

Constitution of the Universal Postal Union

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# Constitution of the Universal Postal Union

(amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, 1999 Beijing, 2004 Bucharest, 24th Congress – 2008, 2016 Istanbul, 2018 Addis Ababa and 2021 Abidjan Additional Protocols<sup>1</sup>)

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<sup>1</sup> For the 1969 Tokyo Additional Protocol, see the documents of that Congress, volume III, pages 9 to 12.  
 For the Second Additional Protocol (Lausanne 1974), see the documents of that Congress, volume III, pages 23 to 25.  
 For the Third Additional Protocol (Hamburg 1984), see the documents of that Congress, volume III, pages 25 to 28.  
 For the Fourth Additional Protocol (Washington 1989), see the documents of that Congress, volume III/1, pages 27 to 32.  
 For the Fifth Additional Protocol (Seoul 1994), see the documents of that Congress, volume III, pages 25 to 29.  
 For the Sixth Additional Protocol (Beijing 1999), see pages A 3 to A 6 of the brochure published in Berne in 1999.  
 For the Seventh Additional Protocol (Bucharest 2004), see pages 3 to 7 of the brochure published in Berne in 2004.  
 For the Eighth Additional Protocol (24th Congress – 2008), see pages 3 to 7 of the brochure published in Berne in 2008.  
 For the Ninth Additional Protocol (Istanbul 2016), see pages 7 to 13 of the brochure published in Berne in 2016.  
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## Constitution of the Universal Postal Union<sup>2</sup>

(amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington, 1994 Seoul, 1999 Beijing, 2004 Bucharest, 24th Congress – 2008, 2016 Istanbul, 2018 Addis Ababa and 2021 Abidjan Additional Protocols)

### 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, **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.

<sup>2</sup> In line with Abidjan Congress–Doc 39, various changes have been made to the English version of the Constitution to introduce gender-neutral language. As these editorial amendments do not affect the official French text, they are not marked as changes in this volume.

Section I  
Organic provisions

Chapter I  
General

Article 1  
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 member countries.

Article 2  
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 3 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 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 21 of the Constitution)** and their respective Regulations.
- 1.6 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.
- 1.7 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 3**

## Members of the Union

- 1 Member countries of the Union shall be:
  - 1.1 countries which have membership status at the date on which the Constitution comes into force;
  - 1.2 countries admitted to membership in accordance with article 12.

**Article 4**

## Jurisdiction of the Union

- 1 The Union shall have within its jurisdiction:
  - 1.1 the territories of member countries;
  - 1.2 post offices set up by member countries in territories not included in the Union;
  - 1.3 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 5**

## Exceptional relations

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 6**

## Seat of the Union

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

**Article 7**

## Official language of the Union

The official language of the Union shall be French.

**Article 8**

## Monetary unit

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

**Article 9**

## 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 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 10**

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 11**

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 12**

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 13**

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.



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## Chapter III Organization of the Union

### Article 14 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 15 Congress

1 Congress shall be the supreme body of the Union.

2 Congress shall consist of the representatives of member countries.

### Article 16 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 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.

### Article 18 Postal Operations Council

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

2 Members of the Postal Operations Council shall carry out their functions in the name and in the interests of the Union.

### Article 19 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 20

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.
- 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 12, 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.**

## Section II Acts of the Union

### Chapter I General

#### Article 21

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 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 **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 22**

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 23**

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 24**

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 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.

5 **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.**

6 **Accession of member countries to the Acts of the Union shall be notified in accordance with article 25.**

Article 25

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

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 26

Denunciation **of Agreements of the Union**

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 13.

Chapter III

Amendment of the Acts of the Union

Article 27

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

Article 28

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 21.1, the said amendments** shall be ratified, **approved, accepted or acceded to** as soon as possible by member **countries**. The instruments of such ratification, **approval, acceptance or accession** shall be dealt with in accordance with the procedure laid down in article 25.

Article 29

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 specified therein as decided by Congress**. **Without prejudice to the binding character of the aforementioned Acts of the Union as provided for in article 21, the said amendments shall be ratified, approved, accepted or acceded to as soon as possible by member countries**. The instruments of such ratification, approval, acceptance or accession shall be dealt with in accordance with the procedure laid down in article 25. This provision shall also apply, *mutatis mutandis*, to any amendments to the Convention and the Agreements of the Union adopted between Congresses.

## Chapter IV Settlement of disputes

### Article 30 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.

### Section III Final provisions

#### Article 31 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 **member country** by the International Bureau of the **Union**.

Done at Vienna, 10 July 1964