

## **Eleventh Additional Protocol to the Constitution of the Universal Postal Union<sup>1</sup>**

The plenipotentiaries of the governments of the member countries of the Universal Postal Union, having met in Congress at Abidjan, 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, acceptance or approval, the following amendments to that Constitution.

### **Article I (Preamble modified)**

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, **acceptance or approval**, adopted this Constitution.

The mission of the **Universal Postal Union (hereinafter 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.

### **Article II (Art. 1 amended) Scope and objectives of the Union**

1 The countries adopting this Constitution shall form, under the intergovernmental organization entitled the Universal Postal Union, a single postal territory for the reciprocal exchange of postal items. Freedom of transit shall be guaranteed throughout the entire territory of the Union, subject to the conditions specified in the Acts of the Union **and any additional protocols thereto (hereinafter collectively “Acts 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

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<sup>1</sup> In accordance with article 24.2 of the Rules of Procedure of Congresses, the International Bureau renumbers the provisions contained in the consolidated versions of the Acts of the Union referred to in this document, with a view to correctly reflecting the order of these provisions in the aforementioned Acts.

member countries.

### **Article III (Art. 1bis amended) Definitions**

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

- 1.1 Postal service: all international postal services, whose scope is determined and regulated by the Acts of the Union. The main obligations of postal services are to satisfy certain social and economic objectives of member countries, by ensuring the collection, processing, 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 Acts of the Union to provide for the reciprocal exchange of postal items, including freedom of transit, and to treat postal items in transit from other countries like their own postal items, without discrimination, subject to the conditions specified in the Acts of the Union.
- 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, subject to the conditions specified in the Acts of the Union.
- 1.5 **(Deleted.)**
- 1.6 **(Deleted.)**
- 1.6bis Postal item: generic term referring to anything dispatched by the designated operator of a member country (letter post, parcel post, money orders, etc.), as described in the Universal Postal Convention (**hereinafter “Convention”**), the **Agreements of the Union (as referred to in article 22 of the Constitution)** and their respective Regulations.
- 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 IV (Art. 4 amended) Exceptional relations**

1 Member countries whose designated operators **provide postal services on behalf of** 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 V (Art. 8 amended) Restricted Unions. Special Agreements**

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

countries so per-mits, may establish Restricted Unions and make Special Agreements concerning the **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, to the Council of Administration, to the Postal Operations Council, and to other conferences and meetings organized by the Union.

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

## **Article VI**

**(Art. 9 amended)**

### **Relations with the United Nations**

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

## **Article VII**

**(Art. 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 **whose replies have not been received by the International Bureau** within a period of four months counting from the date of the consultation shall be considered as having abstained. **The aforementioned replies, to be submitted by physical or secure electronic means to the International Bureau, shall be signed by a duly authorized representative of the governmental authority of the member country concerned. For the purposes of this paragraph, "secure electronic means" shall refer to any electronic means used for the processing, storage and transmission of data that ensure that completeness, integrity and confidentiality of such data are maintained during the submission of the aforementioned replies by a member country.**

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 VIII**

**(Art. 12 amended)**

### **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, such notice to then be communicated by the Director General of the International Bureau to the governments of member countries.

2 Withdrawal from the Union shall become effective one year after **receipt of** the notice of denunciation provided for in paragraph **1** by the Director General of the International Bureau.

## **Article IX**

**(Art. 21 amended)**

### **Expenditure of the Union. Contributions of member countries**

1 Each Congress shall fix the maximum amount which:

1.1 the expenditure of the Union may reach annually;

1.2 the expenditure relating to the organization of the next Congress may reach.

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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, **subject to the relevant provisions** laid down in the General Regulations.

4 In the case of accession or admission to the Union under article 11, the country concerned shall **choose the** contribution class into which it wishes to be placed for the purpose of apportioning the expenses of the Union, **equally subject to the relevant provisions laid down in the General Regulations.**

## **Article X**

**(Art. 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 Convention** and its Regulations shall embody the rules applicable throughout **the postal service. 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 **respectively define and** regulate the services other than those **defined and regulated in the Convention and its Regulations** between those mem-ber 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 **of the Union** and their Regulations.

5 The Regulations, which shall contain the rules of application necessary for the implementation of the Convention and of the Agreements **of the Union**, 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 XI**

**(Art. 25 amended)**

**Signature, authentication, ratification, acceptance, approval of and accession to 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 Chair and the Secretary General of the Postal Operations Council.

3 The **Acts of the Union** shall be ratified, **accepted or approved** as soon as possible by the signatory member countries, **in accordance with their respective constitutional regulations**.

4 **(Deleted.)**

5 When a member country does not ratify, **accept or approve the Acts of the Union** which it has **signed, those** Acts shall be no less valid for the other member countries that have ratified, **accepted** or approved them.

**6 Member countries may, at any time, accede to the Acts of the Union which they did not sign, in accordance with the relevant procedures set forth in the Rules of Procedure of Congresses.**

**7 Accession of member countries to the Acts of the Union shall be notified in accordance with article 26.**

#### **Article XII**

**(Art. 26 amended)**

#### **Notification of ratification, acceptance, approval of and accession to the Acts of the Union**

1 The instruments of ratification, **acceptance, approval of and accession to the Acts** of the Union shall be deposited as soon as possible with the Director General of the International Bureau, who shall notify the governments of the member countries of their deposit.

#### **Article XIII**

**(Art. 27 deleted)**

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

**(Deleted.)**

#### **Article XIV**

**(Art. 28 amended)**

#### **Denunciation of Agreements of the Union**

1 Each member country may cease being a party to one or more of the Agreements **of the Union, subject by analogy to the conditions** laid down in article 12.

#### **Article XV**

**(Art. 29 amended)**

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 to** the Postal Operations Council **through the intermediary of** the International **Bureau**.

#### **Article XVI**

**(Art. 30 amended)**

#### **Amendment of the Constitution**

1 To be adopted, proposals submitted to Congress and relating to this Constitution must be approved by at least two thirds of the member countries of the Union having the right to vote.

2 Amendments **to the Constitution** adopted by a Congress shall form the subject of an additional protocol **and enter into force on the date specified therein as decided by** the same Congress. **Without prejudice to the binding character of the Constitution as provided for in article 22.1, the said amendments shall be ratified, accepted, approved or acceded to** as soon as possible by member **countries. The instruments of such ratification, acceptance, approval or accession shall be dealt with in accordance with the procedure laid down in article**

26.

#### **Article XVII**

**(Art. 31 amended)**

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

1 The General Regulations, the Convention and the Agreements **of the Union** shall define the conditions to be fulfilled for the approval of proposals which concern them.

2 **Amendments to the General Regulations, the Convention and the Agreements of the Union shall form the subject of an additional protocol and enter into force on the date decided by Congress. Without prejudice to the binding character of the aforementioned Acts of the Union as provided for in article 22, the said amendments shall be ratified, accepted, approved or acceded to as soon as possible by member countries. The instruments of such ratification, acceptance, approval or accession shall be dealt with in accordance with the procedure laid down in article 26. This provision shall also apply, *mutatis mutandis*, to any amendments to the Convention and the Agreements of the Union adopted between Congresses.**

#### **Article XVIII**

#### **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 July 2022 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 member country by the International Bureau of the Universal Postal Union.

Done at Abidjan, 26 August 2021