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Eighth Additional Protocol to the Constitution of the Universal Postal Union

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Eighth 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 I
(Article 1bis amended)
Definitions

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

1.1 Postal service: all postal services whose scope is determined by the bodies of the Union. The main obligations of postal services are to satisfy certain social and economic objectives of member countries, by ensuring the collection, sorting, transmission and delivery of postal items.

1.2 Member country: a country that fulfils the conditions of article 2 of the Constitution.

1.3 Single postal territory (one and the same postal territory): the obligation upon the contracting parties to the UPU Acts to provide for the reciprocal exchange of letter-post items, including freedom of transit, and to treat postal items in transit from other countries like their own postal items, without discrimination.

1.4 Freedom of transit: obligation for 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.

Article II
(Article 4 amended)
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.

Article III
(Article 8 amended)
Restricted Unions. Special Agreements

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.

Article IV
(Article 11 amended)
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.

Article V
(Article 22 amended)
Acts of the Union

1 The Constitution shall be the basic Act of the Union. It shall contain the organic rules of the Union and shall not be subject to reservations.

2 The General Regulations shall embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all member countries and shall not be subject to reservations.

3 The Universal Postal Convention, the Letter Post Regulations and the Parcel Post Regulations shall embody the rules applicable throughout the international postal service and the provisions concerning the letter-post and postal parcels services. These Acts shall be binding on all member countries. **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.

Article VI
(Article 25 amended)
Signature, authentication, ratification and other forms of approval of the Acts of the Union

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

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

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

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

5 When a **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.

Article VII
(Article 29 amended)
Presentation of proposals

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.**

Article VIII
(Article 32 amended)
Arbitration

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.

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.

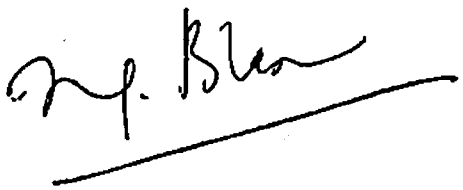
Done at **Geneva, 12 August 2008.**

See signatures on next page.

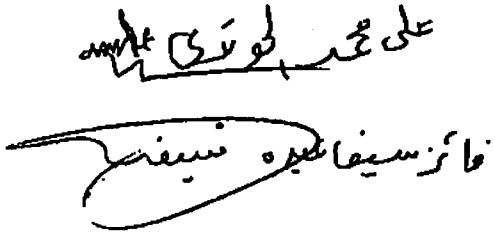
POUR
LA RÉPUBLIQUE BOLIVARIENNE DU VENEZUELA:



POUR
LA RÉPUBLIQUE SOCIALISTE DU VIET NAM:



POUR
LA RÉPUBLIQUE DU YÉMEN:



POUR
LA RÉPUBLIQUE DE ZAMBIE:

POUR
LA RÉPUBLIQUE DE ZIMBABWE:

