

# CONSTITUTION OF THE UNIVERSAL POSTAL UNION

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

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## Preamble<sup>1</sup>

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

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

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

### Section I

#### Organic provisions

#### Chapter I

#### General

## **Article 1**

### **Scope and objectives of the Union**

1. The countries adopting this Constitution shall comprise, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of letter-post items. Freedom of transit shall be guaranteed throughout the entire territory of the Union.
2. The aim of the Union shall be to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration.
3. The Union shall take part, as far as possible, in postal technical assistance sought by its member countries.

## **Article 1bis<sup>2</sup>**

### **Definitions**

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

## **Article 2**

### **Members of the Union**

Member countries of the Union shall be:

- a) countries which have membership status at the date on which the Constitution comes into force;
- b) countries admitted to membership in accordance with article 11.

## **Article 3**

### **Jurisdiction of the Union**

The Union shall have within its jurisdiction:

- a) the territories of member countries;
- b) post offices set up by member countries in territories not included in the Union;
- c) territories which, without being members of the Union, are included in it because from the postal point of view they are dependent on member countries.

#### **Article 4**

##### **Exceptional relations**

Postal administrations which provide a service with territories not included in the Union are bound to act as intermediaries for other administrations. The provisions of the Convention and its Regulations shall be applicable to such exceptional relations.

#### **Article 5**

##### **Seat of the Union**

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

#### **Article 6**

##### **Official language of the Union**

The official language of the Union shall be French.

#### **Article 7<sup>3</sup>**

##### **Monetary unit**

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

#### **Article 8**

##### **Restricted Unions. Special Agreements**

1. Member countries, or their postal administrations if the legislation of those countries so permits, may establish Restricted Unions and make Special Agreements concerning the international postal service, provided always that they do not introduce provisions less favourable to the public than those provided for by the Acts to which the member countries concerned are parties.
2. Restricted Unions may send observers to Congresses, Conferences and meetings of the Union, to the Council of Administration and to the Postal Operations Council.<sup>4</sup>
3. The Union may send observers to Congresses, Conferences and meetings of Restricted Unions.

#### **Article 9**

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

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

#### **Article 10**

## **Relations with international organizations**

In order to secure close cooperation in the international postal sphere, the Union may collaborate with international organizations having related interests and activities.

### **Chapter II**

#### **Accession or admission to the Union. Withdrawal from the Union**

##### **Article 11<sup>5</sup>**

###### **Accession or admission to the Union. Procedure**

1. Any member of the United Nations may accede to the Union.
2. Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union.
3. Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the Government of the country concerned to the Director-General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.
4. A country which is not a member of the United Nations shall be deemed to be admitted as a member country if its application is approved by at least two thirds of the member countries of the Union. Member countries which have not replied within a period of four months shall be considered as having abstained.
5. Accession or admission to membership shall be notified by the Director-General of the International Bureau to the Governments of member countries. It shall take effect from the date of such notification.

##### **Article 12<sup>6</sup>**

###### **Withdrawal from the Union. Procedure**

1. Each member country may withdraw from the Union by notice of denunciation of the Constitution given by the Government of the country concerned to the Director-General of the International Bureau and by him to the Governments of member countries.
2. Withdrawal from the Union shall become effective one year after the day on which the notice of denunciation provided for in paragraph 1 is received by the Director-General of the International Bureau.

### **Chapter III**

#### **Organization of the Union**

##### **Article 13<sup>7</sup>**

###### **Bodies of the Union**

1. The Union's bodies shall be Congress, the Council of Administration, the Postal Operations Council and the International Bureau.
2. The Union's permanent bodies shall be the Council of Administration, the Postal Operations Council and the International Bureau.

## **Article 14**

### **Congress**

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

## **Article 15**

### **Extraordinary Congresses**

An Extraordinary Congress may be convened at the request or with the consent of at least two thirds of the member countries of the Union.

## **Article 16**

### **Administrative Conferences**

**(Deleted.)<sup>8</sup>**

## **Article 17<sup>9</sup>**

### **Council of Administration**

1. Between Congresses the Council of Administration (CA) shall ensure the continuity of the work of the Union in accordance with the provisions of the Acts of the Union.
2. Members of the Council of Administration shall carry out their functions in the name and in the interests of the Union.

## **Article 18<sup>10</sup>**

### **Postal Operations Council**

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

## **Article 19**

### **Special Committees**

**(Deleted.)<sup>11</sup>**

## **Article 20<sup>12</sup>**

### **International Bureau**

A central office operating at the seat of the Union under the title of the International Bureau of the Universal Postal Union, directed by a Director-General and placed under the control of the Council of Administration, shall serve as an organ of execution, support, liaison, information and consultation.

## **Chapter IV**

### **Finances of the Union**

## **Article 21<sup>13</sup>**

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

1. Each Congress shall fix the maximum amount which:
  - a) 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.

## **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.<sup>14</sup>
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.<sup>15</sup>
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.<sup>16</sup>
4. The Agreements of the Union, and their Regulations, shall regulate the services other than those of the letter post and postal parcels between those member countries which are parties to them. They shall be binding on those countries only.<sup>17</sup>
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.<sup>18</sup>
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 23<sup>19</sup>**

### **Application of the Acts of the Union to territories for whose international relations a member country is responsible**

1. Any country may declare at any time that its acceptance of the Acts of the Union includes all the territories for whose international relations it is responsible, or certain of them only.
2. The declaration provided for in paragraph 1 must be addressed to the Director-General of the International Bureau.
3. Any member country may at any time address to the Director-General of the International Bureau a notification of its intention to denounce the application of those Acts of the Union in respect of which it has made the declaration provided for in paragraph 1. Such notification shall take effect one year after the date of its receipt by the Director-General of the International Bureau.
4. The declarations and notifications provided for in paragraphs 1 and 3 shall be communicated to member countries by the Director-General of the International Bureau.
5. Paragraphs 1 to 4 shall not apply to territories having the status of a member of the Union and for whose international relations a member country is responsible.

## **Article 24**

### **National legislation**

The provisions of the Acts of the Union shall not derogate from the legislation of any member country in respect of anything which is not expressly provided for by those Acts.

## **Chapter II**

### **Acceptance and denunciation of the Acts of the Union**

## **Article 25<sup>20</sup>**

### **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.<sup>21</sup>
3. The Constitution shall be ratified as soon as possible by the signatory countries.
4. Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.
5. When a country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified or approved them.

## **Article 26<sup>22</sup>**

### **Notification of ratifications and other forms of approval of the Acts of the Union**



The instruments of ratification of the Constitution and the Additional Protocols thereto and, where appropriate, of approval of the other Acts of the Union shall be deposited as soon as possible with the Director-General of the International Bureau who shall notify the Governments of the member countries of their deposit.

## **Article 27**

### **Accession to the Agreements**

1. Member countries may, at any time, accede to one or more of the Agreements provided for in article 22.4.
2. Accession of member countries to the Agreements shall be notified in accordance with article 11.3.

## **Article 28**

### **Denunciation of an Agreement**

Each member country may cease being a party to one or more of the Agreements, under the conditions laid down in article 12.

## **Chapter III**

### **Amendment of the Acts of the Union**

## **Article 29**

### **Presentation of proposals**

1. The postal administration of a member country shall have the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which its country is a party.
2. However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress.
3. Moreover, proposals concerning the Regulations shall be submitted direct to the Postal Operations Council but must first be transmitted by the International Bureau to the postal administrations of all member countries.<sup>23</sup>

## **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.<sup>24</sup>
2. Amendments adopted by a Congress shall form the subject of an additional protocol and, unless that Congress decides otherwise, shall enter into force at the same time as the Acts renewed in the course of the same Congress. They shall be ratified as soon as possible by member countries and the instruments of such ratification shall be dealt with in accordance with the procedure laid down in article 26.

## **Article 31<sup>25</sup>**

### **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.<sup>26</sup>

## **Chapter IV**

### **Settlement of disputes**

#### **Article 32**

#### **Arbitration**

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

### **Section III**

#### **Final provisions**

#### **Article 33<sup>27</sup>**

#### **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.

<sup>1</sup> Amended by the 2004 Bucharest Congress

<sup>2</sup> Introduced by the 2004 Bucharest Congress.

<sup>3</sup> Amended by the 1989 Washington Congress

<sup>4</sup> Amended by the 1969 Tokyo and 1994 Seoul Congresses

<sup>5</sup> Amended by the 1969 Tokyo and 1989 Washington Congresses.

<sup>6</sup> Amended by the 1989 Washington Congress.

<sup>7</sup> Amended by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Congresses

<sup>8</sup> By the 1984 Hamburg Congress

<sup>9</sup> Amended by the 1994 Seoul Congress

<sup>10</sup> Amended by the 1969 Tokyo and 1994 Seoul Congresses

<sup>11</sup> By the 1984 Hamburg Congress

<sup>12</sup> Amended by the 1984 Hamburg and 1994 Seoul Congresses

<sup>13</sup> Amended by the 1969 Tokyo, 1974 Lausanne and 1989 Washington Congresses

<sup>14</sup> Amended by the 2004 Bucharest Congress

<sup>15</sup> Amended by the 2004 Bucharest Congress

<sup>16</sup> Amended by the 1999 Beijing Congress

<sup>17</sup> Amended by the 1999 Beijing Congress

<sup>18</sup> Amended by the 1989 Washington, 1994 Seoul and 1999 Beijing Congresses

<sup>19</sup> Amended by the 1989 Washington Congress

<sup>20</sup> Amended by the 1989 Washington and 1994 Seoul Congresses

<sup>21</sup> Amended by the 1999 Beijing Congress

<sup>22</sup> Amended by the 1969 Tokyo and 1989 Washington Congresses

<sup>23</sup> Amended by the 1999 Beijing Congress

<sup>24</sup> Amended by the 2004 Bucharest Congress

<sup>25</sup> Amended by the 1984 Hamburg Congress

<sup>26</sup> Amended by the 2004 Bucharest Congress

<sup>27</sup> Amended by the 2004 Bucharest Congress