of the IB should advise all UPU member countries by circ of posts that are vacant in the IB and are not filled by promotion within the Bureau, with a view to nominating candidates. Member countries should be informed of all vacancies concerning posts of D and P categories. The qualifications required for each vacant post, such as experience, education, etc, should accompany each announcement. The provs governing recruitment (including the procedure for announcing vacant posts), appointments and promotions are now contained in the IB Staff Regs drawn up by the CA. Under those provs, vacant posts at the IB must be filled either by external recruitment (appointments) or by transfer or promotion within the IB. Without prejudice to the recruitment of fresh talent at all grades, full account must be taken in making appointments to vacant posts of the qualifications and experience which persons already in the service of the Union may possess. The Director General notifies, by circ let, member countries of vacant posts in grades D 2 to P 1, which are not filled from within the IB, with a view to proposing candidates. In considering applications received from outside, the cases of the IB officials in the grade immediately below the vacant post must also be automatically reviewed. An Appointment and Promotions Comm is responsible for advising the Director General in all cases of appointments and promotions to vacant posts (up to grade D 2).

The principle of equitable geographical distribution applies to vacant posts in the Senior (grades D 2 and D 1) and Professional categories (grades P 5 to P 1), whereas vacant posts in the General Service category (grades G 7 to G 1) are normally filled through local recruitment. Because of the limited number of posts subject to geographical distribution (63 posts in 2009) compared with the total number of member countries (191 in 2008), the UPU does not have, for international appointments, a system of "country quotas", but it understands the principle of equitable geographical distribution in a "continental" sense (i.e., in a sense which refers to the five geographical groups acknowledged in the UPU).

112.2 Para amended by the 2004 Bucharest Congress by insertion of the new subpara 2.8, which provides a legal basis for actions taken by the Director General in respect of the submission, following Congress, of props to the POC concerning changes to be made to the Regs.

When the EC was instructed to prepare an art on the functions and duties of the IB, the question arose as to whether a distinction should be made between the powers of the IB as a body of the Union and those of the Director General. Fearing that such a distinction would lead to confusion with regard to responsibility, the EC decided that the Director General would be made solely responsible in the eyes of the member countries, on the understanding that to exercise his authority he would have at his disposal the necessary means, viz the IB. Art 112 was conceived in this sense. However, in various arts in the Acts, the distinction between the functions of the Director General and those of the IB has been kept; these functions are as follows:

a Duties assigned to the Director General

Constitution

1 Notify accession to the Union or consult member countries about requests for admission to the Union (art 11.3 and 5).
2 Communicate denunciation of the Const to the governments of member countries (art 12.1).
3 Direct the IB (art 20).
4 Communicate to member countries the declarations and notifications provided for in art 23, §§ 1 and 3 (art 23.4).
5 Notify the governments of member countries of the deposit of the instruments of ratification and of approval of the Acts (art 26).
6 Notify accession to the Agreements (art 27.2).
7 Communicate to the governments of member countries the denunciation of an Agreement (art 28 read together with art 12.1).

General Regulations

8 Where appropriate, serve as intermediary for the sending of invitations to Congress sent by the host government to member countries (art 101.5, 7 and 8).
9 Send the necessary invitations to the intergovernmental and non-governmental international organizations which the CA has chosen to be represented at a Congress (art 102.6.19).
10 Give his agreement to the date and place fixed for the POC meeting (art 104.7).
11 Give his agreement to the date and place fixed for the CC meeting (art 106.7).
12 Assume responsibility for the CC Secretariat, which is provided by the IB (art 106.15).
13 Give his opinion to the organizers of meetings of Union bodies on the choice of the system of interpretation to be used for debates (art 110.9).
14 Send a memorandum to the governments of member countries about applications for the posts of DG and DDG, collect applications and prepare the necessary documentation for Congress (art 111.2).
15 Propose to the CA, if the post of Deputy Director General falls vacant, one of the D 2-grade Directors to take over the functions of the Deputy Director General until the following Congress (art 111.5).
16 Organize, administer and direct the IB and be its legal representative (art 112.1).
17 Classify the posts in grades G 1 to D 2, appoint and promote officials in those grades and make known once a year appointments and promotions in grades P 4 to D 2 (art 112.1).
18 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 (art 112.2.1 and 135).
19 Notify the decisions taken by Congress to all the governments of member countries (art 112.2.2).
20 Notify all member countries and their DOs of the Regs drawn up or revised by the POC (art 112.2.3).
21 Prepare the annual draft budget of the Union at the lowest possible level consistent with the requirements of the Union and submit it in due course to the CA for consideration. Communicate the budget to the member countries of the Union after approval by the CA and execute it (art 112.2.4).
22 Execute the specific activities requested by the bodies of the Union and those assigned to him by the Acts (art 112.2.5).
23 Take action to achieve the objectives set by the bodies of the Union, within the framework of the established policy and the funds available (art 112.2.6).
24 Submit suggestions and props to the CA or to the POC (art 112.2.7).
25 Following the close of Congress, submit props to the POC concerning changes to the Regs required as a result of Congress decisions, in accordance with the POC Rules of Proc (art 112.2.8).
26 Prepare, for the CA and on the basis of directives issued by the Councils, the draft Strategy to be submitted to Congress (art 112.2.9).
27 prepare, for approval by the Council of Administration, a four-yearly report on the member countries' performance in respect of the Union Strategy approved by the preceding Congress, and submit it to the following Congress (art 112.2.10)
28 Ensure the representation of the Union (art 112.2.11).
29 Act as intermediary in relations between the UPU and the Restricted Unions, the UPU and the UN, 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 (art 112.2.12).
30 Assume the duties of Secretary General of the bodies of the Union, in this capacity supervising in particular the preparation and organization of the work of the Union's bodies, the preparation, produc-

tion and distribution of docs, reports and minutes, and the functioning of the Secretariat at meetings of the Union's bodies (art 112.2. 13).

31 Attend meetings of bodies of the Union and take part in the discussions without the right to vote, with the possibility of being represented at them (art 112.2. 14).

32 Assume responsibility for the Secretariat of Union bodies which is provided by the IB (art 114).

33 Notify the Governments of member countries of amendments made to the Convention, the Agreements and the Final Protocols to those Acts (art 126.1).

34 Authorize, in case of extreme urgency, the ceiling fixed for major, unforeseen repairs to the IB building to be exceeded, but by not more than 125,000 Swiss francs per annum (art 128.5).

Rules of Procedure of Congresses

35 Act as Secretary General of Congress; attend the meetings of Congress and of the Bureau of Congress and attend Committee meetings and take part in the debates without the right to vote (art 12.1 and 2).

b Duties assigned to the International Bureau

Constitution

1 Serve as an organ of execution, support, liaison, information and consultation (art 20). Transmit props concerning the Regs to all member countries and all DOs (art 29.3).

General Regulations

2 Consult with the host Government before the latter fixes the definitive date and the precise locality of Congress (art 101.5).

3 With the agreement of the CA and after consultation with the Government of the Swiss Confederation, take the necessary steps to convene and organize the Congress in which the seat of the Union is situated when a Congress has to be convened without a host Government. In this event, perform the functions of the host Government (art 101.6).

4 Consult with the member countries which have initiated an Extraordinary Congress before they fix the meeting place of that Congress; if appropriate, take the necessary steps to convene and organize the Congress and perform the functions of the host Government (art 101.7 and 8).

5 Prepare the biennial reports on the work of the Union (art 102.6.17 and 9).

6 Annex to every prop drawn up by virtue of art 124, before submitting it for approval to the member countries, as well as any observations prepared by the POC at the request of the member countries making the prop prop (art 104.9.6).

7 Provide the Secretariat for the CC, under the responsibility of the DG (art 106.15).

8 Publish documentation in the official language and in the languages of the language groups set up, either direct or through the intermediary of the regional offices of these groups, in accordance with the system agreed with those regional offices (art 110.3).

9 Distribute, as far as possible, simultaneously in the different languages requested the documentation which it directly publishes (art 110.4).

10 Exchange correspondence with member countries or their DOs in any language for which it has a translation service (art 110.5).

11 Give effect to any change in the choice of language requested by a member country after a period which shall not exceed two years (art 110.8).

12 Prepare the docs for Congress in respect of candidacies for the posts of DG and DDG (art 111.2).

13 Provide the Secretariat of the Union's bodies under the responsibility of the Director General. Send all the doc published on the occasion of each session to the member countries of that body and their DOs, to member countries and their DOs which, while not members of the body, cooperate in the studies undertaken, to the Restricted Unions and to other member countries and their DOs which ask for them (art 114).

14 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 (art 115).

15 Be at all times at the disposal of the CA, the POC and member countries and their DOs for the purpose of supplying them with any necessary information on questions relating to the service (art 116.1).

16 Among other things, collect, collate, publish and distribute all kinds of information of interest to the international postal service; at the request of the parties involved give an opinion 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 (art 116.2).

17 Conduct inquiries requested by member countries and their DOs to obtain the views of other member countries and their DOs on a particular question (art 116.3).

18 Act as a clearing house in the settlement of accounts of all kinds relating to the postal service (art 116.4).

19 Develop postal tech asst in all its forms within the framework of international technical cooperation (art 117).

20 Arrange the manufacture of international reply coupons and supply them at cost to member countries or their DOs ordering them (art 118).

21 See that the Acts of the Restricted Unions and special Agrs do not include conditions less favourable to the public than those which are provided for in the Acts of the Union, and inform member countries and their DOs of the existence of such Unions and Agrs. Notify the CA of any irregularity discovered by virtue of this prov (art 119.2).

22 Publish, with the aid of the doc made available to it, a periodical in Arabic, Chinese, English, French, German, Russian and Spanish (art 120).

23 Make a biennial rep on the work of the Union, which shall be sent, after approval by the CA and the POC to member countries and their DOs, the Restricted Unions and the UN (art 121).

24 Publish drafting props and draw up a list of them for Congress (art 122.4).

25 Act as intermediary for receiving from member countries the props referred to in art 124.1 (read together with art 124.2).

26 Notify by circ every prop submitted by member countries under art 124.1, and thereafter to collect the replies and communicate them to the member countries, inviting them to vote for or against the prop (art 125.1).

27 Communicate to the governments of member countries amendments made to the Conv, Agrs and their Fin Prots (art 126.1).

28 Communicate to member countries and their DOs amendments made by the POC to the Regs and their Fin Prots as well as the interpretations referred to in art 36.3.2 of the Conv and in the corresponding provs of the Agrs (art 126.2).

29 Propose an amortization plan to any member country with arrears of mandatory contributions unable to make an assignment of credit (art 129.1).

30 Inform Congress of any subsequent changes in contribution class notified by member countries (art 130.4).

31 Provide supplies to member countries and their DOs against payment (art 131).

32 If one of the member countries party to the case does not act on a prop for arbit within a period of six months, it shall, if so requested, call upon the defaulting member country to appoint an arbitrator or itself appoint one ex officio (art 132.2).

33 Act as single arbitrator in arbit proceedings, if the parties to the case agree to appoint it (art 132.3).

34 In order to settle the matter in the event of a tie, appoint a member country from among those not proposed by the arbitrators, when the latter fail to agree on the choice of another member country not involved in the dispute (art 132.5).

35 Deliver a copy of the Acts of Congress to the government of each member country (art 135).

Rules of Procedure of Congresses

36 Reach agreement with the host member country of Congress to suggest the person to be appointed as Doyen of Congress (art 7.1).

37 Perform, through its staff, the work of the Secretariat of Congress, the Bureau of Congress and the Committees, in conjunction with the host member country (art 12.3).

38 Act, through its senior officials, as Secretaries of Congress, of the Bureau of Congress and of the Committees. Assist the Chairman during meetings and take responsibility for writing the reports (art 12.4).

39 Publish the props before the opening of Congress (art 15.2).

40 Draw up a list of props to be assigned directly to the Drafting Committee (art 16.1).

41 Take account of any observations, received from delegates of member countries within 40 days of the dispatch of minutes or reports of the last meetings which it has not been possible to approve in Congress or Comm but which have been approved by the respective Chairmen of those meetings (art 24.5).

42 Correct, in the minutes or reports of meetings of Congress and Comms, any clerical errors which were not brought to light when the minutes or reports were approved (art 24.6).

43 Correct in the final Acts and in decisions other than Acts clerical errors which have not come to light during study, the numbering of arts and paras and references (art 26.2 and 3).

The references to the other Acts (Conv, Agrs, Regs) are not reproduced.

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 **member countries** of the body **and their designated operators,** to **member countries and their designated operators** which, while not members of the body, cooperate in the studies undertaken, to the Restricted Unions and to other member countries **and their designated operators** which ask for them.

■ **Commentary**

114 This prov implies that the secretariat must not only send all the docs published before a session but also those distributed during or shortly after a session, particularly Comm reports.

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.

■ **Commentary**

115 This list has been prepared partly because of the 1964 Vienna Congress decision not to list Union member countries in the preamble to the Const as previously done in the preamble to the Conv, and partly because of art 113 of the Regs of the 1957 Ottawa Convention, which classified the countries according to the apportionment of UPU expenses. The list is declaratory. See also Part I, General List of UPU Member Countries and of Territories included in 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 **member countries and their designated operators** 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 **member countries and their designated operators** to obtain the views of other **member countries and their designated operators** 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.

■ **Commentary**

116.2 As early as 1878 the question arose as to the interpretation to be placed on the words "at the request of the parties to the case". After careful consideration and in agreement with the Supervisory Authority, the IB concluded that in any formal dispute, namely, as soon as it was no longer a mere question of difference of appraisal of quite secondary importance, it was only authorized to express an opinion if requested to do so by or on behalf of the various member countries directly concerned in the dispute, and not merely by one of them. It has, since then, always adopted this practice, tacitly approved by the member countries as a whole. In addition to questions in dispute, the IB has also often been called on to give an opinion on non-litigious questions. A certain number of opinions (both on questions in dispute and on non-litigious questions) are referred to in the comms relating to the arts of the Acts. Opinions on non-litigious questions are also published annually in the Reps. For arbitrations in which the IB may act as sole arbitrator, see art 132.2 and 5.
The IB has no power to intervene in the relations between member countries and their customers, for example, in cases of claims or searches for postal items in the international service, etc. In such cases, the IB always refers the complaint to the member countries concerned.

116.4 The POC has created a user group named "UPU*Clearing". Membership is open to member countries or DOs interested in participating in its activities. The International Bureau manages the clearing system on behalf of the users and user group members, and includes the following services:
a transit charges and terminal dues;
b EMS accounts.

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.

■ **Commentary**

117 Apart from its role in bilateral assistance, the IB acts as an intermediary between member countries and the UN services dealing with the preparation, implementation and evaluation of various tech asst programmes.

See also part I, Historical outline, chapter IX.

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 **member countries or their designated operators** ordering them.

■ **Commentary**

118 The cost is fixed by the IB and communicated to the member countries or their DOs by circ.

The provs of the regs concerning international reply coupons are set out in the Letter Post Regs (RL 142).

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 **member countries and their designated operators** 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.

■ **Commentary**

119 The IB notifies member countries and their DOs of such Acts or Agrs by circ. The IB also publishes the conclusion of Agrs governing the exchange of mail with a country which is not a UPU member or a member country which is not a signatory of a UPU Agrs. The docs remain at the disposal of member countries and their DOs through the IB's Lending Service.

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.

■ **Commentary**

120 This is "Union Postale", a quarterly periodical containing postal information and news of postal interest. As regards publication particulars and the price of the Periodical, see decisions CE 10/1968, CE 11/1973, CE 25/1976, CE 19/1981, CE 15/1987, CE 17/1987, CE 18/1987, CE 19/1987 and CE 29/1991.

Article 121
Biennial report on the work of the Union (Const. 20; Gen Regs 102.6.17)

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 **member countries and their designated operators,** the Restricted Unions and the United Nations.

■ **Commentary**
121 Art amended by the 2004 Bucharest Congress following the introduction of the biennial budget cycle at the UPU.
The 1939 Buenos Aires Congress expressed the formal opinion: a. that the annual accounts of the IB should be supported by the approval of the competent body of the Swiss Federal Government; and b. that a comparative statement of receipts and expenditure for the years since the preceding Congress should be submitted to each Congress. This statement will show, where applicable, the annual allocation of any surplus, of whatever nature. The IB has complied with the formal opinion mentioned under a. in respect of reps since 1939. As regards the formal opinion under b., the IB complies with this by presenting to each Congress a report by its Director on the finances of the Union.

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 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 **member countries;**

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 **member countries;** 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 shall, as a rule, have only one aim and contain only the changes justified by that aim. **Similarly, each proposal liable to lead to significant costs for the Union shall be accompanied by an indication of its financial impact, prepared by the member country submitting the proposal in consultation with the International Bureau, so that the financial resources needed for its implementation can be determined.**

4 Drafting proposals shall be headed "Drafting proposal" by the **member countries** 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.

■ **Commentary**

122 The procedure regulating the treatment of props in Congress is governed by the Rules of Proc of Congresses, art 16.

122.1 The most stringent time limit for submission of props of substance is limited to two months preceding the opening of Congress so as to enable the IB to translate the props into the languages provided for and to distribute them in time for member countries to be able to receive and study them before the opening of Congress.

122.2 This prov was inserted in order that member countries may have enough time to consider the props in depth.

122.3 Art amended by the 24th Congress (Geneva) to facilitate estimation of the total amount of financial resources needed to implement all the Congress props, so as to prepare the appropriate budgets to be put in place for the period between Congresses.

122.5 The props concerning the Rules of Proc of Congresses are not subject to the procedure laid down in the present art.

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 member country without the support of other 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 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 **and their designated operators** no later than one month prior to the opening of the Postal Operations Council.

■ **Commentary**

123 Art introduced by the 2004 Bucharest Congress to provide a legal basis for the time limits of props dealt with by the POC. Props to amend the Letter Post Regs, the Parcel Post Regs and the Postal Payment Services Regs are dealt with by the POC (art 29.3 of the Const). The POC is charged with revising the Regs within six months of the end of Congress (art 104.9.2 of the Gen Regs). The timing for the submission of props to amend the Regs is governed by the POC Rules of Proc (art 11).

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 **member country** between Congresses shall be supported by at least two other **member countries.** 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 **member countries** 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.

■ **Commentary**

124 This procedure covers not only the amendment of the Acts of the Union but also their interpretation, their temporary application or suspension or any other question which requires the general assent of Union member countries.

Although the Conv and the Agrs are treaties concluded by governments, the Gen Regs authorize member countries to deal with props for amendment or interpretation in respect of these Acts between Congresses.

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 member country has sent a proposal to the International Bureau, the latter shall forward it to all 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 member countries all the observations it has received and invite each member country to vote for or against the proposal. **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 member countries which are parties to that Agreement may take part in the procedure described in paragraph 1.

■ **Commentary**

125.1 Para amended by the 2004 Bucharest Congress to enable member countries to clearly understand that, after the period allowed for comments and observations, they will be requested to vote for or against the props submitted.
Pursuant to art 104.9.6, any country presenting a prop in the period between Congresses may ask the POC to consider the prop and prepare the comments to be annexed to it by the IB before submitting it for the approval of the member countries of the Union.

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 **member countries and their designated operators** 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 **2009** and subsequent years: 37,000,000 Swiss francs for the years **2009 and 2010, and 37,235,000 Swiss francs for the years 2011 and 2012.** The basic limit for **2012** shall also apply to the following years in case the Congress scheduled for **2012** 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 6% per annum from the **fourth** 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.

16 The provisions under paragraphs 9, 10, 11, 12 and 13 apply by analogy to the translation costs billed by the International Bureau to member countries belonging to the language groups.

■ **Commentary**

128.1 Congress fixes a "financial ceiling" for each of the four years during the period covered by the Acts of a Congress. The amounts laid down comprise all the Union's net expenditure except for non-recurrent expenditure for which Congress fixes a separate ceiling (see § 2).
The ceiling is expressed in Swiss fr (the currency of the country where the headquarters are situated), this currency being the same as the one used for drawing up the budget, keeping the accounts and payments to be made to the Union.

128.2 As the expenditure relating to the meeting of Congress represents a considerable recurring sum, a separate ceiling is fixed for such expenditure, which covers only the costs incurred during the meeting of Congress and not, for example, the costs of production of docs before or after the meeting proper.

128.4 With regard to making provision for the rise in the cost of living in respect of general expenditure other than that concerning staff, the 1979 Rio de Janeiro Congress departed from the practice followed by earlier Congresses (inclusion in the ceiling of an inflation rate fixed at a flat rate of 5 percent per annum) preferring to give the CA the option of adjusting (up or down), each year, the amount of general expenditure included in the ceiling on the basis of the Swiss Consumer Price Index.

128.5 With regard to possible repairs to the IB building, the 1974 Lausanne Congress rejected the formation of a maintenance fund, preferring to authorize the CA, or in the case of extreme urgency, the Director General, to exceed the ceiling of expenditure fixed in § 1.

128.6 Since the ceiling is fixed for each of the years for the period covered by the Acts of a Congress and bearing in mind the flexibility clauses provided in §§ 3 to 5, an increase in the ceiling arising from another cause may be authorized only with the approval of a majority of Union member countries duly consulted.

128.7 This para describes a practice long followed by the UPU. It should be noted that, in the other specialized agencies in the United Nations common system, the initial contribution is calculated on a pro rata basis.

128.8 Since the foundation of the UPU, the Government of the Swiss Confederation had made the necessary advances of funds for running the Union. The 1979 Rio de Janeiro Congress ended that practice and adopted, from 1 January 1981, a self-financing system similar to that in the other UN specialized agencies, under which contributions are payable in advance on the basis of the following year's budget and no longer in arrears on the basis of the actual expenditure of the past year.
With regard to the interest on overdue payments, in adopting the new finance system operating from 1 January 1981, the 1979 Rio de Janeiro Congress decided to align it on the practice of the ITU, viz a rate of 3 percent for the first six months and of 6% thereafter, whereas previously, the rate had been uniformly set at 5 percent per annum. However, in adopting this prov, it was understood that the IB would show every possible flexibility towards countries which, exceptionally and because of their domestic legislation, could not pay their contributions before the beginning of the financial year to which they related, provided that:

i the member countries concerned announced the delay in payment of their contribution at least fifteen days before the beginning of the financial year to which it related;

ii any shortage of liquid assets did not oblige the IB to make short-term borrowings from the Swiss Confederation; it is almost certain that the second condition will never arise, because there are very few member countries which will find themselves in such a position and which will have to pay their contribution after the beginning of the financial year.

With regard to charging interest for IB supplies not paid for within the prescribed time limit, see art 131.

128.9 to 11 The Beijing Congress added the three new paras (9, 10, 11) in order to introduce a new mechanism that would make it possible to halt the growth of arrears and clear up most of the accumulated arrears. Member countries not conforming to the provisions of § 9 must conclude a schedule for the amortization of arrears.
The 24th Congress (Geneva) changed the interest rate to 6% per annum from the fourth month so as to reduce the number of countries accruing interest on overdue payments, and encourage payment of contributions in full.

128.12 Granting a remission of interest in arrears could encourage certain debtor countries to agree to individual efforts to pay their contributions in arrears within a short time. It would also make it easier to approach the competent national authorities.

128.13 Washington Congress resolution C 61/1989 makes it possible to transfer to a special, interest-free account debtors covered by an individual agreement which undertake to pay off their debts to the Union in accordance with a schedule approved by the CA. The remission of all or part of past interest makes it easier to negotiate such amortization schedules. It is, however, subject to the condition that the debtor country complies with all provisions of the schedule and fulfils its obligations within the time period set, which cannot exceed ten years. The CA decided, for reasons of efficacy, to extend this time limit to ten years maximum (decisions CA 4/1997 and CA 7/1997).

128.14 Although contributions are payable in advance, a fund is still necessary to ensure that there are enough funds to enable the Union to meet its commitments should some contributions not be paid in time. The Reserve Fund, which is the property of the Union, is checked by the CA which fixes its level and supervises its use in accordance with the methods set out in the UPU Financial Regs.

128.15 Should the Reserve Fund be temporarily unable to meet the Union's financial needs, the Government of the Swiss Confederation has declared its willingness to make the short-term advances which would be necessary to cover such financing shortfalls, on the most favourable conditions.
The Government of the Swiss Confederation appoints an external auditor who makes a formal and material audit of all the Union's accounts and certifies their correctness.

128.16 Para introduced by the 24th Congress (Geneva) to stem the rise in debt arrears relating to translation costs. Based on the recommendations of the member countries belonging to language groups with an autonomous translation service at the International Bureau, it was decided that the provisions relating to the recovery of mandatory contributions to the Union should be applicable to these services.

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.

■ **Commentary**

129 The 1999 Beijing Congress introduced a new mechanism for recovery of arrears of mandatory contributions, which enables member countries to clear up their debts to the Union. A system of automatic sanctions

would come into effect in case a member country refuses to subscribe to the mechanism laid down. These sanctions would cease to exist once the country concerned takes necessary measures outlined in para 2.

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 **a higher number of** units **than that corresponding to the contribution class to which it belongs, for a minimum term equivalent to the period between Congresses. The announcement of a change shall be made at the latest at Congress. At the end of the period between Congresses, the member country shall return automatically to its original number of contribution units unless it decides to maintain its contribution of a higher number of units. The payment of additional contributions shall increase the expenditure accordingly.**

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 **be placed in a lower** contribution class, on condition that the change **request** is **sent** to the International Bureau at least two months before the opening of Congress. **Congress shall give a non-binding opinion on these requests for a change in contribution class. The member country shall be free to decide whether to follow the opinion of Congress. The final decision of the member country shall be transmitted to the International Bureau Secretariat before the end of Congress.** This **change request** 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.

■ **Commentary**

130 When the UPU was founded, the 1874 Berne Congress adopted the same classification as that established at Vienna in 1868 by the Telegraphic Union for its central office, and which took into account population figures, extent of lines and number of offices.

At the 1947 Paris Congress a prop that contributions of the countries of the Union be based on the principles and scale in force for the UN was rejected. The 1957 Ottawa Congress also rejected a prop suggesting three possible bases for the apportioning of costs: a. the UN scale, b. a scale based on the gross revenue of each member country, c. fourteen contribution classes, as in the ITU. At the end of a study that it undertook between 1965 and 1969, based on the principles of international collaboration, factors of comparison between member countries and importance of services rendered, the EC came out in favour of the absolute right of member countries to choose freely their contribution class.

The 1969 Tokyo Congress considered, independently of this study, a prop that international outward letter-post mails should be adopted as a classification criterion and a prop to increase the number of contribution units of the first two classes to widen the apportionment between contribution classes from 50 contribution units to one unit. Taking account of the desire expressed by several member countries to adapt the contribution to their economic possibilities and while recognizing the desirability of considering the free choice of their contribution class, the 1969 Tokyo Congress retained the existing apportionment system and instructed the EC to undertake a new study on the apportionment of the Union's expenses.

The 1974 Lausanne Congress adopted the result of the study undertaken by the EC. The new system of apportioning the Union's expenditure confirms the principle of free choice of contribution class and makes application of the principle more in conformity with reality. It provides for eight contribution classes, a new class of 50 units having been added to the seven existing classes to enable economically strong countries to assume a proportion of the Union's expenses more commensurate with their economic potential. Various appeals were made to all member countries to reconsider their choice of contribution class in relation to their economic possibilities.

In order to better apportion member countries' contributions to the Union's expenditure in relation to their financial and economic potential, the 1984 Hamburg Congress added three new contribution classes of 40, 35 and 0.5 units respectively. The latter class is reserved for the least developed countries (LDCs) listed by the UN and for other countries to which the EC might grant this facility in exceptional circumstances.

Up to the 1964 Vienna Congress, the Acts of the Union included an art containing the classification of member countries for the apportionment of Union expenses. Member countries which wanted to change their contribution class had to amend that art either by submitting a prop to that effect to Congress or by using the procedure for amending the Acts between Congresses. The Vienna Congress abolished that art and decided that only Congress could decide on requests for a change of contribution class, subject to application of § 6. Currently, the contribution class of each member country is given in the List of Union Member Countries, in accordance with art 115.

130.1 Para amended by the 2004 Bucharest Congress. Amendment resulting from the CA's wish to make the structure of the contribution class system more coherent. Adding 45 and 30 unit classes means that a maximum of five units would be lost as a result of any reduction in contribution class.
The expression "other countries designated by the Council of Administration" refers to countries which are not included among the least developed countries (LDCs) but which ask to be placed in the 0.5 unit class. As the requests made are intended for permanent inclusion in the 0.5 unit class, reserved primarily for LDCs, the 1996 CA decided to apply the same criteria as the ITU in making decisions on this type of recurrent request. The following criteria give quantitative data, combining the population and the gross national product (GNP) per capita, to be able to determine which "other countries" may be placed in the 0.5 unit class.

Population	*GNP used by the UN as a criteria for defining least developed countries*	*Multiplier*	*Target GNP USD*
More than 1 million	600 USD	0	0
1 million or lower		1	600
750 000 or lower		2	1200
500 000 or lower		3	1800
250 000 or lower		4	2400

These criteria comprise the demographic data and the per capita GNP for countries other than LDCs. To qualify for inclusion in the 0.5 unit class, a country which is not an LDC must not have more than one million inhabitants. For example, a country of this type with a population of 600 000 inhabitants must also have a per capita GNP that does not exceed 1200 USD.

130.2 Para amended by the 24th Congress (Geneva) in order to provide member countries with flexible conditions for financing the regular Union budget according to their financial and economic situation without affecting their voluntary choice of contribution.

130.4 Para amended by the 24th Congress (Geneva). Fixing the deadline of two months for receipt of requests regarding changes in contribution class before the opening of Congress would enable the IB to process the requests properly. Secondly, it would give Congress an opportunity to react to too many requests for a change to a lower class or to take appropriate measures, e.g. fixing the ceiling expenditure. Thirdly, it would enable the IB to provide information in advance about the proposed changes in contribution class having financial implications.
Up to the 24th Congress (Geneva), a member country could change its contribution class by a simple notification.

130.6 The spirit of art 130 suggests that the competent body to authorize a permanent reduction in contribution class is Congress. The CA has been vested with powers to provide relief only in exceptional circumstances. The relief provided is stipulated to be temporary on the assumption that a natural disaster is not likely to have a permanent effect on the country. In order to discourage frequent changes in contribution class between two Congresses, the para also limits this facility to one time only. It is also specified that a non-least developed country, already in 1 unit class, can be provisionally placed in 0.5 unit class.

130.7 Once the effects of a calamity are over or considerably reduced, the affected country should revert to the original contribution class in the interests of maintaining the financial stability of the Union. Furthermore, all member countries reserve the right to change their contribution class at Congress.

Article 131
Payment for supplies from the International Bureau (Gen Regs 118)

Supplies provided by the International Bureau to **member countries and their designated operators** 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.

■ **Commentary**
131 This art applies to:
– the supply of publications not provided under the conditions of the Letter Post Regs (RL 263);
– the supply of international reply coupons;
– the cost of interpretation services;
– subscriptions to the Periodical;
– the supply of correction bulletins and supplements.
The costs of the translation services operating in connection with the IB are not covered by this art. These costs are subject to the rule governing the payment of contributions (see decision CE 7/1966).
With regard to the interest charged on contributions not paid within the time limit laid down, see art 128.8.

Chapter V

Arbitration

Article 132
Arbitration procedure (Const 32)

1 If a dispute has to be settled by arbitration, each of the **member countries** party to the case shall select a member country not directly involved in the dispute. When several **member countries** make common cause, they shall count only as a single **member country** for the purposes of this provision.

2 If one of the **member countries** party to the case does not act on a proposal for arbitration within a period of six months **from the date of its sending,** the International Bureau, if so requested, shall itself call upon the defaulting **member country** 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 **member country,** not involved in the dispute either, to settle the matter. Should they fail to agree on

the choice, this **member country** shall be appointed by the International Bureau from among **member countries** not proposed by the arbitrators.

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

7 If a dispute has to be settled by arbitration between designated operators, the operators concerned shall ask their member countries to act in accordance with the procedure provided for in paragraphs 1 to 6.

■ **Commentary**

132 This art deals only with part of the arbit procedure, namely, the choice of arbitrators (or of an arbitrator) and the method of taking decisions. It leaves open the question of the rules governing the procedure to be observed, the implementation of the decision, or its review or nullity, cost of arbit, etc. The arbitrators (or arbitrator) can thus decide freely on the procedure to be followed, while being bound by the general rules of international law.

132.1 The member country chosen as arbitrator shall not be involved in the dispute, and shall also maintain complete independence in respect of the member country designating it, and complete neutrality in the arbit. Disputes may arise involving more than two member countries. To obviate the need for each member country to select a separate arbitrator, member countries with interests in common shall, as regards the choice of arbitrators, count only as a single member country.

132.2 Para amended by the 24th Congress (Geneva) to specify that the period of six months, required for a member country to act on a prop for arbitration, began from the date of sending.

132.3 The International Bureau shall be independent and neutral when it acts as arbitrator.

132.7 Para added by the 24th Congress (Geneva) to clarify that it is the member country that is party to arbit procedures and not the DO. The 24th Congress (Geneva) instructed the CA to study this issue further.

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.

■ **Commentary**

133 Para amended by the 2004 Bucharest Congress. Its effect is to exclude from the voting process the member countries affected by the system of automatic sanctions (art 128.9 and 129 of the Gen Regs) in order to ensure the smooth functioning of Congress. See also Const comm 31.1.

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.

■ **Commentary**

134 Changes in the Agrs between the UN and the Union are subject to a dual procedure, namely, that of each of them based on the Rules of Proc peculiar to each contracting organization, and the Agrs on procedure which may be concluded by the two organizations in pursuance of art XVI of the UN–UPU Agr. This art refers to the procedure of the Union.

The 1974 Lausanne Congress adopted resolution C 7/1974, asking the CA to submit, if necessary, drafts of any new prov to Union member countries for approval. By analogy with art 133 any changes to be made to these Agrs will only be regarded as adopted by the UPU if they are approved by a majority of Union member countries, two thirds of them at least having taken part in the vote.

Article 135
Amendment, entry into force and duration of the General Regulations

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.

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.

■ **Commentary**

135 Art amended by the 2004 Bucharest Congress. The legal nature of the Gen Regs is closer to that of the Const than to that of the Conv. As the Gen Regs constitute an Act containing the provisions for the application of the Const and for the working of the Union, they are not subject to major changes, except the provisions for the Union's finances.

Consequently, like the Const, the Gen Regs could be established on a permanent basis and should be partially reviewed by means of an Add Prot.

See Const comm 33 and art 31.

The 1999 CA decided to no longer publish Congress doc in the form of volumes I and II because these doc were distributed to member countries before and during Congress. In line with that decision, the IB sent member countries the publication entitled "Decisions of the 1999 Beijing Congress" which contained the final Acts of Congress as well as the Decisions other than those amending the Acts (Resolution CA 9/1999).

Additional Protocols to the General Regulations of the Universal Postal Union

■ **Commentary**

The 2004 Bucharest Congress recognized that the legal nature of the Gen Regs is closer to that of the Const than to that of the Conv. As the Gen Regs constitute an Act containing the provisions for the application of the Const and for the functioning of the Union, they are not subject to major changes, except the provisions for the Union's finances. Consequently, like the Const, the Gen Regs were established on a permanent basis, and whose amendments adopted by Congress should be contained in an Additional Protocol.

The amendments to the Gen Regs adopted by the 24th Congress (2008) held in Geneva form part of the First Additional Protocol to the Gen Regs and have been incorporated into the text of the Gen Regs as given in this binder. However, it was considered useful to reproduce arts XXV and XXVI of the First Add Protocol adopted by the 24th Congress, which are not incorporated in the Gen Regs, but are still valid.

First Additional Protocol to the General Regulations of the Universal Postal Union (24th Congress – 2008 held in Geneva)

(Extract)

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V.	(art. 105 amended)	Information on the activities of the Postal Operations Council
VI.	(art. 106 amended)	Composition, functioning and meetings of the Consultative Committee
VII.	(art. 107 amended)	Information on the activities of the Consultative Committee
VIII.	(art. 110 amended)	Languages used for documentation, for debates and for official correspondence
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XXVI.		Entry into force and duration of the Additional Protocol to the General Regulations

The plenipotentiaries of the Governments of the member countries of the Universal Postal Union, met in Congress at Geneva, in view of article 135 of the General Regulations of the Universal Postal Union concluded at Bucharest on 5 October 2004, have adopted the following amendments to those Regulations.

Article XXV
Accession to the Additional Protocol

Member countries which have not signed the present Protocol may accede to it at any time. The relevant instruments of accession shall be deposited with the Director General of the International Bureau, who shall notify the governments of the member countries of their deposit.

Article XXVI
Entry into force and duration of the Additional Protocol to the General Regulations

This Additional Protocol shall come into force on 1 January 2010 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 General Regulations 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 Geneva, 12 August 2008.

Part IV
Rules of Procedure

Rules of Procedure of Congresses

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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.

■ **Commentary**

2 See comm to art 14.2 of the Const, art 101.2 of the Gen Regs.

2.3 This prov takes account of the fact that generally two Comms of Congress meet simultaneously in two different rooms and that certain countries are represented at Congress by a single delegate with power to take part in the debates.

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 **member** 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.

■ **Commentary**

3.1 The 1964 Vienna Congress adopted a formal opinion inviting the IB to send member countries in good time a form stating the conditions which full powers must satisfy to be recognized as in due and proper form. Prior to the 1984 Hamburg Congress, the Rules of Proc of Congresses provided that delegates' credentials not expressly including the power of signature simply conferred the right to vote; but to take account of the Vienna Conv on the Law of Treaties and of an increasingly widespread practice, the 1969 Tokyo, 1974 Lausanne and 1979 Rio de Janeiro Congresses made this rule more flexible by deciding that credentials conferring full powers on delegates without specifying their scope implicitly included the power of signature. The 1984 Hamburg Congress ratified this practice.

3.2 As a general rule, powers are deposited with the Secretariat of the Credentials Comm.

3.3 This text shows clearly that delegates without credentials or whose credentials are not in order will no longer be authorized to vote from the time when Congress has approved the last report of the Credentials

Comm, on the understanding that such approval must be given before any election and before approval of the draft Acts.

3.7 See comm to art 10.3.

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.

■ **Commentary**

4 Prior to the 1969 Tokyo Congress delegations were seated in the alphabetical order of their countries, starting with letter A from the Chairman's rostrum. This new practice was adopted so that the same delegations would not always have to sit at the back of the conf halls. When two halls are used for meetings of Congress and Comms, the seating order is the same in each.

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.

■ **Commentary**

5 Art amended by the 2004 Bucharest Congress in order to make a distinction between de jure observers and invitees, as has been done in the Rules of Procedure of the CA and the POC.

Until the 1947 Paris Congress, bodies not connected with the postal service were not admitted to UPU meetings. Since then, the UN and various intergovernmental international organizations have attended Congress as observers. After the UN–UPU Agreement became effective on 1 July 1948, the UN became a de jure observer at UPU meetings. This prov stems from the UN–UPU Agreement, art II, § 1, see p D.2.

The 1974 Lausanne Congress also admitted as de jure observers at Congress the national liberation movements recognized by the Organization of African Unity or by the League of Arab States (resolution C 3/1974) and the Organization of African Unity (OAU) (decision C 92/1974). The 1979 Rio de Janeiro Congress, in turn, accepted the League of Arab States as an observer at all meetings of UPU bodies (resolution C 7/1979). The 1999 Beijing Congress conferred upon Palestine in its capacity as an observer the right of directly exchanging postal services with Union member countries and the right to participate in all conferences and meetings of the UPU and its bodies as an observer; in addition to these, Congress granted Palestine four other rights (resolution C 115/1999).

Until the 1964 Vienna Congress, Congress itself decided when adopting its Rules of Proc on the entities which it wished to invite to participate in its work. This practice revealed a drawback in that invitations could be sent only after Congress had opened. It was amended by the 1964 Vienna Congress, which instructed the EC, now the CA, to designate in good time the intergovernmental organizations which should be invited to be represented at Congress, the invitations being sent out by the IB Director-General. The 1984 Hamburg Congress extended this CA function to non-governmental international organizations (Gen Regs, art 102, § 6.19), while specifying that the latter could only take part in the work of the Congress Comms, as indicated by the present prov.

5.6 The 2001 CA adopted the recommendation of the High Level Group (HLG) whereby UPU activities should always be based on the principles of openness, transparency and inclusiveness, with respect to observers. Nevertheless, it was recognized that in exceptional circumstances, representation of observers may be limited if the confidentiality of the subject so requires.

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.

■ **Commentary**

6 Art introduced by the 2004 Bucharest Congress. See the first sentence of comm 5 above.

Article 7
Doyen of Congress

1 The host **member** 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.

■ **Commentary**

7.2 Prior to the 1984 Hamburg Congress, the Doyen proposed to Congress the member countries that were designated in advance for the chairmanship and vice-chairmanships of Congress and for the various chairmanships and vice-chairmanships of the Comms. These functions, with the exception of the chairmanship of Congress, were transferred to the CA as a result of the study on the organization, functioning and work methods of Congress (see also art 8.1).

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.

■ **Commentary**

8.1 In accordance with a tradition going back to the beginnings of the Union, the chairmanship of Congress goes to the host country.

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.

■ **Commentary**

9 The Bureau is presided over by the Chairman of Congress.

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.

■ **Commentary**

10.1 Since the 1969 Tokyo Congress all member countries represented at Congress have been admitted as members, of the Finance Comm, whereas previously the composition of this Comm was restricted. On the other hand, the number of members of the Credentials Comm and of the Drafting Comm is limited to 11 and 12 respectively.

10.3 Under a prov dating back to the 1891 Vienna Congress and which was adopted in the Rules of Proc of subsequent Congresses up to the 1964 Vienna Congress, delegates of countries which did not take part in an Agr were “allowed to vote if they declared that they had been instructed by their Government to sign this Agreement”. This prov was not adopted in the permanent Rules of Proc, because it clashed with the art relating to the conditions of approval of props concerning each Agr under which such props “must be approved by the majority of member countries present and voting which are parties to the Agreement” and also because the Rules of Proc of Congresses are subordinate to the provs of the Acts (see also arts 1 and 3.7).

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 host **member** 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.

■ **Commentary**

12.1 See Gen Regs, art 112.2.12.

12.3 In fact, two secretariats are responsible for the organization and functioning of a Congress. One, consisting of IB staff, deals with the organization and functioning of the Congress secretariat proper; the other, formed by officials made available by the host country, handles material questions connected with the holding of Congress (premises, machines, reproduction of docs, hotels, excursions, etc). Cooperation and the apportionment of duties between these two secretariats are laid down in an agreement between the IB and the host country.

12.4 Para amended by the 2004 Bucharest Congress. At the 1994 Seoul Congress and the 1999 Beijing Congress, the minutes of all Congress Committees were replaced by reports, a practice which the Bucharest Congress decided to extend to plenary meetings in order to increase the efficiency of meetings, improve the quality of docs and contribute to the efficiency of doc production.
The Bucharest Congress also deleted para 6 concerning rapporteurs to take the minutes.

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.

■ **Commentary**

13.2 As the official Acts of the UPU are in French, the Union's official language, the members of the Drafting Comm are chosen from delegations with French-speaking members.

13.3 At the 24th Congress (Geneva), Arabic, Chinese, German, Japanese and Portuguese were used in addition to the languages listed in § 1.

13.4 See also comm to the Gen Regs, art 110.12.

13.5 See also Gen Regs, art 110.7.

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.

■ **Commentary**

14 The word "document" in this art should be understood in a wide sense. It is used not only for documentation published under the reference Congress–Doc but also for props, minutes, draft decisions, etc. For the publication of docs, the 1974 Lausanne Congress adopted a new system (see Gen Regs, arts 109 and 110). This new system also applies to Congress docs.

14.3 At the 2008 24th Congress (Geneva), in addition to French, translation services operated for Arabic, Chinese, English, Portuguese, Russian and Spanish.

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.) **where these proposals result from the work of Congress.**

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.

■ **Commentary**

15.1 The word "proposals" in this art has a very general meaning. It covers props to amend the Acts as well as draft resolutions, recommendations, formal opinions, etc.

15.4 The wording of § 4 attempts to define amendments as precisely as possible, to avoid disputes which sometimes arise about props submitted outside the time limits. The 1984 Hamburg Congress made some clarifications to the previous text.

15.5 See also comm to art 14.
Although French is the official language, Congresses agreed that amendments resulting directly from the discussions could be submitted in one of the languages of discussion other than French, where the preparation of the text in French causes the author of the amendment difficulties.

15.6 This para covers draft resolutions, draft recommendations, draft formal opinions, etc, which result from the work of Congress. Consequently it can in no case be interpreted to mean that props not amending the Acts can be introduced after Congress opens, as it would contradict art 122 of the Gen Regs.

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.

■ **Commentary**

16 Most props are first considered by the Comms set up by Congress for this purpose; then the decisions they take are submitted to plenary meetings for approval. At the beginning of its work Congress decides which props are to be dealt with direct at plenary meetings, or sent to a particular Comm rather than another, or dealt with jointly by several Comms.
For appeals see art 25.
With a view to simplifying matters, the 1999 Beijing Congress decided that proposals concerning the Regulations would no longer be formally submitted to Congress, but would be submitted direct to the POC after their distribution to all postal administrations (Const, art 29.3).

16.4 This para authorizes any member country which is party to an Act to which a prop relates to resubmit that prop if it is withdrawn by its author, even where the member country was not one of those which supported the prop before its withdrawal.

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.

■ **Commentary**

18 This prov was prompted, first of all, by the improper use made by certain delegations of motions on points of order in order to obtain a priority hearing on the substance of the problem under discussion.

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.

■ **Commentary**

19.1 The Rules of Proc adopted by the 1969 Tokyo Congress provided for a stricter quorum as regards the Const and Gen Regs. This restriction was abolished by the 1974 Lausanne Congress to allow Congress to debate any question, even if taking a decision required a qualified majority.

19.2 Para amended by the 2004 Bucharest Congress, as it was considered necessary to exclude the member countries affected by automatic sanctions (art 125.8 to 11 and art 129 of the Gen Regs) in order to ensure the smooth functioning of Congress.

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, **having regard to equitable geographical representation and the level of economic development of the member countries,** 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.

■ **Commentary**

20.3.b Para amended by the 2004 Bucharest Congress in order to replace the minutes of Congress plenary meetings with reports. See also comm 12.4.

20.3.c Para amended by the 24th Congress (Geneva) to introduce more transparent procedures of this kind.

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.

■ **Commentary**

21.1 to 3 Art amended by the 2004 Bucharest Congress. See comm to art 133 of the Gen Regs.

21.5 The abstentions referred to in § 5 are those which are formally recorded on the voting paper or by pressing the appropriate button. A distinction is made between abstention and non-participation in a vote, the latter not being taken into account.

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.

6 The candidates for Director General and Deputy Director General of the International Bureau may, at their request, be represented at the counting of the votes.

■ **Commentary**
23.6 Para created by the 24th Congress (Geneva) to introduce more transparent procedures of this kind.

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.

■ **Commentary**
24 Art amended by the 2004 Bucharest Congress. See comm 12.4 above.

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 10 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.

■ **Commentary**
25 Art introduced by the 2004 Bucharest Congress to explain the appeal procedure more clearly and to enable Congress to examine appeals as quickly as possible.

25.2 This para is provides for the need to exclude from voting the member countries affected by automatic sanctions.
See also comm 19.2 above.

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.

■ **Commentary**

26.1 Art amended by the 2004 Bucharest Congress to provide the Chairman with a legal basis for following, with the approval of the majority, a more rapid procedure for examining the draft Acts.
See also comm 25.1 and 25.2 above.

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.

■ **Commentary**

28 Art amended by the 2004 Bucharest Congress. The procedure set out in this art enables countries to take a decision about voting on the Fin Prots. This approach enables all member countries to analyze the content and legal repercussions of the reservations made to the Acts of the Union. All member countries should be in a position to analyze the reservations under discussion, understand the content and evaluate their impact on the Acts of the Union. In particular, formulation of reservations is avoided during the approval of the Acts by the final plenary session of Congress, when any discussion on their legality becomes impossible.

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 10 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.

■ **Commentary**

30.2 Props for amending the Rules of Proc may be introduced at any time during Congress (Gen Regs, art 122.5). Para amended by the 2004 Bucharest Congress. See comm 19.2 above.

Rules of Procedure of the Council of Administration

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Article 1
Purpose and functions of the Council of Administration

1 The Council of Administration, hereinafter called “the Council”, shall be responsible for ensuring the continuity of the work of the Union between Congresses in accordance with the provisions of the Acts of the Union. Its functions shall derive in particular from article 102 of the General Regulations and from the decisions of Congress.

Article 2
Members of the Council **and notification of representatives**

1 The Council shall consist of 41 members, i.e. a Chairman and 40 other members elected by Congress.

2 Each member of the **Council, according to article 102.4 of the General Regulations,** shall appoint its representative, who shall be competent in postal matters. This representative may be accompanied by one or more other delegates who shall also be entitled to participate in the discussions and to vote. **In line with its national legislation or according to its internal processes, each member country shall notify the International Bureau, before the opening of the session, of its designated representative and of the delegates accompanying him. In the event of doubt about the composition of a member country's delegation, the representative, or his deputy if any, shall decide the matter.**

■ **Commentary**
The title and § 2 of this art were amended by the 2009 CA, which introduced a more formal notification procedure for member countries participating in its annual sessions.

Article 3
Observers

1 The following *de jure* observers shall be invited to participate in the plenary sessions and Committee meetings of the Council:
1.1 representatives of the United **Nations;**
1.2 the Chairman of the Postal Operations Council shall represent that body at Council meetings on the agenda of which there are questions of interest to the body which he directs;
1.3 the Chairman of the Consultative Committee shall represent that body at Council meetings on the agenda of which there are questions of interest to the body which he directs;
1.4 the representatives of the Postal Operations Council, **designated by the latter;**
1.5 the representatives of the Consultative Committee, **designated by the latter;**
1.6 the Restricted **Unions;**
1.7 **the member country** in which the Council **meets, if that** country is not a member of the Council;
1.8 The League of Arab States, the African Union (AU), **Armenia[1] and Palestine.**

2 If they so request, the following observers may participate in the plenary sessions and Committee meetings of the Council:
2.1 members of the Postal Operations Council;
2.2 members of the Consultative Committee;
2.3 intergovernmental organizations interested in the work of the Council;
2.4 other member countries of the Union.

3 The observers referred to in paragraphs **1 and 2** shall not be entitled to vote, but may take the floor with the Chairman's permission.

[1] Account has been taken of the situation of Armenia, which, on an exceptional basis and strictly for the period between the 24th Congress and the 25th Congress, has been granted the status of privileged observer to the meetings of the Council of Administration (resolution C 82/2008).

4 **Observers may** also attend meetings of the bodies of the Council mentioned in article 11, subject to informing their Chairman in advance, either in writing or verbally.

5 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 Groups when their experience or expertise justifies it. The participation of observers shall be carried out without additional expense for the Union.

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

7 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 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.

■ **Commentary**
This art was revised in order to make a clearer distinction between de jure observers and invited observers, resulting in a few small drafting changes.

Article 4
Invitees

1 After consulting the Chairman of the Council, the Secretary General may invite the UN specialized agencies to attend sessions of the Council.

2 The Chairman of the Council, after consultation with the Secretary General and, where appropriate, with the Chairman of the Committee concerned, shall be authorized to invite any international body, any representative of an association or enterprise or any qualified person when he considers that this is in the interest of the Union or of the Council's work. He may also invite, under the same conditions, one or more member countries not elected to the Council, concerned with questions on its agenda, subject, in particular, to the provisions of article 102.18 of the General Regulations.

3 The Chairmen of CA bodies, after consultation with the Chairman and the Secretary General, shall be authorized to invite and/or accept requests to attend their meetings from any member **country and any designated operator** not belonging to their body, or any international organization or qualified person when they consider that this is in the interest of the Union. Member countries not

belonging to the CA may be called upon to make experts available to chair or be members of other bodies when their knowledge or experience justifies it.

4 The invitees referred to in paragraphs 1 to 3 shall not be entitled to vote but may take the floor with the permission of the Chairman of the meeting.

■ **Commentary**
4.3 The amendments to § 3 result from the replacement by the 24th Congress in all the Acts of the Union of the term "postal administration" with the terms "member country" or "designated operator" (see also the changes to arts 7.2.4 and 21.3).

Article 5
Chairmanships and vice-chairmanships

1 The chairmanship of the Council shall devolve by right on the host country of the last Congress. If that country waives this right it shall become a de jure member and the Council shall elect to the chairmanship one of the member countries belonging to the geographical group of the host country. At its first meeting, the Council shall elect, from among its members and on the basis of equitable geographical distribution, the countries which are to hold the offices of the four Vice-Chairmen, Chairmen and Vice-Chairmen of the Committees respectively and shall designate **its members** to serve as members of the Consultative Committee.

2 The Chairman shall convene the Council, direct its proceedings and approve the Summary Record. He shall also be responsible for the general direction of the Council's work and activities. If prevented from discharging his duties, he shall be replaced by one of the Vice-Chairmen, selected by drawing lots.

3 The Chairman may designate another member of the Council to lead part of the deliberations, for example the Chairman of a Committee for discussions relating to certain matters of that Committee which, where appropriate, could be dealt with directly in plenary.

■ **Commentary**
5.1 Given the decision of the 24th Congress to abolish the Strategic Planning Group, whose tasks were transferred to CA/POC Joint Committee 4, this art and arts 5.1 and 6.1 were amended.

Article 6
Management Committee

1 The Chairman and the Vice-Chairmen of the Council as well as the Chairmen of its **Committees shall constitute** the Management Committee, which shall meet at the request of the Chairman of the Council. The Chairman of the Postal Operations Council shall be invited to take part, as an observer, in the meetings of the Management Committee. The Chairmen of the other bodies coming directly under the **Council may** also be invited to attend the meetings of the Management Committee as observers. The Secretary General and Assistant Secretary General

of the POC, mentioned in article 7.1, shall attend the meetings of the Management Committee.

2 The Management Committee shall prepare the work of each session and monitor the progress of the work of the Council and of its bodies. It shall assist the Chairman in drawing up the agenda of the plenary meetings and in coordinating the work of the bodies.

3 **The Committee shall approve, on behalf of the Council, the biennial report prepared by the International Bureau on the work of the Union.** The Management Committee shall perform all such tasks as the Council may decide to entrust to it or the need for which arises in the course of the strategic planning process.

■ **Commentary**

6.1 See comm on art 5.1 above.

6.3 This first sentence was added in order to bring this para into line with art 102.9 of the Gen Regs.

Article 7
Secretariat

1 The Director General and the Deputy Director General of the International Bureau shall serve respectively as Secretary General and Assistant Secretary General of the Council. The International Bureau shall act as Secretariat of the Council.

2 The Secretary General of the Council shall:

2.1 take part in the discussions of the Council and its bodies without the right to vote; he may also be represented;

2.2 prepare the work of the Council and send all the documents published on the occasion of each session to the member countries of the Council, to the countries which, while not members of the Council, cooperate in the studies undertaken, to the de jure observers and to other member countries which ask for them; the documents published before the session shall be sent in principle 30 days before it opens;

2.3 inform the member countries of the Union and the de jure observers specified in article 3 about the activities of the Council and in particular shall send them, after it has been approved by the Chairman of the Council, a Summary Record and the resolutions and decisions of the Council;

2.4 prepare the Comprehensive report on the work of the Council, which is referred to in the General Regulations, article 103.2, and send it, after approval by the Council **and at least two months before the opening of Congress,** to the member countries of the Union **and their designated operators and the members of the Consultative Committee,** as well as to the *de jure* observers at Congress;

2.5 maintain contact with the Postal Operations Council and submit to that body those matters which the Council decides to entrust to it, in accordance with the General Regulations, article 102.6.25;
2.6 implement the decisions of the Council in accordance with the latter's instructions;
2.7 organize, in the intervals between sessions, and in accordance with any directives by the Council, representation of the Union at meetings of the United Nations, the specialized agencies, the Restricted Unions and the other international organizations with which the Union is concerned;
2.8 transmit to the relevant bodies, for their prior notification, questions submitted to the Council between sessions by a member country of the Union or by international organizations;
2.9 dispose, after consultation with the Chairman, of the routine business of the Council.

3 The Secretary General may be entrusted, by the Chairman or by the Council itself, with the study of certain special subjects; in the same way, in order to simplify management, certain functions may be delegated to him.

4 The Secretariat of the Council shall:
4.1 prepare the work of the Council and the various reports on the work of the Council;
4.2 draft the reports of the meetings of the bodies of the Council, as well as the Summary Record;
4.3 prepare correspondence and maintain archives.

■ **Commentary**
7.2.4 See comm on art 4.3 above.

Article 8
Sessions

1 In principle, the Council shall meet every year at the headquarters of the Union. It shall fix the approximate date and duration of its next annual session. If compelled by circumstances, the Chairman, after consulting the Secretary General, may alter the date or duration which has been fixed, provided the alteration is notified to the members of the Council in good time.

2 The Council may meet, exceptionally, when a request for this is made or approved by at least one third of its members or on the initiative of its Chairman. The date shall be fixed by the Chairman after consulting the Secretary General.

Article 9
Order of seating

1 At meetings of the Council and its bodies, delegations shall be seated in the French alphabetical order of members.

2 The Chairman of the Council shall draw lots, in due course, for the name of the country to be placed foremost before the Chairman's rostrum at the meetings of the Council and of its Committees.

Article 10
Agenda

1 The Chairman shall make out, at the proposal of or after consultation with the Secretary General, the provisional agenda for each session. This agenda shall be sent to the members of the Council and to the observers and invitees at the same time as the convening notice.

2 Each Chairman of a body shall also prepare, on the proposal of or after consultation with the Secretary General, the agenda of the meetings of his body.

3 The following subjects, inter alia, shall appear in the provisional agenda of the Council:

3.1 matters selected at the previous session;

3.2 questions submitted by members of the Council or by the member countries of the Union between sessions and notified to the Secretary General at least six weeks before the opening of the session during which they are to be considered; questions notified to the Secretary General less than six weeks before the opening of the session may be considered only if the Council so decides by a majority of the members present and voting and having the right to vote;

3.3 suggestions and proposals submitted by the Director General of the International Bureau.

Article 11
Committees, Project Groups, Working Parties, Contact Committees and Joint Groups

1 The Council shall set up its bodies (Committees, Project Groups, etc.) and determine their powers. It may also, with the participation of other international organizations, set up contact committees or joint working parties to deal with problems of mutual interest.

2 The Council may, in agreement with the POC, form joint Committees made up of members of the CA and POC to deal with matters of common interest. The joint Committees shall meet once a year during the annual

session of the Council and shall submit their reports, including proposals or recommendations, to the Council for final approval. These Committees may inform the POC of the results of their work.

3 The relevant provisions of these Rules of Procedure shall apply to the proceedings of bodies of the Council.

4 The Council and its bodies may, subject to paragraph 7, set up Project Groups composed of experts appointed on the basis of their professional skills and equitable geographical distribution. **The mandates and deadlines for the tasks to be carried out should be clearly defined when each Project Group is established.** The Chairmen of the bodies concerned shall determine the methods of work that are most suitable for the successful completion of their **activities.**

5 Council members are members ex officio of all Committees.

6 Each Council member that is not a member of a body may, with the authorization of its Chairman, attend meetings thereof and take part in the proceedings without the right to vote.

7 The Council shall approve the timetable, drawn up in agreement with the Chairmen of the bodies concerned and after consultation with the Secretary General, of meetings which will be held before the next session. Any meeting planned and not appearing in this timetable must, if it entails additional expenditure, be authorized by the Chairman of the Council after consultation with the Secretary General.

■ **Commentary**
11.2 and 4 Following the change in the structure of the CA, and the decisions approved by the 24th Congress, a new § was added to this art. A sentence specifying the mandates and deadlines for the tasks of groups was also added in § 4.

Article 12
Financial consequences of proposals made by the bodies

1 Any proposal submitted by the bodies which has financial repercussions for the Union shall be submitted for consideration to the Finance Committee before it is studied by the Council. This Committee, which the Council shall set up, shall report to the Council on the matter.

2 Similarly, each proposal submitted to Congress by the Council that is liable to give rise to costs for the Union shall be accompanied by an indication of its financial impact so that the financial resources needed for its implementation can be determined.

■ **Commentary**
12.2 This § was added in order to take account of the financial impact of props made by the Union bodies.

Article 13
Urgent questions raised between sessions

1 Urgent questions raised between sessions shall be dealt with by the Chairman.

2 If questions of principle are involved, the Chairman shall consult the members of the Council and, if he thinks fit, all the member countries of the Union; he shall inform the members consulted of the solutions adopted.

Article 14
Languages

1 The official language of the Council shall be French.

2 For the discussions of the Council and its bodies, the French, English, Spanish and Russian languages shall be accepted, provision being made for a simultaneous interpretation system.

3 The cost of the interpretation services in the languages mentioned in paragraph 2 shall be borne, in accordance with the method laid down in paragraph 4, by the members of the four groups of countries given **below, and by the observers referred to in article 3.2.4:**

French	*English*	*Spanish*	*Russian*
Algeria	**Bangladesh**	**Argentina**	**Azerbaijan**
Belgium	**Botswana**	Colombia	**Kazakhstan**
Benin	**Canada**	Cuba	**Russian Federation**
Cameroon	**China**	Panama (Rep.)	**Ukraine**
Congo (Rep.)	**(People's Rep.)**	**Uruguay**	
France	**Egypt**		
Senegal	Germany		
Tunisia	Great Britain		
	India		
	Indonesia		
	Kenya		
	Kuwait		
	Libyan Jamahiriya		
	Lithuania		
	Malaysia		
	Nigeria		
	Qatar		
	Saudi Arabia		
	Sweden		
	Tanzania		
	(United Rep.)		

French	*English*	*Spanish*	*Russian*
	Thailand Trinidad and Tobago **United Arab** **Emirates** **United States** **of America** **Turkey**		

Any member country wishing to change its language of discussion between sessions of the Council must inform the Secretary General accordingly.

4 The cost of the interpretation services **in the languages mentioned in paragraph 2** shall, in principle, be divided into four equal parts, each **borne by the members of the POC and the member countries participating in these meetings as observers, in application of article 3.2.4, which have chosen to use the same language,** in proportion to their contribution to the expenses of the Union. However, if interpretation into one of the languages laid down in paragraph 2 is not used for a session of the Council or for an interim meeting of one of its bodies, and provided the International Bureau has not yet entered into any commitments in this regard, the costs referred to in paragraph 3 shall be shared equally between the language groups represented at the meeting.

5 If members of the Council wish to use other languages, they must provide for simultaneous interpretation into English, French, Russian or Spanish, either by the method stated in paragraph 2, when the necessary technical modifications can be made, or by special interpreters. Requests for the use of other languages must be sent to the secretariat at least six months before the opening of the meeting in question[1].

6 The cost of the use of other languages shall be divided between the member countries using them, in proportion to their contribution to the expenses of the Union.

7 Notwithstanding the provisions of paragraphs 4 and 6, any group of interested countries may inform the International Bureau, direct or through a recognized spokesman, that it constitutes, for the purposes of the interpretation costs mentioned in paragraphs 4 and 6, a language group bearing the costs in question, at the same time giving the key for apportionment among the member countries. The International Bureau will take this statement into account in collecting the said costs.

[1] The following member **country has** requested authorization to use another language:

Chinese
China (People's Rep)

8 The cost of installing and maintaining the technical equipment shall be borne by the Union.

■ **Commentary**
14.4 At its 2007 session, the CA decided that observers should contribute in the same way as member countries to the cost of interpretation.

Article 15
Quorum

1 Discussions by the Council shall not be valid unless at least half of its members having the right to vote are present.

Article 16
Voting

1 Subject to the sanctions provided for in article 129 of the General Regulations, each member of the Council shall have a single vote.

2 If a member of the Council, who is represented at a session, is prevented from attending a meeting, he may as an exceptional measure delegate his right to vote to the representative of another member country having the right to vote, provided he gives previous notice in writing to the Chairman of the Council. However, a member of the Council may represent only one country other than his own.

3 Questions which cannot be settled by common consent shall be decided by a majority of members present and voting and having the right to vote. In the event of a tie, the proposal shall be considered as rejected.

4 Voting shall be:
4.1 by show of hands;
4.2 by roll-call: at the request of a member of the Council or if desired by the Chairman. The roll-call shall be taken in the French alphabetical order of countries represented on the Council;
4.3 by secret ballot: at the request of two members of the Council; in this case the necessary measures shall be taken for ensuring that this procedure is properly carried out; the secret ballot shall take precedence over the other voting procedures.

5 The expression “members present and voting” shall mean members having the right to vote voting “for” or “against”. Abstentions shall not be taken into consideration; similarly, blank or spoilt ballot papers shall not be taken into account in the event of a secret ballot.

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 The voting rules apply to decisions taken by the plenary or by the Committees.

Article 17
Motions on points of order and procedural motions

1 During the discussion of any question and even, where appropriate, after the closure of the debate, a delegation may submit a motion on a point of order for the purpose of requesting:
1.1 clarification on the conduct of the debates;
1.2 observance of the Rules of Procedure;
1.3 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:
3.1 the suspension of the meeting;
3.2 the closure of the meeting;
3.3 the adjournment of the debate on the question under discussion;
3.4 the closure of the debate on the question under discussion.
Procedural motions shall take precedence, in the order set out above, over all other proposals except the motions on points of order referred to in paragraph 1.

4 Motions for the suspension or closure of the meeting shall not be discussed, but shall be put to the vote immediately.

5 When a delegation proposes adjournment or closure of the debate on a question under discussion, only two speakers against the adjournment or the closure of the debate may speak, after which the motion shall be put to the vote.

6 The delegation which submits a motion on a point of order or a procedural motion may not, in its submission, deal with the substance of the question under discussion. The proposer of a procedural motion may withdraw it before it has been put to the vote, and any motion of this kind, whether amended or not, which is withdrawn may be reintroduced by another delegation.

Article 18
Reopening of decisions

1 When a decision has been taken by the Council or by a Committee, the question may only be reconsidered if the Council approves the principle of such reconsideration by a vote taken in the same way (by show of hands, roll-call or secret ballot) as the ballot previously used for the proposal in question.

Article 19
Election and replacement of the Deputy Director General

1 If, in the case provided for in article 111.4 of the General Regulations, the Council has to elect the Deputy Director General of the International Bureau, the election shall take place by secret ballot. The candidate who obtains a majority of the votes, as defined in article 16.3 and 5, shall be elected. There shall be as many ballots as are necessary to obtain this majority.

2 The candidate who obtains the fewest votes in a ballot shall be eliminated.

3 In the event of a tie, a first and, if necessary, a second additional ballot, shall be held in order to decide between the tying candidates; the ballot shall be for these candidates only. If the result is negative, lots shall be drawn. The drawing of lots shall be done by the Chairman.

4 If several candidates obtain no votes in a ballot, all those candidates shall be eliminated without a further ballot being taken in an attempt to decide between them.

5 If the post of Deputy Director General falls vacant, the Council shall, on the proposal of the Director General, instruct one of the D2 grade Directors to take over the functions of Deputy Director General until the following Congress.

Article 20
Reports

1 The bodies of the Council shall prepare, for the attention of the Council, concise reports on their work.

Article 21
Refund of travelling expenses to representatives of members and to invitees of the Council and its bodies

1 In accordance with article 102.10 of the General Regulations, **the travel expenses of** the representative of each member of the Council participating in its meetings **shall be borne by his member country. However, the representative**

of each of the member countries classified as developing or least developed countries according to the lists established by the United Nations shall, except for meetings which take place during Congress, 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 air ticket.

2 Pursuant to paragraph 1, the following provisions shall be observed:

2.1 if a member country of the Council is represented by the same person or by different persons at the session of the Council and at meetings of its bodies sitting in the same place during the period preceding or following the session, the fare shall only be refunded once;

2.2 if a member country of the Council is convened and is represented by the same person or by different persons, in the interval between sessions of the Council, at meetings of bodies of the Council sitting in the same place within a period not exceeding 30 days for all the meetings, the fare shall only be refunded once.

3 The travelling expenses of the representatives of an international organization, or of any other persons whom the Council wishes to associate with its work, can only be charged to the Union with the prior agreement of the Chairman of the Council and of the Secretary General and if such participation is in the interest of the Union or of the Council's work. This shall also apply to the travelling expenses of **representatives of countries** which are not members of the Council but which the latter expressly desires to associate with its work.

■ **Commentary**

21.1 To provide for broader participation by developing or least developed countries in CA meetings, the 24th Congress adopted proposal 15.102.2, which amended the rule for reimbursement of travel costs for the representatives of CA members, while entitling member countries classed as developing or least developed countries according to the UN lists to reimbursement.

21.3 See comm on art 4.3 above.

Article 22
Effective date

1 These Rules shall take effect immediately.

So adopted at Berne, on **12 November 2008.**

For the Council of Administration:

Bishar A. HUSSEIN	Edouard DAYAN
Chairman	Secretary General

Rules of Procedure of the Postal Operations Council

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Article 1
Purpose and functions of the Postal Operations Council

1 The Postal Operations Council, hereinafter called “the POC”, shall be responsible for all the operational, commercial, technical, economic and technical cooperation issues which are of interest to all the member countries of the Union **and their designated** operators. Its functions shall derive in particular from article 104 of the General Regulations and from the decisions of Congress.

Article 2
Members of the POC

1 The POC shall consist of 40 members elected by Congress who shall exercise their functions during the period between successive Congresses.

2 Each member of the POC shall appoint its representative who shall have responsibilities for delivering services mentioned in the Acts of the Union, in accordance with article 104.3 of the General Regulations. This representative may be accompanied by one or more other delegates who shall also be entitled to participate in the discussions and to vote.

3 The POC members shall participate in the work of the Joint CA/POC Committees.

Article 3
De jure observers and other observers

1 The following de jure observers may participate in the plenary sessions and committee meetings of the Postal Operations Council:
– representatives of the United Nations;
– representatives of the CA, designated by that Council;
– representatives of the Restricted Unions;
– the League of Arab States, **Palestine**[1] and the African Union (AU);
– **representatives of the** CC, **designated by that Committee.**

2 The **member** country in which the POC meets shall be invited to take part in the meetings in the capacity of observer, if that country is not a member of the POC.

3 The Chairman of the CA shall, **by right,** represent that Council in the POC.

4 The Chairman of the Consultative Committee **and the Chairmen of the bodies reporting directly to the POC shall, by right,** represent those bodies at Council meetings when the agenda contains questions of interest to **them.**

5 If they so request, the following observers may participate in the plenary sessions and meetings of the Council committees:
5.1 CA members;
5.2 other Union member countries;
5.3 CC members;
5.4 intergovernmental organizations interested in the work of the Council.

[1] **In accordance with resolution C 115/1999 of the Beijing Congress.**

6 The Chairmen **of other** POC **bodies shall** be responsible for authorizing, **following consultation of the POC Chairman and Secretary General,** the participation of **the** observers **referred to in paragraphs 1 to 5** in meetings of the bodies over which they preside.

7 **The** observers **referred to in paragraphs 1 to 5** shall not be entitled to vote, but may take the floor with the Chairman's permission. He may limit their right to speak during the debates. For logistical reasons, he may also limit the number of attendees per observer participating.

8 **The** observers **referred to in paragraphs 1 to 5** 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 **non-permanent bodies, which shall not report directly to the Plenary,** when their experience or expertise so justifies. The participation of de **jure observers and other** observers shall be carried out without additional expense for the Union.

9 In exceptional circumstances, the observers **referred to in paragraphs 1 to 5** 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 various cases shall be reported to the Council of Administration, and to the Postal Operations Council **when matters of interest to the POC are concerned.** If it considers this necessary, the Council of Administration may subsequently review the restrictions, in consultation with the Postal Operations Council where appropriate.

Article 4
Invitees

1 After consultation with the Secretary General and, where appropriate, with the Chairman of the body concerned, the Chairman of the POC shall be authorized to invite to **specific** meetings of the Council or of its bodies any international organization that does not **have observer** status in the sense of article 3, paragraphs 1 to 5, or any association, enterprise or qualified person when he considers that this is in the interest of the Union or of the POC's work.

2 After consultation with the POC Chairman and the Secretary General, the Chairmen of POC bodies shall be authorized to invite and/or accept requests to attend their meetings from any international organization, **any association, enterprise** or qualified person when they consider that this is in the interest of the Union.

3 The invitees referred to in paragraph 1 may receive fees in exceptional cases and by prior agreement between the Chairman of the POC, the Chairman of the Council of Administration and the Secretary General.

4 Invitees shall not have the right to vote but they may speak after authorization by the Chairman of the meeting.

5 With the authorization of the Chairman of the body concerned, the Chairman of the POC and of the Secretary General, invitees may exceptionally be admitted to meetings of contact committees and joint working parties if they are performing special duties in connection with problems discussed by such bodies.

Article 5
Chairmanships and vice-chairmanships[1]

1 At its first meeting, which shall be convened and opened by the Chairman of Congress, the POC shall elect, from among its members, the Chairman and Vice-Chairman. It shall choose the Chairmen of the committees and, if possible, of its other bodies. It shall designate its members to serve as members of the Consultative Committee.

2 The Chairman shall convene the POC, direct the proceedings and approve the Summary Record. He shall also be in overall charge of the work and activity of the Operations Council. If the Chairman is unable to preside at a session, he shall be replaced by the Vice-Chairman, or, if the Vice-Chairman is also unable to preside, by one of the Committee Chairmen chosen by themselves or, in the absence of agreement, by lot.

3 The Vice-Chairman shall assist the Chairman in directing and activating the POC. To this end he shall, among other things, be kept informed about the preparation and programming of the POC sessions. He shall follow the progress of and coordinate studies and issues which are assigned to it.

4 The Chairman may designate another member of the Council to lead part of the deliberations, for example the Chairman of a committee for discussions relating to certain matters of that committee which, where appropriate, could be dealt with directly in plenary.

Article 6
Management Committee

1 The Chairman and the Vice-Chairman of the POC and the Chairmen of its **committees shall** constitute the Management Committee, which shall meet at the request of the POC Chairman. The **Chairmen** of the Council of Administration and **the Consultative** Committee are invited to take part, **as observers,** in the meetings of the Management Committee. The Chairmen of the **Joint CA/**POC **Committees** shall also be invited to attend the meetings of the Management Committee

[1] In all the provisions of these Rules, the terms “Chairman” and “Vice-Chairman” mean the countries which were elected to those offices.

as observers. The Chairman may invite, as observers, the Chairmen of other POC bodies and the representatives of Union member countries when questions concerning them are discussed. The Secretary General and the Assistant Secretary General of the POC shall attend the meetings of the Management Committee.

2 The Management Committee shall prepare the work of each session and monitor the progress of the work of the POC and of its bodies. It shall assist the Chairman in drawing up the agenda of the plenary meetings and in coordinating the work of the bodies.

3 The Management Committee shall perform all such tasks as the POC may decide to entrust to it or the need for which arises during the strategic planning process.

4 Article 24.1 of these Rules of Procedure shall not apply to meetings of the Management Committee.

Article 7
Secretariat

1 The functions of Secretary General and Assistant Secretary General of the POC shall be exercised by the Director General and the Deputy Director General of the International Bureau respectively. The International Bureau shall act as Secretariat of the POC.

2 The Secretary General of the POC shall:

2.1 prepare the work of the Council and send to **the member countries** of the POC **and their designated operators, and** to the observers **referred to in article 3, paragraphs 1 to 5,** which so **request, in** principle 30 days before the opening of the session, all the documents prepared by the Secretariat; he shall also send to them the documents published during and immediately after the session;

2.2 take part in the discussions of the Council and its bodies without the right to vote; he may also be represented;

2.3 notify all **the member countries of the Union and their designated operators of** the Regulations drawn up or amended by the POC;

2.4 inform **the member** countries **of the Union and their designated operators and** the de jure observers specified in article 3 of these Rules of Procedure about the activities of the POC and in particular shall send them, after approval by the Chairman of the POC, a Summary Record and the resolutions and decisions of the POC;

2.5 prepare and submit to the Chairman for approval, the annual report on the work of the POC prepared for the Council of Administration;

2.6 send **to the** member countries of the Union and **their designated operators, and** to de jure observers, at least two months before the opening of Congress, the Comprehensive report on the work of the POC approved by the latter;

2.7 maintain contact with the Council of Administration and submit to the POC such questions as the Council of Administration may decide to entrust to it;
2.8 implement the decisions of the POC in accordance with the latter's directives;
2.9 prepare the draft Strategic Plan and the draft Programme and Budget and submit them to the POC;
2.10 draw up the financial reports relating to the execution of the Strategic Plan and submit them to the POC;
2.11 prepare regular reports on execution of the Programme and Budget and submit them to the POC;
2.12 dispose, by agreement with the Chairman, of the current business of the POC.

3 The POC may instruct the Secretary General to study special subjects; in order to simplify management, certain functions may be delegated to him.

4 The Secretary General shall also undertake inquiries requested by the **bodies of** the POC **which are of interest to member countries of the Union or their designated operators.** He shall, for information, notify the Chairman and Vice-Chairman of the POC thereof, and, if applicable, the Chairman of the body concerned, and make the documentation obtained available to that body.

5 The Secretariat of the POC shall:
5.1 prepare the work of the POC and the various reports on its work;
5.2 draft the reports of the bodies of the POC, as well as the Summary Record;
5.3 prepare correspondence and maintain archives.

Article 8
Sessions

1 In principle, the POC shall meet **in ordinary session** every year at the headquarters of the Union. The Council shall fix the approximate date and duration of its next annual session. If compelled by circumstances, the Chairman, with the prior agreement of the Chairman of the Council of Administration and of the Secretary General, may alter the date or duration which has been fixed, provided the alteration is notified to the members of the Council in good time.

2 The Council may meet, exceptionally, when a request for this is made or approved by at least one third of its members or on the initiative of its Chairman. The date shall be fixed by the Chairman with the prior agreement of the Chairman of the Council of Administration and of the Secretary General.

3 At each session, the POC shall:
3.1 exchange views on completed or current work and make, if necessary, recommendations on it;

3.2 approve the timetable drawn up, by agreement with the Chairmen of the bodies concerned and after consulting the Secretary General, of the meetings which will be held until the next session. Any meeting envisaged outside this timetable must, if it involves additional expenditure, be authorized by the Chairman of the POC after consultation with the Secretary General;

3.3 review the work programme of its bodies annually, on the basis of the proposals made to it by the **member countries** and/or by the International Bureau or in the light of changes made to the Strategic Plan and to the Programme and Budget;

3.4 formulate proposals for the Council of Administration with a view to updating **the Programme** and Budget on the basis of proposals made to it by the **Joint CA/POC Committee on Union Strategy,** by its other bodies or by the Secretary General.

Article 9
Order of seating

1 At meetings of the POC and its **bodies, delegations** shall be seated in the French alphabetical order of members.

2 The Chairman of the POC shall draw lots, in due course, for the name of the country to be placed foremost before the Chairman's rostrum at the meetings of the POC, of its committees and of other bodies.

Article 10
Agenda

1 The Chairman shall make out, at the proposal of or after consultation with the Secretary General, the provisional agenda for each session. This agenda shall be sent to the members of the POC and to the observers **referred to in article 3, paragraphs 1 to 5,** and invitees at the same time as the invitation to attend.

2 Each Chairman of a body shall also prepare, on the proposal of or after consultation with the Secretary General, the agenda of the meetings of his body.

3 The following subjects, inter alia, shall appear in the provisional agenda of the POC:

3.1 matters selected at the previous session;

3.2 questions submitted by members of the **POC, other** member countries of the Union or by the Council of Administration between sessions and notified to the Secretary General at least six weeks before the opening of the session during which they are to be considered; questions notified to the Secretary General less than six weeks before the opening of the session may be considered only if the POC so decides by a majority of the members present and voting;

3.3 suggestions and proposals submitted by the Director General of the International Bureau.

Article 11
Preparation and conditions of acceptance of new Regulations

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

2 Proposals that are consequential to proposed amendments to the Convention or Postal Payment Services Agreement should be submitted to the International Bureau simultaneously with the Congress proposals to which they relate. They may be submitted by a single Union member country without the support of other member countries. These 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 POC in its preparation of the new Regulations within the six months following Congress shall be submitted to the International Bureau at least two months before Congress.

4 Following the close of Congress, the International Bureau shall review the decisions taken by Congress with a view toward identifying all consequential changes in the Regulations necessary as a result of omissions or unanticipated Congress decisions. The International Bureau shall formulate proposals concerning the necessary changes and shall distribute a report of the results of this review and the proposals to all member countries no later than one month before the opening of the POC.

5 Proposals concerning Regulations, changes necessary as a result of omissions or unanticipated Congress decisions that are submitted by **Union** member **countries** must reach the International Bureau not later than two months before the opening of the POC. These proposals shall be distributed to all member countries not later than one month before the opening of the POC.

6 Every proposal must have only one aim and contain only the changes justified by that aim.

7 Amendments to proposals for amending the Regulations shall be handed in to the secretariat in writing at least one day before the meeting at which they are to be considered. This time limit shall not apply to amendments resulting directly from discussions in the plenary POC or in a committee.

Article 12
Revision of the Regulations

1 Proposals concerning the Regulations submitted to the POC between two Congresses by member countries of the Union shall be notified to the Secretary General at least six weeks before the opening of the session at which they are to be considered. They will not be taken into consideration unless the POC agrees to the urgent necessity thereof. Proposals notified to the Secretary General less than six weeks before the opening of the session may be considered only if the POC so decides by a majority of the members present and voting.

2 Proposals stemming from studies conducted by bodies on behalf of POC committees shall also be subject to paragraph 1 above when they relate to the rules that have financial consequences or involve **the responsibilities of member countries of the Union and/or designated operators.**

3 Amendments to proposals for amending the Regulations shall be handed in to the secretariat in writing at least one day before the meeting at which they are to be considered. This time limit shall not apply to amendments resulting directly from discussions in the POC plenary or in a committee.

4 The Regulations shall be authenticated by the Chairman and the Secretary General of the POC.

5 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.

6 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.

7 Any proposal withdrawn in plenary or in committee by its originator may be resubmitted by the delegation of another member country **of the Union.** Similarly, if an amendment to a proposal is accepted by the originator of the proposal, another delegation may resubmit the original, unamended proposal.

8 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.

9 The procedure described in paragraph 8 shall also apply where more than one amendment to a proposal is submitted.

Article 13
Debates

1 Delegates may not take the floor until they have been given permission to do so by the Chairman of the meeting.

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 14
Reservations to the Regulations revised by the Postal Operations Council

1 Reservations to the Regulations shall take the form of proposals submitted in writing and concerning the Final Protocols of the said Regulations.

2 Reservations must be submitted in the form of proposals to the Secretariat in one of the Union's working languages (proposals concerning the Final Protocol) as soon as possible after adoption of the proposal concerning the article which is the subject of the reservation.

3 To allow distribution of proposals concerning reservations to all POC member countries before adoption of the Final Protocol by the POC, the Secretariat shall set a deadline for the submission of reservations and notify it to POC member countries.

4 Reservations to the Union's Regulations submitted by POC member countries by the deadline set by the Secretariat shall be considered by the POC at the

same time as the said Regulations. Reservations submitted after the deadline shall not be considered, either by the Secretariat or the POC, during final examination of the said Regulations.

5 Reservations made after the final adoption of the Regulations, in particular by countries which are not members of the POC, shall be considered by the POC at its following session. However, should that session be held after the date of the entry into force of the provisions which are to be the subject of the reservations, the Management Committee shall be authorized to adopt such reservations provisionally.

6 Member countries wishing to maintain existing reservations shall not be obliged to resubmit proposals for this purpose. The International Bureau shall automatically carry over the reservations appearing in the preceding Final Protocols unless the beneficiary country declares that it is waiving them.

7 Reservations must be included on the agenda of the plenary meeting, and sufficient time must be allowed for their discussion.

8 The reservations shall be approved by a majority of the members having the right to vote.

Article 15
Committees and other POC **bodies**

1 The POC shall set up its bodies which report direct to the plenary **(committees, Postal Security Group) and their working parties, project teams, etc.** It shall determine their powers, on the basis of the Strategic Plan and within the framework of the Programme and Budget.

2 Notwithstanding the powers of the CA, the POC **or the committee concerned** shall approve and supervise the specific operating rules of those of its bodies established on **an ongoing** basis (QSF, POC user groups **and cooperatives,** etc.).

3 With the participation of other international organizations, it may also set up contact committees or other joint bodies, forums, etc. to deal with problems of mutual **interest.**

4 **The bodies not reporting directly to the Plenary** shall be composed of experts appointed on the basis of their professional skills. **They** shall determine the methods of work that are most suitable for the successful completion of their activities, including the structure, the working languages, etc.

5 The POC shall designate the members to represent the UPU on contact committees and other joint working parties working in fields coming within its purview.

6 Each member of the POC shall take part in the work of the Committees. However, only POC members which are signatories of an optional Agreement shall be de jure members of the committee dealing only with that Agreement.

7 POC bodies shall define their work with a view to implementing the objectives of the Strategic Plan, within the framework of the Union's Programme and Budget.

Article 16
Urgent questions raised between sessions

1 Urgent questions raised between sessions shall be dealt with by the Chairman.

2 If the questions relate to matters of principle, the Chairman shall consult the members of the POC and, if he thinks fit, all the member countries of the Union; he shall inform the members consulted of the solutions arrived at.

Article 17
Languages

1 The official language of the POC shall be French.

2 For the discussions of the POC and its bodies mentioned in article 15.1, English, French, Russian and Spanish may be used, by means of a simultaneous interpretation system. The POC members listed below have chosen to use one of these languages:

French	*English*	*Spanish*	*Russian*
Belgium	**Azerbaijan**	**Argentina**	Russian Federation
France	**Bangladesh**	**Costa Rica**	
Switzerland	Canada	Cuba	
Turkey	**Denmark**	**Mexico**	
	Germany	Spain	
	Great Britain	Uruguay	
	Greece		
	India		
	Indonesia		
	Israel		
	Italy		
	Japan		
	Korea (Rep.)		
	Nigeria		
	Netherlands		

French	*English*	*Spanish*	*Russian*
	New Zealand **Poland** Singapore **South Africa** United States of America		

3 The cost of the interpretation services in the languages mentioned in paragraph 2 shall, in principle, be divided into four equal parts, each borne by the members of the POC and the **member countries participating in these meetings as observers,** in application of article 4.2, which have chosen to use the same language, in proportion to their contribution to the expenses of the Union. However, if interpretation into one of the languages laid down in paragraph 2 is not used for a session of the POC or for an interim meeting of one of its bodies, and provided the International Bureau has not yet entered into any commitments in this regard, the costs shall be shared equally between the other languages mentioned in paragraph 2 used at the meeting.

4 If members of the POC wish to use other languages[1], they must provide for simultaneous interpretation into English, French, Russian or Spanish, either by the system indicated in paragraph 2, when the necessary technical modifications can be made, or by private interpreters. New requests for the use of other languages must be sent to the secretariat at least six months before the opening of the meeting in question.

5 The cost of the use of other languages shall be borne by the **member countries** of the POC and the **other member countries participating in these meetings as observers** using them, in proportion to their contribution to the expenses of the Union.

6 Between sessions of the POC, any POC member **country or any other member country participating in its meetings as an observer** wishing to change its language of discussion must inform the secretariat. **These invited member countries** shall indicate their chosen language when they announce that they will participate in the session

[1] In accordance with article 110.10 of the General Regulations, the following countries have opted for languages other than those listed in paragraph 2:

Arabic	*Chinese*	*Japanese*	*Portuguese*
Algeria Egypt Libyan Jamahiriya Morocco Tunisia United Arab Emirates	China (People's Rep.)	Japan	Brazil Portugal

7 Notwithstanding the provisions of paragraphs 3 and 5, any group of countries concerned may inform the International Bureau, direct or through a recognized spokesman, that they constitute, as regards the interpretation costs mentioned in paragraphs 3 and 5, a language group assuming responsibility for the costs in question, while giving their distribution key. The International Bureau will take this statement into account in collecting the said costs.

8 The cost of installing and maintaining the technical equipment shall be borne by the Union.

Article 18
Quorum

1 POC meetings shall only be valid if at least half of the members of the POC having the right to vote are present.

2 For the committees dealing exclusively with optional Agreements, the quorum shall be half the members of the POC which are parties to the Agreement and have the right to vote.

3 For voting on the Regulations of the Convention, the quorum required shall be a majority of the members of the POC having the right to vote.

4 For voting on the Regulations of the PPS Agreement, the quorum required shall be a majority of the POC members which are parties to the Agreement and have the right to vote.

Article 19
Voting

1 Subject to the sanctions provided for in article **129** of the General Regulations, each member of the POC shall have one vote. **Member countries under sanctions shall not have the right to vote.**

2 If a member of the POC, represented at a session, is prevented from attending a meeting, it may exceptionally delegate **its** right to vote to the representative of another member, provided **it** gives previous notice in writing to the Chairman of the POC. However, a member of the POC may not represent more than one country other than **its** own.

3 Questions which cannot be settled by common consent shall be decided by a majority of members present and voting. In the event of a tie, the proposal shall be considered as rejected. 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.

4 Proposals relating to the Regulations of the Convention shall be approved by a majority of the members of the POC **having the right to vote.** For proposals concerning the Regulations of the PPS Agreement, the majority required shall be a majority of the POC members which are parties to that Agreement and **which** have the right to vote.

5 Voting shall be:
5.1 by show of hands;
5.2 by roll-call: at the request of a member of the POC or by the choice of the Chairman. The roll shall be called in the French alphabetical order of the countries represented on the POC;
5.3 by secret ballot: at the request of two members of the POC. The necessary measures shall then be taken to ensure the correct operation of this procedure; this shall have priority over other voting procedures.

6 The expression “members present and voting” shall mean members voting “for” or “against”. Abstentions shall not be taken into consideration in counting the votes which are indispensable for ascertaining the majority; the same shall apply to blank or spoilt ballot papers in the event of a secret ballot.

7 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.

8 The voting rules apply to decisions taken by the plenary or by the committees, as well as, by analogy, by other POC bodies, subject to specific operating rules.

Article 20
Election of the Chairman and Vice-Chairman

1 The Chairman of the POC and the Chairman of the CA shall come from different geographical groups.

2 The Chairman and Vice-Chairman may not be from the same geographical group, nor may they be two developed or two developing countries.

3 In order to be valid, any candidature must be submitted in writing to the Secretary General of Congress no later than two days before the day scheduled for the election.

4 A country may submit its candidature for both the chairmanship and the vice-chairmanship of the Council.

5 The elections of the Chairman and the Vice-Chairman shall take place by secret ballot. The candidate obtaining a majority of the votes as defined in article 19.3 and 7, shall be elected. As many ballots shall be held as are necessary to obtain this majority.

6 The candidate or, in the event of a tie, the candidates obtaining the fewest votes in any one ballot shall be eliminated. If several candidates do not obtain at least 10% of the votes cast in a ballot, all these candidates shall be eliminated.

7 Candidates may withdraw before each ballot.

Article 21
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:
1.1 clarification on the conduct of the debates;
1.2 observance of the Rules of Procedure;
1.3 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:
3.1 the suspension of the meeting;
3.2 the closure of the meeting;
3.3 the adjournment of the debate on the question under discussion;
3.4 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 so withdrawn may be reintroduced by another delegation.

Article 22
Reopening of decisions

1 When a decision has been taken by the Council or by a committee, the question may only be reconsidered if the Council approves the principle of such reconsideration. Approval of reopening discussion shall require the majorities laid down in article 19.3, 4 and 5.

Article 23
Reports

1 The bodies of the POC shall prepare, for the attention of the Council, reports briefly describing the progress of the work provided for in the Union Programme and Budget.

Article 24
Refund of travelling expenses to representatives of **POC member countries** and to invitees of the POC and its bodies.

1 In accordance with article 104.4 of the General Regulations, the representative of each member country of the POC considered to be disadvantaged according to the lists established by the United Nations and participating in meetings of the Council and its bodies, except for meetings held during Congress, shall be entitled to reimbursement of the cost 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 air return ticket.

2 Pursuant to paragraph 1, the following provisions shall be observed:

2.1 if one of the member countries of the POC to which paragraph 1 refers is represented by the same person or by different persons at the session of the POC and at meetings of its bodies sitting in the same place during the period preceding or following the session, the fare shall only be refunded once;

2.2 if one of the member countries of the POC to which paragraph 1 refers is convened and is represented by the same person or by different persons, in the interval between sessions of the POC, at meetings of bodies sitting in the same place within a period not exceeding 30 days for all the meetings, the fare shall only be refunded once.

3 Paragraphs 1 and 2 shall apply to the observers referred to in article 3.2, when they are considered to be disadvantaged according to the lists established by the United Nations.

4 The travelling expenses of the representatives of an international organization, or of any other persons whom the POC wishes to associate with its work, can

only be charged to the Union in exceptional cases and with the prior agreement of the Chairman of the POC, of the Chairman of the Council of Administration and of the Secretary General. This shall also apply to the travelling expenses of **representatives of** countries which are not members of the POC but which the latter expressly desires to associate with its work and which form part of the member countries considered to be disadvantaged referred to in article 104.4 of the General Regulations.

Article 25
Effective date

1 These Rules of Procedure shall go into effect immediately.

So adopted at **Berne, 11 November 2008.**

For the Postal Operations Council:

Andreas TAPRANTZIS	Edouard DAYAN
Chairman	Secretary General

Part V
Relations with the UN and legal status

Agreement between the United Nations and the Universal Postal Union

■ **Commentary**
The texts of the Agrs given below are annexed to the Const under the terms of art 9 of the said Const. See also part I, Historical outline, chapter XII.

Preamble

In consideration of the obligations placed upon the United Nations by article 57 of the Charter of the United Nations, the United Nations and the Universal Postal Union agree as follows:

■ **Commentary**
Art 57 of the Charter governs UN relations with the specialized agencies. The parallel competence of the UPU stems from art 9 of the Const which indirectly confirms the ability of the Union to conclude Agrs. This means that the Union, within the framework of the United Nations family, has the legal competency devolving on a subject of international law.
The preamble does not mention what bodies are competent to conclude the Agr. However, it follows from art XV and from the Protocol on the entry into force of the UN–UPU Agr that the UN Gen Ass and the UPU Congress were competent to approve the Agr. Although annexed to the basic Act of the Union, the Agr is not dependent on it. Its validity for the UPU is determined by the fact that the supreme body of the UPU with "the ability to conclude Agrs" had approved it. For UN members, the commitments stemming from the Charter prevail over those of the Acts of the UPU.

Article I

The United Nations recognizes the Universal Postal Union (hereinafter called "the Union") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

■ **Commentary**
I Under art 1 of this Agr, the UN recognizes that the UPU meets the conditions set out by the Charter for consideration as a specialized agency, ie that it was set up by an intergovernmental Agr and that it has wide international responsibilities in the economic field. It has also recognized that the UPU is, in international postal service matters, in accordance with its basic instrument, the only organization responsible in this field. This entire responsibility excludes from the universal postal field the activities of any other specialized agency.
See also Const, art 10, comm.

Article II
Reciprocal representation

1 Representatives of the United Nations shall be invited to attend all the Union's Congresses, Administrative Conferences and Commissions, and to participate, without vote, in the deliberations of these meetings.

2 Representatives of the Union shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called "the Council") and of its Commissions and Committees and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

3 Representatives of the Union shall be invited to attend the meetings of the General Assembly during which questions within the competence of the Union are under discussion for purposes of consultation, and to participate, without vote, in the deliberations of the main Committees of the General Assembly with respect to items in which the Union may be concerned.

4 Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the members of the General Assembly, the Council and its Commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

■ **Commentary**

II The 1947 Paris Congress decided to admit, for the first time, UN observers with consultative votes. Later, under art II.1, of the Agr, UN representatives became de jure observers at meetings of UPU bodies.

Art II provides for reciprocal representation of the two organizations. However, there is not total reciprocity in all fields, since the Agr provides for the UN to be represented without vote at the Union's Congresses, Administrative Confs (the 1984 Hamburg Congress decided to abolish the possibility of holding Administrative Confs) and Comms, whatever the subjects discussed while the participation of Union representatives, without vote or for purposes of consultation, is possible only in the conditions set out in §§ 2 and 3.

It should be noted in this connection that the representatives of the specialized agencies are in practice given identical treatment in the various meetings of the UN.

The UPU is also invited to international Confs convened by the UN. Under art 8 of the Rules for the calling of international Confs of States, the Council "may invite specialized agencies in relationship with the UN ... to take part in Confs...". So it was that the UPU has been invited to various UN Confs and meetings. These Confs and meetings are listed in the Reps. The provs of art II.1, do not permit UN representatives to take part in meetings of Restricted Unions.

Article III
Proposal of agenda items

Subject to such preliminary consultation as may be necessary, the Union shall include on the agenda of its Congresses, Administrative Conferences or Commissions, or, as the case may be, shall submit to its members in accordance with the provisions of the Universal Postal Convention, items proposed to it by the United Nations. Similarly, the Council, its Commissions and Committees and the Trusteeship Council shall include on their agenda items proposed by the Union.

Article IV
Recommendations of the United Nations

1 The Union agrees to arrange for the submission as soon as possible, for appropriate action, to its Congresses or its Administrative Conferences or Commissions, or to its members, in conformity with the provisions of the Universal Postal Convention, of all formal recommendations which the United Nations may make to it. Such recommendations will be addressed to the Union and not directly to its members.

2 The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3 The Union will cooperate in whatever further measures may be necessary to make coordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it will cooperate with any body which the Council may establish for the purpose of facilitating such coordination and will furnish such information as may be required for the carrying out of this purpose.

■ **Commentary**

IV In principle, it is the Gen Ass which makes recommendations; however, under art 63.2, of the Charter, the Economic and Social Council may also make recommendations to the Union, under the authority of the Gen Ass (Charter, art 60). In addition, the Security Council and the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples also make recommendations to the specialized agencies.

These recommendations are not mandatory; the Union and its members are therefore free to act on them or ignore them.

In accordance with this art, the IB communicates to Congresses, the CA and, where appropriate, adms various resolutions concerning, eg:

– implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
– development and coordination of all the activities and programmes of the UN and of the specialized agencies (eg activity of the Joint Inspection Unit);
– development cooperation;
– International Decades and Years.

Since 1964, Congresses have adopted several resolutions on the application of UN recommendations.

Article V
Exchange of information and documents

1 Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Union.

2 Without prejudice to the generality of the provisions of the preceding paragraph:

a the Union shall submit to the United Nations an annual report on its activities;

b the Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XI of this Agreement;

c the Union shall furnish written advice on questions within its competence as may be requested by the Trusteeship Council;

d the Secretary-General of the United Nations shall, upon request, consult with the Director of the International Bureau of the Union regarding the provision to the Union of such information as may be of special interest to it.

■ **Commentary**

V The obligation for the UPU to provide the UN with the Rep was inserted in the Gen Regs (art 121) by the 1964 Vienna Congress.

V.2.a As a result of changes in the United Nations system, the UPU now provides the UN with the biennial Financial Operating Report.

Article VI
Assistance to the United Nations

1 The Union agrees to cooperate with and to give assistance to the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

2 As regards the members of the United Nations, the Union agrees that in accordance with article 103 of the Charter no provision in the Universal Postal Convention or related Agreements shall be construed as preventing or limiting any State in complying with its obligations to the United Nations.

■ **Commentary**

VI This art, called the "heart of the Agreement" by the Negotiating Committee, combines in two paras two separate ideas. The first para, dealing with general cooperation, concerns all Union members whether they are UN members or not; the second para governs conflicts of laws which may arise between the regulations of the UN and those of the UPU; it concerns only Union members which are UN Member States.

VI.1 The principle is laid down here of cooperation and direct assistance between the UN, its principal and subsidiary organs (UN Charter, art 7.1 and 2) and the Union.

VI.2 In the event of a conflict between the obligations under the Charter and the obligations contained in the Acts of the Union, the Union has expressly recognized, for UN members, the principle contained in art 103 of the Charter according to which the obligations under the Charter prevail over those under Acts of the Union. Such a conflict of obligations could arise notably under the provs on freedom of transit and art 41 of the Charter, which reads as follows:
"Article 41
"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations."
Obviously, if such sanctions exist, the only method of transmission to adms is the notification of this measure by the UN itself to each of its members, which will inform the adms concerned (see 1947 Paris Congress Docs, II 454).

Article VII
Personnel arrangements

The United Nations and the Union agree to cooperate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel and to avoid competition in the recruitment of personnel.

■ **Commentary**

VII For 10 years following adoption of the UN–UPU Agr, the UPU retained the former staff service conditions which were largely based on the system applied to civil servants of the Swiss Confederation.
Following an ELC resolution, from 1958 the UPU gradually adopted a series of reforms which culminated in the almost total alignment of IB service conditions on that of the UN common system. In addition, the conditions of employment of Union experts and consultants recruited for tech asst projects are largely based on UN provs.
The provident scheme for IB staff is also practically the same as that of the UN Joint Staff Pension Fund, but it is legally independent, since the UPU Provident Scheme was established as a foundation within the meaning of Swiss law (art 80 et seq of the Swiss Civil Code).

Article VIII
Statistical services

1 The United Nations and the Union agree to cooperate with a view to securing the greatest possible usefulness and utilization of statistical information and data.

2 The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3 The United Nations recognizes the Union as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

■ **Commentary**

VIII On the basis of this prov, the IB regularly provides the UN with statistics about the Union which are published in the form of docs; it also provides it with the postal statistics for inclusion in the UN Statistical Year Book.

Article IX
Administrative and technical services

1 The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding the establishment of competitive or overlapping services.

2 Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents.

■ **Commentary**

IX Under art 102.1, of the Charter, "Every treaty and every international Agreement entered into by any Member of the UN after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it". According to the Regulations to give effect to art 102 of the Charter of the UN, such a treaty or international Agr may be registered with the UN Secretariat by a specialized agency in the following cases:

a Where the constituent instrument of the specialized agency provides for such registration.

b Where the treaty or Agr has been registered with the specialized agency pursuant to the terms of its constituent instrument.

c Where the specialized agency has been authorized by the treaty or Agr to effect registration.

The only purpose of this clause is to provide a proper and orderly procedure in all cases in which, according to the relevant provs of the said Regulations, the specialized agency is in a position to effect registration on behalf of the contracting parties. Since such provs do not exist in the Acts of the Union or in the Agrs concluded in the postal field, registration of a treaty or international postal Agr, concluded by members of the UN, is the responsibility of the contracting parties only.

Article X
Budgetary arrangements

The annual budget of the Union shall be transmitted to the United Nations, and the General Assembly may make recommendations thereon to the Congress of the Union.

■ **Commentary**

X In the budgetary field, the Union has retained its financial independence. The grand total of annual credits is fixed by Congress (see Const, art 21), the draft budget is examined and approved by the CA (see Gen Regs, art 102.6.4). The Agr stipulates only that the annual budget shall be transmitted to the UN so that the latter may make recommendations thereon. There is therefore no question of the UN approving or disapproving of the budget as such.

As a result of changes in the United Nations system, the UPU now notifies the biennial budget to the UN. A Joint Inspection Unit (JIU), a UN study body, carries out on-the-spot inquiries and inspections in the various UN organizations with a view to helping them to pursue their work in the most economical manner possible, by making the best use of the resources available to them.

Article XI
Financing of special services

In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or information in accordance with article V or with any other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

Article XII
Inter-agency agreements

The Union will inform the Council of the nature and scope of any agreement between the Union and any other specialized agency or other intergovernmental organization, and further agrees to inform the Council of the preparation of any such agreements.

■ **Commentary**
XII The obligation to inform it does not give the UN the right to intervene in negotiations.

Article XIII
Liaison

1 The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking in agreement whatever measures may be necessary to this end.

2 The liaison arrangements provided for in this Agreement shall apply, as far as appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

■ **Commentary**
XIII This liaison is not only to provide reciprocal coordination of necessary measures between the central bodies, but is to be extended, if necessary, to cooperation between the various regional or even local services of the two organizations. However, it is understood that in principle the two organizations should contact such regional services through the intermediary of the central bodies only.

Article XIV
Implementation of the Agreement

The Secretary-General of the United Nations and the President of the Executive and Liaison Committee of the Union may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

■ **Commentary**
XIV In application of this art, the Union concluded in 1949 with the UN a Supplementary Agreement to this agreement on the issue to UPU officials of the laissez-passer of the UN.
The change of title from “Executive and Liaison Committee” to “Executive Council” then to “Council of Administration” does not justify a change in art XIV of the Agr, since it is a purely drafting amendment and the sense of the art is not changed.

Article XV
Entry into force

This Agreement is annexed to the Universal Postal Convention concluded in Paris in 1947. It will come into force after approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.

■ **Commentary**
XV Since the 1947 Paris Congress and the UN Gen Ass approved it on 4 July 1947 and 15 November 1947 respectively – resolution 124 (II) – the Agr came into force under the terms of the present art at the same time as the Paris Conv, ie on 1 July 1948.

Article XVI
Revision

On six months' notice given on either part, this Agreement shall be subject to revision by agreement between the United Nations and the Union.

Paris, 4 July 1947.

(signed) J-J Le Mouël
Chairman of the 12th Congress
of the Universal Postal Union

(signed) Jan Papanek
Acting Chairman of the Committee
of the Economic and Social Council
on Negotiations
with Specialized Agencies

■ **Commentary**

XVI The expression "revision" covers not only revision of certain arts but also abrogation of the Agr itself.

The question of revision has not yet arisen in the Union.

Supplementary Agreement to the Agreement between the United Nations and the Universal Postal Union

■ **Commentary**

Contrary to what was the case for other specialized agencies, the UN–UPU Agr made no provision for the use of the UN laissez-passer by UPU officials.

Whereas the Secretary-General of the United Nations has been requested by resolution 136 (VI) of the Economic and Social Council, adopted on 25 February 1948, to conclude with any specialized agency which may so desire a supplementary agreement to extend to the officials of that agency the provisions of article VII of the Convention on the Privileges and Immunities of the United Nations and to submit such supplementary agreement to the General Assembly for approval; and
Whereas the Universal Postal Union is desirous of entering into such supplementary agreement to the Agreement between the United Nations and the Universal Postal Union entered into under article 63 of the Charter;
It is hereby agreed as follows:

Article I

The following provisions shall be added as an additional article to the Agreement between the United Nations and the Universal Postal Union:
"The officials of the Universal Postal Union shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated under article XIV."

■ **Commentary**

I The laissez-passer may be issued to UPU officials only; there is no prov for issuing it to representatives of Union members. However, prov is made at section 26 of the Conv on the privileges and immunities of the UN for classing such persons as experts and issuing them with certificates that they are travelling on official business.

Article II

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Universal Postal Union.

For the Universal Postal Union:

Done at Paris, 13 July 1949.

(signed) J-J Le Mouël
Chairman of the Executive
and Liaison Committee
of the Universal Postal Union

For the United Nations:

Done at Lake Success, New York,
27 July 1949.

(signed) Byron Price
Acting Secretary-General

■ **Commentary**

II This Supplementary Agr was signed on 13 July 1949 by the Chairman of the ELC after all Union member countries had been consulted in accordance with the procedure prescribed at arts 22 and 23 of the Paris Conv (1947) and the draft Agr had been approved unanimously. It was approved by the Gen Ass on 22 October 1949 (resolution 361 (IV)) and came into force on the same date.

Documents relating to the legal status of the Universal Postal Union

■ **Commentary**
Unlike that of other international organizations, the Const of the UPU contains no provs establishing the legal status of the Union on the territory of member countries.

A. On Swiss territory

I. Agreement on privileges and immunities of the United Nations concluded by the Swiss Federal Council and the Secretary-General of the United Nations

(Dated 1 July 1946)

The Swiss Federal Council,
of the first part, and
the Secretary-General of the United Nations,
of the second part,

Whereas the General Assembly of the United Nations on 12 February 1946, approved a Common Plan for the transfer of certain assets of the League of Nations to the United Nations which had been previously agreed upon between a Committee set up by the preparatory Commission of the United Nations and the Supervisory Commission of the League of Nations; and

Whereas the Assembly of the League of Nations approved the said Common Plan on 18 April 1946,

Have concluded the following Interim Arrangement for the purpose of determining the privileges and immunities to be granted to the United Nations, to the representatives of its members and to its officials, and of regulating other related matters.

■ **Commentary**
In view of the Union's status as a specialized agency of the UN, the Swiss Federal Council decided on 3 February 1948 that, as from 1 January 1948, the present Agr should apply by analogy to the UPU, its bodies, representatives of Member States and experts and officials of the Union. At its April 1948 session, the ELC noted the Federal Council's decision with satisfaction. The appropriate correspondence is reproduced below.
With respect to Fellows of international organizations who come to Switzerland, the Federal authorities have adopted uniform regulations under which they enjoy certain facilities. The special treatment was the subject of a circ let from the Swiss authorities to the international organizations, dated 5 December 1969. This letter is reproduced below.
The title of this Agr was altered by an exchange of letters between the Federal Political Department and the European Office of the United Nations on 5 and 11 April 1963. Previously, it was called "Interim Arrangement on privileges..."

Article I
Juridical personality

Section 1 The Swiss Federal Council recognizes the international personality and legal capacity of the United Nations. Consequently, according to the rules of international law, the Organization cannot be sued before the Swiss Courts without its express consent.

Article II
Property, funds and assets

Section 2 The premises of the United Nations shall be inviolable. The property and assets of the United Nations in Switzerland shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 3 The archives of the United Nations, and in general all documents belonging to it or held by it in Switzerland, shall be inviolable.

Section 4 Without being restricted by financial control, regulations or moratoria of any kind:

a the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

b the United Nations shall be free to transfer its funds, gold or currency to or from Switzerland or within Switzerland and to convert any currency held by it into any other currency.

In exercising its rights under this section, the United Nations shall pay due regard to any representations made by the Swiss Federal Council in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 5 The United Nations, its assets, income and other property shall be:

a exempt from all direct and indirect taxes whether federal, cantonal or communal; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

b exempt from the “droit de timbre” on coupons instituted by the Swiss Federal law of 25 June 1921, and from the “impôt anticipé” introduced by the Federal Council decree of 1 September 1943, and supplemented by the Federal Council decree of 31 October 1944; the exemption shall be effected by the repayment to the United Nations of the amount of tax levied on its assets;

c exempt from all customs duties in respect of articles imported or exported by the United Nations for its official use; it is understood, however, that articles imported under such exemption will not be sold in Switzerland except under conditions agreed with the Swiss Federal Council;

d exempt from all prohibitions and restrictions on imports and exports in respect of articles intended for the official use of the United Nations, on the understanding that the United Nations will use its good offices to obtain if necessary the consent of any other State which may be concerned, and subject to the provisions of general international conventions and public health measures;

e exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of its publications.

Section 6

The United Nations does not propose, as a general rule, to claim exemption from indirect taxes or sales taxes included in the price of movable or immovable property. Its intention is to claim this exemption only in the case of important purchases effected by the United Nations for its official purposes where such taxes are included in the price. In cases of this kind, the Swiss Federal Council will make appropriate administrative arrangements for the remission or return of the amount of such taxes.

Article III
Facilities in respect of communications

Section 7

The United Nations shall enjoy in Switzerland for its official communications treatment not less favourable than that accorded by the Swiss Federal Council to any Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio in conformity with the International Convention on Telecommunications. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 8

The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article IV
The representatives of Members of the United Nations

Section 9

Representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

a immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and acts done by them in their capacity as representatives, immunity from legal process of every kind;

b inviolability for all papers and documents;

c the right to use codes and to receive papers or correspondence by courier or in sealed bags;

d exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations;

e the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;

f the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents;

g such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic agents enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 10 In order to secure for the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members of the United Nations.

Section 11 If the incidence of any form of taxation depends upon residence in Switzerland, periods during which the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations are present in Switzerland for the discharge of their duties shall not be considered as periods of residence.

Section 12 Privileges and immunities are accorded to the representatives of Members of the United Nations not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently, a Member of the United Nations not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of that Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 13 In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article V
Officials of the United Nations

Section 14

The Secretary-General will from time to time make known to the Swiss Federal Council, in the same manner as to the Governments of Member States, the names of those officials to whom the provisions of this article and article VII shall apply.

Section 15

Officials of the United Nations shall:

a be immune from legal process in respect of words spoken or written and acts performed by them in their official capacity;

b be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

i Any lump-sum payments made by the Pension Fund or any other social security institution to officials or employees of the United Nations under any circumstances – maturity, interruption, or suspension of services – shall, at the time of payment, be exempt in Switzerland from any tax whatsoever on capital and income.

ii The same shall apply to any lump-sum payments made to officials or employees of the United Nations in the form of benefits in respect of illness, accident, etc.;

c be immune from national service obligations, subject to the special provisions contained in the annex to the present Arrangement concerning officials of Swiss nationality;

d be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

e be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Swiss Federal Council;

f be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic agents;

g have the right to import free of duty their furniture and effects on the occasion of first taking up their post in Switzerland.

Section 16

In addition to the immunities and privileges specified in Section 15, the Secretary-General and all Assistant Secretaries-General and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

■ **Commentary**

Other than point b, the present text of this section is the result of an exchange of letters between the Federal Political Department and the European Office of the United Nations on 5 and 11 April 1963.

The text of point b, subparas 1 and 2, comes from an exchange of letters of 19/20 January 1987.

The Swiss Government leaves it to the UN, as to the UPU and the other specialized agencies, to determine the beneficiaries themselves, on the understanding that the latter must not exceed 12 percent of the total staff (letter 0.723.71.GG from the Federal Political Department dated 16 June 1970). The Federal Council changed the system on 1 June 1995, since when, all international civil servants at grade P 5 and above (senior management and senior officials) benefit from the same privileges as diplomatic officers.

Point b, §§ i and ii "Salaries and emoluments" describe the sums paid by the organization to an active staff member in the form of a salary, travel expenses, or remuneration for work or a service rendered. The terms "salaries and emoluments" do not apply to the payments made by pension funds or any other provident institution (Federal Council decision of 28 January 1952, not published).

Section 17 Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 18 The United Nations shall cooperate at all times with the appropriate Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

Article VI
Experts on missions for the United Nations

Section 19 Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

a immunity from personal arrest or detention and from seizure of their personal baggage;

b in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind; this immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

c inviolability for all papers and documents;

d for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

e the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;

f the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

Section 20 Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

Article VII
United Nations laissez-passer

Section 21 The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the Swiss authorities taking into account the provisions of section 22.

Section 22 Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 23 Similar facilities to those specified in Section 22 shall be accorded to experts and other persons who though not holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 24 The Secretary-General, Assistant Secretaries-General, Directors and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, travelling on United Nations laissez-passer on the business of the United Nations, shall be granted the same facilities as are accorded to diplomatic envoys.

Section 25 The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under article 63 of the Charter so provide.

Article VIII
Settlement of disputes

Section 26 The United Nations shall make provision for appropriate modes of settlement of:

a disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;

b disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 27 Any dispute between the United Nations and the Swiss Federal Council concerning the interpretation or application of this Interim Arrangement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators of whom the first shall be appointed by the Swiss Federal Council, the second by the Secretary-General of the United Nations, and a presiding arbitrator by the President of the International Court of Justice, unless in any specific case the parties agree to resort to a different mode of settlement.

Final article

Section 28 This Interim Arrangement shall enter into force immediately upon its signature on behalf of the Swiss Federal Council and by the Secretary-General of the United Nations or on his behalf.

Section 29 The provisions of this Interim Arrangement can be modified only by agreement between the Secretary-General and the Swiss Federal Council. If agreement cannot be reached, the Secretary-General or the Swiss Federal Council may denounce the whole, or any section, of this Arrangement. In this case, unless the Secretary-General and the Swiss Federal Council otherwise agree, the Arrangement or the sections in question shall remain in force for three months from the date of such denunciation.

Done and signed at Berne, on 11 June 1946, and in New York, on 1 July 1946, in four copies, two in French and two in English, the two texts being equally authentic.

For the Swiss Confederation:
(signed) Max Petitpierre
Head of the Political Department

For the United Nations:
(signed) Trygve Lie

Annex to the Arrangement

1 The Secretary-General of the United Nations will communicate to the Swiss Federal Council a list of officials of Swiss nationality liable for service of a military nature.

2 The Secretary-General of the United Nations and the Swiss Federal Council will draw up by agreement a limited list of officials of Swiss nationality who will be granted dispensation in view of the office which they hold.

3 If other officials of Swiss nationality are called up, the Secretariat of the United Nations, through the Federal Political Department, may ask for postponement or some other appropriate measure.

II. Correspondence exchanged between the Swiss Federal Political Department and the Secretary-General of the Executive and Liaison Committee about the legal status of the Universal Postal Union in Switzerland

A

Federal Political Department

To:
The International Bureau
of the Universal Postal Union
Schwarztorstrasse 38
Berne

Berne, 5 February 1948

Dear Sir

We have the honour to inform you that at its meeting on 3 February 1948, the Federal Council decided that as from 1 January 1948 the Interim Arrangement concluded on 19 April 1946 between the Federal Council and the Secretary-General of the United Nations shall be applied by analogy to the Universal Postal Union, its bodies, the representatives of Member States, the experts and officials of the Union.
The Federal Council's decision (article 10 of the Statute of 31 January 1947) granting, during their terms of office, to non-Swiss Directors, Deputy Directors and Counsellors, as well as the members of their families, diplomatic privileges and immunities is retained for the International Bureau of the Universal Postal Union on condition that the number of beneficiaries of this decision remains as limited as it is at present.

I am, etc,
For the Federal Political Department:
(signed) Secrétan
International Organizations

■ **Commentary**

The Statute of 31 January 1947 referred to in the second para of this letter was the Statute which at the time governed all the international offices placed under the supervision of the authorities of the Swiss Confederation. Owing to the expansion of the ITU, the Federal Council, on 7 July 1953, took the following decision which replaced the said para by the following:

"The Secretary-General and the non-Swiss Directors of the UPU and ITU shall, during their term of office, enjoy the privileges and immunities granted to diplomatic envoys in accordance with international law.
"Non-Swiss Assistant Secretaries-General, Deputy Directors and Counsellors shall, by application by analogy of the Federal Council's decision of 30 December 1947 concerning the granting of facilities to certain senior officials of the European Office of the United Nations, be granted the privileges and immunities granted to the diplomatic colleagues of heads of mission accredited to the Swiss Confederation."
(Letter from the Federal Political Department to the IB, No o.F. 13.6.7.A-MX of 22 July 1953.) See art V, comm. The Federal Council's decision of 7 July 1953 lapsed as a result of the amendment in 1963 of section 16 of the Agreement on privileges and immunities of the UN; it is this section which is now applicable to officials of the IB (see art V, comm).

B

Universal Postal Union
Executive and Liaison Committee
Secretary-General

Headquarters: Berne,
Schwarztorstr 38
22 April 1948
To:
The Federal Political Department
International Organizations
Berne

Dear Sir,

During its recent session at Berne, the provisional Executive and Liaison Committee of the Universal Postal Union took official note of the Federal Council's decision of 3 February 1948 to apply by analogy, as from 1 January 1948, to the Universal Postal Union, its bodies, the representatives of the Member States, the experts and officials of the Union the Interim Arrangement concluded on 19 April 1946 between the Federal Council and the Secretary-General of the United Nations.
The news of this decision greatly interested the Committee. The Chairman stated that, as regards Swiss territory, it is entirely satisfactory to the Universal Postal Union. Moreover, the representative of Great Britain, Sir David Lidbury, reflecting the unanimous feeling of his colleagues, expressed the Committee's gratitude to the Federal Government for the favour it has granted the Union.
Furthermore, the Committee approved the following resolution, submitted to it by the undersigned:

a The Committee takes note, with satisfaction, of the above decision.
b It requests the Federal Council kindly to communicate it, through diplomatic channels, to the Governments of the Member States of the Universal Postal Union, as was done in the case of the "Status of international bureaux placed under the supervision of the authorities of the Swiss Confederation" of 31 January 1947, which has thus lapsed as regards the Universal Postal Union.

I should therefore be very grateful, if it has not already been done, if you would kindly implement this desire of the Committee's.

I am, etc
(signed) Muri
Secretary-General

III.
A. Federal decree concerning the legal status in Switzerland of the United Nations and other international organizations
(Dated 29 September 1955)

The Federal Assembly of the Swiss Confederation,

In view of article 85, § 5, of the Constitution,
In view of the message from the Federal Council of 28 July 1955,

Decrees:

Article 1

The following are approved:
a The agreement, the arrangement for execution and the exchange of letters concerning the legal status of the World Meteorological Organization (WMO) dated 10 March 1955.
b The agreement and exchange of letters concerning the legal status of the European Organization for Nuclear Research (CERN) dated 11 June 1955.
The Federal Council is authorized to ratify these two agreements.

Article 2

The following are approved:
a The interim arrangement on privileges and immunities of the United Nations (UN) dated 19 April 1946; the exchange of letters between the head of the Political Department and the Secretary-General of the United Nations, of 22 October and 4 November 1946.
b The agreement and arrangement for execution concerning the legal status of the International Labour Organisation (ILO) dated 11 March 1946.
c The exchange of letters concerning the legal status of the Universal Postal Union, of 5 February and 22 April 1948.
d The exchange of letters concerning the legal status of the International Telecommunication Union (ITU), of 6 and 25 February 1948.
e The agreement and arrangement for execution concerning the legal status of the World Health Organization (WHO) dated 19 September 1946.
f The agreement concerning the legal status of the International Bureau of Education (IBE) dated 15 November 1946.

g The exchange of letters concerning the legal status of the Intergovernmental Committee for European Migration (CIME) of 7 April and 3 May 1954.

So decreed by the Council of States.

Berne, 27 September 1955	(signed) A Locher	Chairman
	(signed) F Weber	Secretary

So decreed by the National Council.

Berne, 29 September 1955	(signed) Häberlin	Chairman
	(signed) Ch Oser	Secretary

B. Federal decree concerning the conclusion or amendment of agreements with international organizations in order to determine their legal status in Switzerland

(Dated 30 September 1955)

The Federal Assembly of the Swiss Confederation,

In view of article 85, § 2, of the Constitution,
In view of the message from the Federal Council dated 28 July 1955,

Decrees:

Article 1

The Federal Council shall be authorized to amend or supplement the agreements concluded with international organizations in order to determine their legal status in Switzerland, provided that the new provisions are compatible with federal law. The new provisions may however provide for exceptions to the fiscal legislation of the Confederation.

Article 2

If a specialized agency of the United Nations wishes to establish its main headquarters or a subsidiary office in Switzerland, the Federal Council may conclude with it an agreement giving it a legal status similar to that granted to the United Nations specialized agencies already established in Switzerland.

Article 3

If an international organization which is not a United Nations specialized agency wishes to establish its headquarters or a subsidiary office in Switzerland, the Federal Council may conclude with it an agreement determining its legal status in Switzerland, provided that the provisions of the agreement are compatible with federal

law. The Federal Council may however grant exceptions to the fiscal legislation of the Confederation.

Article 4

If the agreements provided for in the preceding articles contain provisions contrary to the cantonal law of the office of the international organization (eg, fiscal law), the approval of the canton concerned will have to be obtained.

Article 5

The powers of the Federal Assembly are reserved in the case of the agreements referred to in article 89, § 3, of the Constitution.

Article 6

The Federal Council will publish this decree in accordance with the federal law of 17 June 1874 concerning people's ballots on federal laws and decrees, and will fix the date of its taking effect.

So decreed by the Council of States.
Berne, 30 September 1955

(signed) A Locher
Chairman
(signed) F Weber
Secretary

So decreed by the National Council.
Berne, 30 September 1955

(signed) Häberlin
Chairman
(signed) Ch Oser
Secretary

The Federal Council decrees:

The above federal decree, published on 6 October 1955, shall be inserted in the Collection of Federal Laws and take effect on 8 June 1956.

Berne, 8 June 1956

By order of the Swiss Federal Council:
(signed) Ch Oser
Chancellor of the Confederation

C. Correspondence concerning the status of Fellows in Switzerland

Swiss permanent mission
to the international organizations

Geneva, 5 December 1969

Circular letter to the intergovernmental organizations with offices in Switzerland

Treatment of Fellows

Dear Sirs,
I would submit the following matter to your attention:
The Federal authorities, having noted that the cantonal foreigners' police authorities give different treatment to Fellows coming to Switzerland to take a course, have decided to lay down standards for uniformizing their regime. These provisions would be as follows:

A. Fellows from international organizations which have concluded an agreement regarding their office with Switzerland

1 Fellows taking their course in foreign countries who have to go to the international organization concerned to receive instructions about the studies and courses they are to do or to present final reports

Swiss diplomatic missions abroad are authorized to issue, on their own responsibility, to Fellows requiring a visa, irrespective of their nationality:
– a visa valid for two entries of up to ten days each, if the second journey is to be made within six months of the issue of the visa;
– or a visa valid for one entry for a stay of up to ten days, if the second journey is planned for a date more than six months after the issue of the visa; for the second journey, the Fellow will apply for the necessary visa to the competent Swiss diplomatic mission for his place of residence, which will issue him, also on its own responsibility, a visa for a stay of up to ten days.

The granting of visas will depend upon the Fellow's having the necessary visas for continuing his journey after his stay in Switzerland and upon his holding a document from the international organization concerned attesting that he is expected by that organization.

2 Fellows taking their course in Switzerland with an international organization having an agreement regarding their office with Switzerland

Course of up to three months

a Foreigners who do not need a visa can enter Switzerland on presentation of their ticket or of one of the travel vouchers provided for in the agreements existing between Switzerland and the country of origin.

b Swiss authorities abroad are authorized to issue on their own responsibility to Fellows needing a visa, irrespective of their nationality, visas valid for the duration of the course and for an unlimited number of entries, provided they have a valid national passport and that they bear a document from the international organization concerned attesting that they are expected by that organization for a course as a Fellow and stating the period of the course.

c The international organization concerned will issue the Fellows, on their arrival in Switzerland, with a document attesting their status as Fellows and the duration of their stay, as such, with the organization. This document will serve as credentials for the Swiss authorities regarding its holder's presence in the country.

Course of over three months

a Foreigners who do not need a visa can enter Switzerland on presentation of their ticket or of one of the travel vouchers provided for in the agreements existing between Switzerland and the country of origin.

b Swiss authorities abroad are authorized to issue on their own responsibility to Fellows needing a visa, irrespective of their nationality, a single entry visa, provided they have a valid national passport and that they bear a document from the international organization concerned attesting that they are expected by that organization for a course as a Fellow and stating the period of the course. The visa will mention the period of the course given in the attestation.

c The international organization concerned will, on the Fellow's arrival in Switzerland, take the necessary steps with the competent branch of the Federal Political Department to obtain for the Fellow a "carte de légitimation" from that Department. This card will serve as credentials for the Swiss authorities regarding its holder's presence in the country. Under the current regulations the holder of the card, who requires a visa, may, if he leaves Switzerland momentarily, return to it without having a re-entry visa on production of his valid passport and of the "carte de légitimation", which must also be valid.

B. Fellows taking their course in Switzerland independently of the international organizations which have concluded an agreement regarding their office with Switzerland

a These Fellows are subject to the ordinary law for their entry and stay in Switzerland.

b The course requests will be submitted by the international organization concerned to the competent Federal technical cooperation authorities (Federal Political Department, Technical Cooperation Service or Federal Public Health Service). These authorities are at the disposal of the international organizations for preparing and planning a course.

c The conditions of residence of these Fellows are determined by the cantons.

Free issue of visas and residence permits
The Swiss diplomatic missions abroad will charge no fees for the visas they issue.
The cantons will not collect the cantonal dues for issuing resident permits requested by Fellows of international organizations who are subject to the ordinary law.

Members of the family of Fellows
Dependants in the first degree of Fellows referred to under 1 and 2 above (Fellows taking a course in a foreign country and Fellows taking a course in Switzerland with an international organization benefiting from an agreement regarding its office), namely the spouse and unmarried children under 21, will be treated like the head of the family if the attestation from the organization concerned states that they are accompanying the latter. They will also receive a "carte de légitimation" from the Federal Political Department in cases in which the head of the family receives such a card. The ordinary law is applicable in other cases.
It is understood that the holders of a "carte de légitimation" are exempt from regularizing their conditions of residence in so far as they exercise no gainful activity and live with the Fellow.
The members of the family of the Fellows referred to in B above (Fellows taking a course in Switzerland independently of the international organizations which have concluded an agreement regarding their office with Switzerland) are subject, like the head of the family himself, to the ordinary law.
The provisions of section B do not concern you directly; however, I have given them for information.
I have no doubt that you will approve this procedure, which will be notified both to the Swiss diplomatic missions abroad and to the various cantonal police forces concerned with foreigners. If you have any comment to make on it, please let me have it as soon as possible.
In due course I will send you copies of the provisions taken in this matter.
Thanking you in advance for your valuable cooperation, I remain,

Yours faithfully,
(signed) Humbert
Ambassador, Permanent Representative

B. Outside Switzerland

IV. Convention on the privileges and immunities of the specialized agencies

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by resolution 179 (II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State Member of one or more of the specialized agencies for accession.

■ **Commentary**

Outside Switzerland the legal status of the UPU is governed in general by the present Conv drawn up within the UN. This Conv was submitted to the various specialized agencies, including the UPU, for acceptance; its text is actually very similar to the Agr governing the legal status of the Union at its headquarters.

With regard to accession to the Conv on the privileges and immunities of the specialized agencies, the following is a list of the countries which, according to UN information, have undertaken to apply to the UPU the provs of that Conv (position at 17 January 2006):

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Algeria	25 March 1964
Antigua and Barbuda	14 December 1988
Argentina	10 October 1963
Australia	9 May 1986
Austria	21 July 1950
Bahamas	17 March 1977
Barbados	19 November 1971
Belarus	18 March 1966
Belgium	14 March 1962
Bosnia and Herzegovina	1 September 1993
Botswana	5 April 1983
Brazil	22 March 1963
Bulgaria (Rep.)	13 June 1968
Burkina Faso	6 April 1962
Cambodia	15 October 1953
Cameroon	30 April 1992
Chile	21 September 1951
China (People's Rep.)	11 September 1979
Côte d'Ivoire (Rep.)	28 December 1961
Croatia	12 October 1992
Cuba	13 September 1972
Cyprus	6 May 1964
Czech Rep.	22 February 1993
Dem. Rep. of the Congo	8 December 1964
Denmark	25 January 1950
Dominica	24 June 1988
Ecuador	12 December 1958
Egypt	28 September 1954
Estonia	8 October 1997
Fiji	21 June 1971
Finland	31 July 1958
France	2 August 2000
Gabon	30 November 1982
Gambia	8 January 1966
Georgia	18 July 2007
Germany	19 May 1958
Ghana	9 September 1958
Great Britain	17 December 1954
Greece	21 June 1977
Guatemala	30 June 1951
Guinea	29 March 1968
Guyana	13 September 1973

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Haiti	16 April 1952
Hungary (Rep.)	2 August 1967
Iceland	17 January 2006
India	19 October 1949
Indonesia	8 March 1972
Iran (Islamic Rep.)	16 May 1974
Iraq	9 July 1954
Ireland	10 May 1967
Italy	30 August 1985
Jamaica	4 November 1963
Japan	18 April 1963
Jordan	12 December 1950
Kenya	1 July 1965
Korea (Rep.)	13 May 1977
Kuwait	7 February 1963
Lao People's Dem. Rep.	9 August 1960
Latvia	19 December 2005
Lesotho	26 November 1969
Lithuania	10 February 1997
Luxembourg	20 September 1950
Madagascar	3 January 1966
Malawi	2 August 1965
Maldives	26 May 1969
Mali	24 June 1968
Malta	27 June 1968
Malaysia	29 March 1962
Mauritius	18 July 1969
Mongolia	3 March 1970
Montenegro	23 October 2006
Morocco	13 August 1958
Nepal	28 September 1965
Netherlands	14 May 1952
New Zealand	25 November 1960
Nicaragua	6 April 1959
Niger	15 May 1968
Nigeria	26 June 1961
Norway	25 January 1950
Pakistan	15 September 1961
Paraguay	13 January 2006
Poland	19 June 1969
Romania	15 September 1970
Russian Federation	10 January 1966
Rwanda	15 April 1964
Saint Lucia	2 September 1986
Senegal	2 March 1966
Serbia	12 March 2001
Seychelles	24 July 1985
Sierra Leone	13 March 1962
Singapore	18 March 1966
Slovakia	22 February 1993
Slovenia	6 July 1992
South Africa	30 August 2002
Spain	26 September 1974
Sweden	12 September 1951
Thailand	28 April 1965
the former Yugoslav Republic of Macedonia	11 March 1996
Togo	16 September 1975

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Tonga	17 March 1976
Trinidad and Tobago	19 October 1965
Tunisia	3 December 1957
Uganda	11 August 1983
Ukraine	13 April 1966
United Arab Emirates	11 December 2003
Uruguay	29 December 1977
Uzbekistan	18 February 1997
Vanuatu	2 January 2008
Zambia	16 June 1975
Zimbabwe	5 March 1996

Certain countries which have not acceded to the Conv adopted within the framework of the UN have nevertheless taken unilateral measures granting the UPU the necessary privileges and immunities. This is the case, for instance, with the United States of America, which has recognized the status of international organization entitled to the privileges, exemptions and immunities conferred by the International Organizations Immunities Act (Presidential Decision No 10727 dated 31 August 1957; see 1957 Rep, p 1).
Where Congresses have been held in countries not signatories to the UN Convention on privileges and immunities, similar advantages have nevertheless been granted the UPU for the duration of the meeting (Brussels 1952, Ottawa 1957, Washington 1989).

Article I
Definitions and scope

In this Convention: Section 1

i The words “standard clauses” refer to the provisions of articles II to IX.

ii The words “specialized agencies” mean:
- a The International Labour Organisation;
- b The Food and Agriculture Organization of the United Nations;
- c The United Nations Educational, Scientific and Cultural Organization;
- d The International Civil Aviation Organization;
- e The International Monetary Fund;
- f The International Bank for Reconstruction and Development;
- g The World Health Organization;
- h The Universal Postal Union;
- i The International Telecommunication Union; and
- j Any other agency in relationship with the United Nations in accordance with articles 57 and 63 of the Charter.

iii The word “Convention” means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

iv For the purposes of article III, the words “property and assets” shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

v For the purposes of articles V and VII, the expression “representatives of members” shall be deemed to include all representatives; alternates, advisers, technical experts and secretaries of delegations.

vi In sections 13, 14, 15 and 25, the expression “meetings convened by a specialized agency” means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

vii The term “executive head” means the principal executive official of the specialized agency in question, whether designated “Director-General” or otherwise.

Section 2 Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connection with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

Article II
Juridical personality

Section 3 The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

Article III
Property, funds and assets

Section 4 The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5 The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 6 The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

a The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;

b The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

a Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

b Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;

c Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV
Facilities in respect of communications

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12 No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.
The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.
Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

Article V
Representatives of members

Section 13 Representatives of members at meetings convened by a specialized agency shall while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

a Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
b Inviolability for all papers and documents;
c The right to use codes and to receive papers or correspondence by courier or in sealed bags;
d Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
e The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
f The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14 In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15 Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a Member State for the discharge of their duties shall not be considered as periods of residence.

Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded. Section 16

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative. Section 17

Article VI
Officials

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments. Section 18

Officials of the specialized agencies shall: Section 19

a Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
b Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
c Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
d Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
e Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
f Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned. Should other officials of specialized Section 20

agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21 In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22 Privileges and immunities are granted to officials in the interest of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23 Each specialized agency shall cooperate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this article.

Article VII
Abuses of privilege

Section 24 If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25 1 Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any

activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2 (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.
(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article VIII
Laissez-passer

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded. Section 26

States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents. Section 27

Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel. Section 28

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency. Section 29

Section 30 The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article IX
Settlement of disputes

Section 31 Each specialized agency shall make provision for appropriate modes of settlement of:

a Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;

b Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32 All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with article 96 of the Charter and article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

Article X
Annexes and application to individual specialized agencies

Section 33 In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34 The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35 Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 38

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.
The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

Article XI
Final provisions

Section 41 Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

Section 42 Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

Section 43 Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

Section 44 This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

Section 45 The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46 It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1 Subject to the provisions of §§ 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised Convention or annex shall have become applicable to that agency and the said State shall have accepted the revised Convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2 Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3 Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4 The Secretary-General of the United Nations shall inform all Member States parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48

At the request of one third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

Annexes to the proposed Convention on the privileges and immunities of the specialized agencies

Annex VIII

The Universal Postal Union

The standard clauses shall apply without modification.

Part VI
Miscellaneous

List of Congress decisions (Paris 1947 to Geneva 2008) relating to the Constitution, the General Regulations and the operation of the Union

Classification key

1	General affairs of the Union
1.1	Political questions
1.2	Postal Strategy
2	Acts of the Union
2.1	General
2.2	Constitution
2.3	General Regulations
2.4	Convention
3	Union bodies
3.1	General
3.2	Congress
3.3	Executive Council (EC)/Council of Administration (CA)
3.4	Consultative Council for Postal Studies (CCPS)/Postal Operations Council (POC)
3.5	Consultative Committee
3.6	International Bureau
3.6.1	Staff
3.6.2	Documentation and publications
4	Finance
5	Development cooperation
6	External relations
6.1	Restricted Unions
6.2	United Nations (UN)
6.3	Specialized agencies
6.4	Other organizations
6.5	Public information

List of decisions according to the classification key

Classification key		Subject	Resolution, decision, etc
1	General affairs of the Union	Financing the priority activities of the Union	Resolution C 91/1994
		Management of the Union's work	Resolution C 109/1999
		Continuation after the Beijing Congress of the study on the mission, structure and management of the Union's work	Resolution C 110/1999
		Management of the work of the Union – Further reform of the UPU	Resolution C 54/2004
		Management of the work of the Union – Further reform of the UPU	Resolution C 16/2008
		Promoting "best practice" experiences on postal regulatory issues	Resolution C 41/2008
		Impact of new technologies on the activities of the UPU	Resolution C 65/2008
1.1	Political questions	Participation by national liberation movements in the meetings of the UPU	Resolution C 3/1974
		Assistance to national liberation movements	Resolution C 4/1974
		Representation of the Organization of African Unity (OAU)	Decision C 92/1974
		Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
		Postal relations on the Korean peninsula	Resolution C 55/1994
		Participation of Palestine in the work of the Union	Resolution C 115/1999
1.2	Postal Strategy	Formation of a Strategic Planning Working Party	Resolution C 60/1999
		Strategy Conference	Resolution C 71/2004
		Strategic planning activities	Resolution C 82/2004
		Continuation of work on strategic planning	Resolution C 83/2004
		Bucharest World Postal Strategy	Resolution C 84/2004
		Nairobi Postal Strategy	Resolution C 20/2008
		Strategic planning activities	Resolution C 39/2008
2	Acts of the Union		
2.1	General	Opinions, interpretations and formal opinions adopted by a Congress	Resolution C 1/1952
		Accession to the Agreements	Recommendation C 1/1964
		Publication of the resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress	Resolution C 1/1974
		Union practice concerning reservations	Resolution C 32/1974
		Reservations to the Acts of the Union	Resolution C 73/1984
		Summary of the main amendments to the UPU Acts and of the major decisions taken by Congress	Resolution C 74/1984

Classification key		Subject	Resolution, decision, etc
2.1	General (cont)	Notification to the International Bureau of information from member countries concerning the designation of the entity or entities to be responsible for fulfilling obligations arising from adherence to the Convention and Agreements and notification of the separation of governmental activities from operational and commercial activities in the case of these countries which apply this separation to the postal services	Resolution C 29/1994
		Continued recasting of the Acts	Resolution C 31/1999
		Measures for limiting the negative effects of the system of automatic sanctions on the satisfactory functioning of Congress	Decision C 6/2004
		Study concerning the definition of the term “reservation” in the Acts of the Union	Decision C 9/2004
		Use of the term “postal administration”. Timetable for completing the work	Resolution C 11/2004
		Preparation of a practical formal legislative drafting guide adapted to the UPU	Resolution C 68/2004
		Entry into force of the Acts of the 2004 Bucharest Congress	Decision C 69/2004
		Continuation of activities to study and refine the Acts of the Union after the 24th Congress	Resolution C 21/2008
		Study on the topical value of certain provisions of the UPU Acts	Resolution C 22/2008
		Study on establishing a permanent Universal Postal Convention and Postal Payment Services Agreement	Resolution C 42/2008
		Making the wording of reservations more explicit	Resolution C 59/2008
2.2	Constitution	Jurisdiction of the Union – Interpretation of article 3, b, of the Constitution	Decision C 72/1984
		Interpretation of the term “member country” replacing “postal administration” in the Acts of the Union	Decision C 3/2008
2.3	General Regulations	Reproduction of documents in Chinese, German, Portuguese and Russian	Resolution C 63/1984 Resolution C 79/2008
		Study on the financial impact of the distribution of UPU documentation by the International Bureau to member countries and designated operators	
3	UPU bodies		
3.1	General	Organization of UPU conferences and meetings	Recommendation C 58/1994
		Coordination Committee for the Permanent Bodies of the Union	Resolution C 73/1994
		Future organization of the telematics activities	Resolution C 52/1999
		Formation of a Strategic Planning Working Party	Resolution C 60/1999
		Regulatory bodies – Mission, functions and structural relations with the operators working in the postal sector	Resolution C 107/1999

Classification key		Subject	Resolution, decision, etc
3.1	General (cont)	Management of the Union's work	Resolution C 109/1999
		Continuation after the Beijing Congress of the study on the mission, structure and management of the Union's work	Resolution C 110/1999
		Future organization of UPU standardization activities	Resolution C 30/2004
		Management of the work of the Union – Further reform of the UPU	Resolution C 54/2004
		EMS Cooperative	Resolution C 61/2004
		Future organization of telematics activities and their financing	Resolution C 66/2004
		Future organization of UPU standardization activities	Resolution C 24/2008
		EMS Cooperative	Resolution C 51/2008
		Future strategy and activities of the Telematics Cooperative and its financing	Resolution C 53/2008
		Council of Administration and Postal Operations Council – Committee Structures	Recommendation C 61/2008
		Principles for allocation of responsibilities within the Council of Administration and the Postal Operations Council – Code of conduct	Recommendation C 62/2008
3.2	Congress	Election of the Doyen of Congress	Formal opinion C 34/1969
		Participation by national liberation movements in the meetings of the UPU	Resolution C 3/1974
		Representation of the Organization of African Unity (OAU)	Decision C 92/1974
		Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
		Participation of Advisory Group members	Resolution C 3/2004
		Participation of Advisory Group members in the 23rd Congress	Resolution C 4/2004
		Measures for limiting the negative effects of the system of automatic sanctions on the satisfactory functioning of Congress	Decision C 6/2004
		Venue of the 24th Universal Postal Congress	Decision C 87/2004
		Designation of member countries prepared to assume the vice-chairmanships of Congress and the chairmanships and vice-chairmanships of the Committees and/or to sit on the Restricted Committees	Decision C 1/2008
		Admission of the media to the 24th UPU Congress	Decision C 2/2008
		Admission of proposals presented between 23 January 2008 and 12 February 2008	Decision C 4/2008
3.3	Executive Council (EC)/Council of Administration (CA)	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
		Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
		Number of geographical groups for the distribution of Council of Administration seats	Decision C 18/1994
		Distribution of Council of Administration seats	Resolution C 19/1994

Classification key		Subject	Resolution, decision, etc
3.3	Executive Council (EC)/Council of Administration (CA) (cont)	Chairmanship of the Council of Administration to be elected by the 24th Universal Postal Congress	Decision C 80/2008
		Participation of Armenia in the work of the Council of Administration	Decision C 82/2008
3.4	Consultative Council for Postal Studies (CCPS)/ Postal Operations Council (POC)	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
		Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
		Composition of the Postal Operations Council	Resolution C 5/1999
3.5	Consultative Committee	Increased participation of interested parties in the Union's work – Governmental policies on postal issues	Resolution C 105/1999
		Participation of Advisory Group members	Resolution C 3/2004
		Participation of Advisory Group members in the 23rd Congress	Resolution C 4/2004
		Consultative Committee – improving the integration of CC members and further strengthening their role in all UPU activities	Resolution C 57/2008
3.6	International Bureau	Certification of quality management systems at the International Bureau	Resolution C 73/2004
3.6.1	Staff	Relief Fund	Resolution C 17/1957
		Provident Scheme of the Universal Postal Union	Resolution C 9/1964
		Conditions of service of elected officials	Resolution C 51/1979
		Retirement pensions of elected officials	Resolution C 5/2004
		Election of the Director General and Deputy Director General of the International Bureau of the Universal Postal Union	Decision C 76/2004
3.6.2	Documentation and publications	"Union Postale"	Resolution C 7/1957
		List of documents published by the International Bureau	Recommendation C 8/1964
		Preparation of documents published by the International Bureau	Resolution C 32/1969
		Publication of the Resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress	Resolution C 1/1974
		Information management as a UPU strategic activity	Resolution C 78/1994
		Publication of list of compendia in UPU Manuals	Resolution C 35/1999
		Publication of the Multilingual Vocabulary of the International Postal Service with definitions of the terms in French and English	Decision C 62/1999
		Publication of e-mail addresses of postal administrations	Resolution C 37/2004
		Access to operational information on the UPU website	Resolution C 52/2004
		Electronic network of the Universal Postal Union	Resolution C 72/2008
		Updating the password-protected list of e-mail addresses available via the UPU website	Recommendation C 73/2008

Classification key		Subject	Resolution, decision, etc
4	Finance	Clearing up of arrears by means of the International Bureau's clearing system	Recommendation C 36/1984
		Clearing up of accounts of all kinds in arrears	Resolution C 61/1989
		Billing date for contributions	Decision C 90/1994
		Financing the priority activities of the Union	Resolution C 91/1994
		Principle of zero real growth in budget matters	Resolution C 96/1994
		Financing the activities of the Universal Postal Union	Resolution C 28/1999
		Introduction of a biennial budget cycle from the year 2001	Resolution C 58/1999
		Setting of expenditure ceilings by Congress	Resolution C 59/1999
		Support costs for extrabudgetary activities	Resolution C 75/2004
		Period covered by the financial decisions taken by the Bucharest Congress	Resolution C 80/2004
		Measures proposed for safeguarding the UPU Provident Scheme's ability to meet its future obligations	Resolution C 81/2004
		Study on the legal and organizational aspects relating to the Union's extrabudgetary activities	Decision C 66/2008
		Approval of the accounts of the regular budget of the Universal Postal Union for the 2003–2006 period	Decision C 68/2008
		Aid provided by the Government of the Swiss Confederation in the field of the Union's finances	Decision C 70/2008
		Period covered by the financial decisions taken by the 24th Congress	Decision C 71/2008
5	Development cooperation	Universal Postal Union policy and action on postal reform and development for 2005–2008	Resolution C 7/2004
		Quality of Service Fund	Resolution C 8/2004
		Union presence in the field	Resolution C 14/2004
		Development cooperation policy of the Universal Postal Union for the period 2005–2008	Resolution C 21/2004
		Continuation of development cooperation work by means of twinning projects	Resolution C 22/2004
		Development cooperation policy of the Universal Postal Union for the period 2009–2012	Resolution C 6/2008
		Leveraging wider sector involvement to make development cooperation more effective and forward-looking	Resolution C 19/2008
		Development of E-commerce in developing countries and the least developed countries	Resolution C 28/2008
		Cooperation in the area of postal statistics	Resolution C 64/2008
6	External relations		
6.1	Restricted Unions	Relations between the UPU and the Restricted Unions	Resolution C 38/1974
6.2	United Nations (UN)	Agreement between the UN and the UPU. Interpretation	Decision C 1/1947
		Agreement between the UN and the UPU. Article IV – Recommendations of the UN	Decision C 2/1947
		Agreement between the UN and the UPU. Article XVI – Revision	Decision C 3/1947

Classification key		Subject	Resolution, decision, etc
6.2	United Nations (UN) (cont)	United Nations postal administration	Resolution C 2/1952
		Application of the Declaration on the Granting of Independence to Colonial Countries and Peoples – Implementation of resolutions 2311 (XXII), 2426 and 2465 (XXIII) of the UN General Assembly and 1450 (XLVII) of the UN Economic and Social Council	Resolution C 26/1969
		Relations with the United Nations and other international organizations	Decision C 56/1994
		Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Decision C 57/1994
		Relations with the United Nations and other international organizations	Decision C 88/1999
		Relations with the organizations in the United Nations common system	Resolution C 34/2004
6.3	Specialized agencies	Perishable biological substances. Cooperation with WHO	Decision C 2/1957
6.4	Other organizations	Customs treatment of postal items: International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention)	Formal opinion C 40/1984
		Reconstitution of the Publishers–UPU Contact Committee	Resolution C 20/1994
		Collaboration with the airline sector	Resolution C 60/2004
		Collaboration with the World Customs Organization (WCO)	Resolution C 62/2004
		International law in the field of trade in services. WTO–UPU Memorandum of Understanding	Resolution C 70/2004
		Accession to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986	Decision C 72/2004
		Study of the proposals submitted to the WTO concerning the classification of postal services and courier services, and request for observer status for the UPU	Resolution C 74/2004
		Relations with the publishing sector	Resolution C 35/2008
		International law in the field of trade in services. WTO–UPU relations	Resolution C 40/2008
		Cooperation with the airline industry	Resolution C 47/2008
6.5	Public information	International letter-writing week	Recommendation C 13/1957
		International letter-writing week	Recommendation C 5/1964
		General policy on public information	Resolution C 11/1969
		Letter-writing competition for young people	Formal opinion C 67/1969
		Letter-writing competition for young people	Formal opinion C 88/1974
		General policy on public information	Resolution C 101/1979

Classification key		Subject	Resolution, decision, etc
6.5	Public information (cont)	World Post Day	Resolution C 32/1984
		Posts and the Information Society	Resolution C 35/2004
		External communications activities	Resolution C 36/2004
		The role of the postal sector in the Information Society	Resolution C 38/2008

Chronological list of decisions

Type and number of decision		Title
Paris Congress		
Decision	C 1/1947	Agreement between the UN and the UPU. Interpretation
Decision	C 2/1947	Agreement between the UN and the UPU. Article IV – Recommendations of the UN
Decision	C 3/1947	Agreement between the UN and the UPU. Article XVI – Revision
Brussels Congress		
Resolution	C 1/1952	Opinions, interpretations and formal opinions adopted by a Congress
Resolution	C 2/1952	United Nations postal administration
Ottawa Congress		
Decision	C 2/1957	Perishable biological substances. Cooperation with WHO
Resolution	C 7/1957	"Union Postale"
Recommendation	C 13/1957	International letter-writing week
Resolution	C 17/1957	Relief Fund
Vienna Congress		
Recommendation	C 1/1964	Accession to the Agreements
Recommendation	C 4/1964	Periodicals sent to the International Bureau by administrations
Recommendation	C 5/1964	International letter-writing week
Recommendation	C 8/1964	List of documents published by the International Bureau
Resolution	C 9/1964	Provident Scheme of the Universal Postal Union
Tokyo Congress		
Resolution	C 11/1969	General policy on public information
Resolution	C 26/1969	Application of the Declaration on the Granting of Independence to Colonial Countries and Peoples – Implementation of resolutions 2311 (XXII), 2426 and 2465 (XXIII) of the UN General Assembly and 1450 (XLVII) of the UN Economic and Social Council
Resolution	C 32/1969	Preparation of documents published by the International Bureau
Formal opinion	C 34/1969	Election of the Doyen of Congress
Formal opinion	C 67/1969	Letter-writing competition for young people
Lausanne Congress		
Resolution	C 1/1974	Publication of the Resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress
Resolution	C 3/1974	Participation by national liberation movements in the meetings of the UPU
Resolution	C 4/1974	Assistance to national liberation movements

Type and number of decision		Title
Resolution	C 32/1974	Union practice concerning reservations
Formal opinion	C 88/1974	Letter-writing competition for young people
Decision	C 92/1974	Representation of the Organization of African Unity (OAU)

Rio de Janeiro Congress

Resolution	C 7/1979	Participation by the League of Arab States in the meetings of the UPU
Resolution	C 51/1979	Conditions of service of elected officials
Resolution	C 52/1979	Retirement pensions of elected officials
Resolution	C 101/1979	General policy on public information

Hamburg Congress

Resolution	C 30/1984	Quality control
Resolution	C 32/1984	World Post Day
Recommendation	C 36/1984	Clearing up of arrears by means of the International Bureau's clearing system
Formal opinion	C 40/1984	Customs treatment of postal items: International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention)
Resolution	C 63/1984	Reproduction of documents in Chinese, German, Portuguese and Russian
Decision	C 72/1984	Jurisdiction of the Union – Interpretation of article 3, b, of the Constitution
Resolution	C 73/1984	Reservations to the Acts of the Union
Resolution	C 74/1984	Summary of the main amendments to the UPU Acts and of the major decisions taken by Congress

Washington Congress

Resolution	C 4/1989	Committee to coordinate the work of the Union's permanent bodies
Resolution	C 5/1989	Permanent control of the quality of service worldwide
Resolution	C 22/1989	Permanent project to safeguard and enhance the quality of and to modernize the international postal service
Resolution	C 61/1989	Clearing up of accounts of all kinds in arrears
Recommendation	C 78/1989	Reserving terminal dues revenue for the purpose of improving the quality of the postal service

Seoul Congress

Decision	C 18/1994	Number of geographical groups for the distribution of Council of Administration seats
Resolution	C 19/1994	Distribution of Council of Administration seats
Resolution	C 20/1994	Reconstitution of the Publishers–UPU Contact Committee
Resolution	C 29/1994	Notification to the International Bureau of information from member countries concerning the designation of the entity or entities to be responsible for fulfilling obligations arising from adherence to the Convention and Agreements and notification of the separation of governmental activities from operational and commercial activities in the case of those countries which apply this separation to postal services

Type and number of decision		Title
Resolution	C 55/1994	Postal relations on the Korean peninsula
Decision	C 56/1994	Relations with the United Nations and other international organizations
Decision	C 57/1994	Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples
Recommendation	C 58/1994	Organization of UPU conferences and meetings
Resolution	C 71/1994	Reconstitution of the Private Operators–UPU Contact Committee
Resolution	C 73/1994	Coordination Committee for the Permanent Bodies of the Union
Resolution	C 75/1994	Institutionalization of a high-level meeting between Congresses
Resolution	C 78/1994	Information management as a UPU strategic activity
Decision	C 90/1994	Billing date for contributions
Resolution	C 91/1994	Financing the priority activities of the Union
Resolution	C 96/1994	Principle of zero real growth in budget matters

Beijing Congress

Resolution	C 5/1999	Composition of the Postal Operations Council
Resolution	C 28/1999	Financing the activities of the Universal Postal Union
Resolution	C 31/1999	Continued recasting of the Acts
Resolution	C 35/1999	Publication of list of compendia in UPU Manuals
Resolution	C 52/1999	Future organization of the telematics activities
Resolution	C 58/1999	Introduction of a biennial budget cycle from the year 2001
Resolution	C 59/1999	Setting of expenditure ceilings by Congress
Resolution	C 60/1999	Formation of a Strategic Planning Working Party
Decision	C 62/1999	Publication of the Multilingual Vocabulary of the International Postal Service with definitions of the terms in French and English
Decision	C 88/1999	Relations with the United Nations and other international organizations
Resolution	C 105/1999	Increased participation of interested parties in the Union's work – Governmental policies on postal issues
Resolution	C 107/1999	Regulatory bodies – Mission, functions and structural relations with the operators working in the postal sector
Resolution	C 109/1999	Management of the Union's work
Resolution	C 110/1999	Continuation after the Beijing Congress of the study on the mission, structure and management of the Union's work
Decision	C 111/1999	High Level Strategy Conference. "World Postal Policy Forum" to discuss postal sector policy and strategy in a changing environment
Resolution	C 115/1999	Participation of Palestine in the work of the Union

Bucharest Congress

Resolution	C 3/2004	Participation of Advisory Group members
Resolution	C 4/2004	Participation of Advisory Group members in the 23rd Congress
Resolution	C 5/2004	Retirement pensions of elected officials
Decision	C 6/2004	Measures for limiting the negative effects of the system of automatic sanctions on the satisfactory functioning of Congress
Resolution	C 7/2004	Universal Postal Union policy and action on postal reform and development for 2005–2008
Resolution	C 8/2004	Quality of Service Fund
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