

No. 4879

**JAPAN
and
UNITED STATES OF AMERICA**

**Parcel Post Agreement (with Protocol). Signed at Tokyo,
on 2 October 1958, and at Washington, on 3 November
1958**

Official texts: English and Japanese.

Registered by Japan on 15 September 1959.

**JAPON
et
ÉTATS-UNIS D'AMÉRIQUE**

**Arrangement concernant l'échange de colis postaux (avec
Protocole). Signé à Tokyo, le 2 octobre 1958, et à Wa-
shington, le 3 novembre 1958**

Textes officiels anglais et japonais.

Enregistré par le Japon le 15 septembre 1959.

No. 4879. PARCEL POST AGREEMENT¹ BETWEEN JAPAN AND THE UNITED STATES OF AMERICA. SIGNED AT TOKYO, ON 2 OCTOBER 1958, AND AT WASHINGTON, ON 3 NOVEMBER 1958

The Government of Japan and the Government of the United States of America desiring to improve the parcel post service between the two countries ;

The undersigned, duly authorized by their respective Governments for that purpose, have agreed upon the following articles :

Article I

EXCHANGE OF POSTAL PARCELS

Between Japan on one hand and the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) on the other hand, there shall be exchanged postal parcels (hereinafter called " parcels ") up to the limits of weight and dimensions stated in the Detailed Regulations for the execution of this Agreement.

Article II

TRANSIT OF PARCELS

1. The Postal Administration of each country (hereinafter called the " Administration ") guarantees the right of transit through its service, to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other Administration.

2. Parcels sent in open mail and in transit to or from one of the services of the Administrations through the other are subject to the conditions of exchange of parcels between them as well as those between the intermediate Administration and that of the third country concerned.

3. Parcels sent in closed mails and in transit to or from one of the services of the Administrations through the other are subject to the conditions specially agreed upon between the Chiefs of the two Administrations.

¹ Came into force on 1 May 1959, the date mutually agreed upon by the respective competent authorities of the two countries, in accordance with article XXV (2).

Article III

POSTAGE

1. The Administration shall fix the postage rates for parcels mailed in its service. However, such rates must be fixed not to exceed the total amount of the cost for handling the parcels in the service of the country of mailing, in addition to the cost of sea or air conveyance between the two countries and the terminal credits due to the country of destination for handling the parcels in its services.

2. The postage mentioned in the preceding section must be paid by the sender.

Article IV

PREPARATION OF PARCELS

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Detailed Regulations.

Article V

PROHIBITIONS

1. The following articles are prohibited transmission by parcel post :

(a) A letter or a communication having the nature of a letter. Nevertheless it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

(c) Any live animal.

(d) Any article the admission of which is not authorized by the Customs or other laws or regulations in force in either country.

(e) Any explosive or inflammable article, and in general, any article the conveyance of which is dangerous.

(f) Documents, pictures, and other articles injurious to public morals.

2. When a parcel contravening any of these prohibitions is handed over by one of the Administrations to the other, the latter shall proceed in accordance with its laws and inland regulations. However, explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals are not returned to origin; they are destroyed on the spot by the Administration which has found them in the mails.

3. The Administrations shall furnish each other with a list of prohibited articles.

Article VI

INSURANCE

1. Parcels may be insured up to the amount of 1,000 francs or its equivalent in currency of the country of origin. However, the Chiefs of the Administrations may, by mutual consent, fix the limit of insured value above 1,000 francs.

2. The insured value may not exceed the actual value of the contents, but it is permissible to insure only part of that value.

3. For an insured parcel, an insurance fee fixed by the Administration of the country of origin shall be collected at the time of mailing in addition to the postage.

4. The insurance fee mentioned in the preceding section must be fixed not to exceed the total charges of insurance in the service of the country of mailing, and in the country of destination in addition to the charge of insurance for sea or air conveyance between the two countries.

5. The insurance of all parcels containing coin, bullion, valuable jewelry, or any other precious article is obligatory. If, in the country of destination, a parcel which has not been insured is found to contain coin, bullion, valuable jewelry, or any other precious article, it may be delivered to its addressee as an insured parcel. In this case, the Administration of the country of destination may collect the insurance fee fixed by that Administration in accordance with the provisions of Section 3.

Article VII

CERTIFICATE OF MAILING

The sender of an ordinary parcel may request, at the time of mailing, a certificate of mailing upon payment of a fee which may be fixed by the Administration of the country of origin at its discretion. However, no certificate of mailing, other than the insurance receipt, will be furnished the sender of an insured parcel, and no charge other than the insurance fee will be made for the insurance receipt.

Article VIII

ADVICE OF DELIVERY. INQUIRY

1. The sender of an insured parcel may request, either at the time of mailing or after mailing, an advice of delivery upon payment of a fee which may be fixed by the Administration of the country of origin.

2. The sender of an ordinary or insured parcel may request, after mailing, an inquiry for the parcel upon payment of a fee which may be fixed by the Administration of the country of origin. As regards insured parcels, no fee is, however, charged if the sender has already paid the special fee to obtain an advice of delivery.

3. The request for an advice of delivery or an inquiry made after the mailing of a parcel is admitted only within the period of one year, counting from the day following that of mailing.

4. The fee for an advice of delivery mentioned in Section 1 and the fee for an inquiry mentioned in Section 2 shall not exceed the maximum fees in this connection prescribed by the Universal Postal Union Convention in effect at the time.

5. If, at the request of the sender, the form of an advice of delivery must be sent to him by air mail, an appropriate air charge is collected in addition to the fee for the advice of delivery.

6. If, at the request of the sender, the form of an inquiry must be sent by air mail, an appropriate air charge is collected in addition to the fee for the inquiry, and if the reply must be sent by air mail, double the said air charge.

Article IX

CUSTOMS DUTIES

Parcels are subject to all Customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from addressee on delivery of the parcel.

Article X

FEE FOR CUSTOMS FORMALITIES. FEE FOR DELIVERY. WAREHOUSING CHARGES

1. The Administration of the country of destination may collect from the addressee a fee not exceeding 80 centimes per parcel either for delivery to the Customs and clearance through the Customs, or for delivery to the Customs only.

2. The Administration of the country of destination may collect from the addressee, for delivery of parcels at the addressee's residence, a fee not exceeding 50 centimes per parcel. The same fee may be charged for each presentation after the first at the addressee's residence.

3. The Administration of the country of destination may collect from the addressee a suitable warehousing charge for parcels which are not withdrawn within the period which it has fixed. This charge may not, however, exceed 5 francs per parcel.

4. The fees and charges prescribed by the above three sections shall not be canceled even in case the parcel is redirected or returned out of the country.

Article XI

REDIRECTION

1. A parcel may be redirected in the country of destination in consequence of the addressee's change of address, at the request of the addressee, or without his definite request if the regulations of that country admit of it. A parcel may be redirected out of the country only at the addressee's request, and provided that the parcel complies with the conditions required for its further conveyance. Insured parcels shall not be redirected to another country except as insured mail.

2. For parcels redirected in its territory, the Administration of the country of destination may collect from the addressee additional charges fixed by its internal regulations. These charges shall not be canceled even in case the parcel is redirected or returned out of the country.

3. When a parcel is redirected out of the country, the charges for conveyance due to the Administrations concerned and, if any, the insurance fees, as well as the various charges cancellation of which is not allowed by the retransmitting Administration, shall be collected additionally from the addressee.

4. The redirection above-mentioned may be effected by air route, at the request of the addressee and if the payment of the air charge for new transmission is guaranteed.

5. The sender is entitled to forbid any redirection, by means of a suitable entry on the parcel and on the Customs declaration.

Article XII

RECALL. CHANGE OF ADDRESS

1. So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be altered.

2. The request to this effect is sent by mail or by telegraph. The Administration of the country of origin may collect from the sender for each request a fee which, in Japan, shall not exceed 50 centimes and which, in the

United States of America, shall not exceed the fee established by the domestic regulations. If the request is to be sent by air mail or by telegraph, the Administration may collect from the sender, in addition to this fee, an appropriate air charge or the charge for the telegram.

3. The provisions of Section 1, Provisory Clause, and Sections 2, 3 and 4 of the preceding article are applicable to the parcel returned or redirected in consequence of the recall or the change of address.

Article XIII

NON-DELIVERY

1. The sender of a parcel may make a request at the time of mailing as to the disposal of the parcel in the event it is not deliverable as addressed, the particulars of which are set forth in the Detailed Regulations.

2. If the sender does not make any request in accordance with the preceding section or the sender's request has not resulted in delivery, undeliverable parcels will be returned to the sender without previous notification at the expiration of thirty days counting from the day following that of receipt at the office of destination, while parcels refused by the addressee will be returned at once.

3. The provisions of Article XI, Sections 2, 3 and 4 are applicable to the parcel redirected in the country of destination or returned to origin in consequence of non-delivery. The same provisions are also applicable to the parcel returned to origin for the reason that it contains any prohibited articles.

4. Undeliverable parcels which the sender has requested be abandoned are not returned but are disposed of in accordance with the internal legislation of the country of destination after the expiration of the period mentioned in Section 2 above.

Article XIV

SALE. DESTRUCTION

1. Articles liable to deterioration or corruption, and these only, may be sold immediately, even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

2. If for any reason a sale is impossible, the spoilt or putrid articles are destroyed.

Article XV

PARCELS WRONGLY ACCEPTED. MISSENT PARCELS

1. If parcels of which the weight or dimensions exceed the limits allowed have been wrongly accepted and dispatched, such parcels are not returned to

origin, but delivered to the addressees. Nevertheless, the same treatment is not applied to the parcel of which the weight or dimensions exceed considerably the prescribed limits.

2. Parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the Administration of the country to which the parcels were missent; nevertheless, the parcels which cannot be reforwarded to their correct destination are returned to origin. Insured parcels may not be reforwarded except as insured mail.

3. The reforwarding to the correct destination or the return to origin of missent air parcels is effected by air route, provided that the reforwarding to the correct destination may be effected by surface route when no air service is available and if such reforwarding is anticipated to take less time than the transmission through the country of origin by air route.

4. The parcels mentioned in this article must not be charged by the retransmitting country with Customs or other non-postal charges.

Article XVI

CANCELLATION OF CUSTOMS CHARGES

The Customs and other non-postal charges on parcels which are returned to origin, abandoned by the sender, destroyed because the contents are completely damaged, or redirected to a third country, are canceled both in Japan and in the United States of America.

Article XVII

INDEMNITY

1. Except in the cases mentioned in the next section, the Administrations are responsible for the loss of insured parcels exchanged between the two countries and for the abstraction of or damage to their contents under the conditions prescribed by the Detailed Regulations.

2. The Administrations are relieved from all responsibility :

(a) In case of parcels of which the addressee or the sender as regards returned parcels has accepted delivery without making a reservation at the time of delivery. However, responsibility is maintained when the addressee or, in the case of return, the sender notifies the delivering Administration without delay that he has discovered an irregularity and has proved that the abstraction or damage did not occur after delivery.

(b) In case of loss or damage through force majeure, although either Administration may, at its option and without recourse to the other Administration, pay indemnity for loss or damage due to force majeure even in cases where the Administration in the service of which the loss or damage occurred recognizes that the damage was due to force majeure.

(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) When the damage has been caused by the fault or negligence of the sender or when it is due to the nature of the article.

(e) For parcels which contain prohibited articles.

(f) For parcels which have been fraudulently insured for a sum exceeding the actual value of the contents.

(g) For parcels seized by the Customs because of false declaration of contents.

(h) When any request for inquiry or application for indemnity has not been made within the period of one year counting from the day following that of mailing the parcel.

3. The Administrations will not be responsible for the loss of ordinary parcels exchanged between the two countries nor for the abstraction of or damage to their contents; but either Administration is at liberty to indemnify for the loss, abstraction, or damage which may occur in its service, without recourse to the other Administration.

4. The Administrations are not responsible for the loss of the parcels mentioned in Article II, Sections 2 and 3, nor for the abstraction of or damage to their contents unless an arrangement to the contrary is made between the Chiefs of the Administrations. But either Administration is at liberty to indemnify for the loss, abstraction, or damage which may occur in its service, without recourse to the other Administration.

Article XVIII

CREDITS

1. For parcels exchanged between the two countries, the Administration of the country of origin shall pay to that of the country of destination the sums indicated in the Detailed Regulations.

2. The Administration which, within its territory, transmits by air route an incoming parcel, is entitled, for that transmission, to a special credit from the Administration of dispatch. The amount of the credit shall be fixed with the mutual consent of the Chiefs of the two Administrations. However, the basic

rate of charge for fixing this amount of credit must not exceed that referred to in Article XIX.

3. In case of redirection or of return of parcels from one of the two countries to the other, the Administration of the retransmitting country shall claim from the other the sums equal to its credits mentioned in the preceding sections and the following charges, as the case may be :

(a) Sea or air conveyance rates due to the Administration of the retransmitting country.

(b) Charges which are not canceled by the Administration of the retransmitting country.

(c) Charges due to a third country.

4. As regards parcels originating in one of the two countries and sent through the other to a third country, the Administration of the country of origin shall pay to the Administration of the intermediate country the sums required by the latter.

5. As regards parcels originating in a third country and sent to one of the two countries through the other in open mail, the Administration of the intermediate country shall pay to the Administration of the country of destination the sums indicated in the Detailed Regulations.

Article XIX

AIR TRANSPORTATION CHARGES

In cases where a parcel is transmitted by air route by the service of the country of destination, the Administration of the country of origin shall pay to the Administration of the country of destination, as the cost of air transmission referred to in Article III, the amount to be fixed by the mutual consent of the Chiefs of the two Administrations on the basis of the basic rates indicated in the Detailed Regulations.

Article XX

POSTAL CHARGES OTHER THAN THOSE PRESCRIBED NOT TO BE COLLECTED

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

Article XXI

SPECIAL ARRANGEMENTS

When the Chiefs of the Administrations consider it necessary to introduce for parcels exchanged between the two countries collect-on-delivery, delivery free of charge and other special services, they may come to special arrangements for that purpose.

Article XXII

STANDARD MONETARY UNIT

The franc regarded as the monetary unit in the provisions of this Agreement is the gold franc of 100 centimes of a weight of 10/31 of a gram and of a fineness of 0.900.

Article XXIII

TEMPORARY SUSPENSION OF SERVICE

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the Parcel Post Service, either entirely or partially, on condition of giving immediate notice to the other Administration.

Article XXIV

DETAILED REGULATIONS. APPLICATION OF INTERNAL LEGISLATION

1. The details necessary for the execution of this Agreement will be fixed in the form of Detailed Regulations between the Administrations.
2. As regards the items not provided for in this Agreement the internal legislation shall remain applicable in each country.
3. The Administrations notify each other of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as all modifications thereof which may be subsequently made.

Article XXV

ENTRY INTO FORCE AND DURATION OF AGREEMENT

1. This Agreement shall supersede and abrogate the Parcel Post Agreement between Japan and the United States of America signed at Tokyo on the 1st day of the 6th month of the 13th year of Showa and at Washington on the 20th day of June 1938.¹
2. This Agreement shall be approved in accordance with the respective legal procedures of each country, and, thereafter, it shall enter into force on a date mutually agreed upon by the respective competent authorities of the two countries.
3. This Agreement shall continue in force for a period of six months after either of the two countries shall have notified the other of its intention to terminate the Agreement.

¹ League of Nations, *Treaty Series*, Vol. CXCI, p. 43.

DONE in duplicate, in the Japanese and English languages, both texts being equally authentic, and signed at Tokyo on the second day of October 1958, and at Washington on the third day of November 1958.

For Japan :

Aiichiro FUJIYAMA
Minister for Foreign Affairs
Yutaka TERAOKA
Minister of Postal Services

For the United States of America :

Arthur E. SUMMERFIELD
Postmaster General

PROTOCOL

The Government of Japan and the Government of the United States of America, in consideration of the obligations placed upon the United States of America as administering authority of the Trust Territory of the Pacific Islands, and desiring to provide for parcel post service between Japan and the said Trust Territory;

The undersigned, duly authorized by their respective Governments for that purpose, have further agreed upon the following provisions :

1. The provisions of the Parcel Post Agreement¹ between Japan and the United States of America shall also apply to the parcel post service between Japan and the Trust Territory of the Pacific Islands.

2. The details necessary for the execution of the parcel post service between Japan and the said Trust Territory shall be fixed between the Postal Administrations of the two countries.

3. The present Protocol shall enter into force on the same date of the entry into force of the said Agreement and shall continue in force for a period of six months after either of the two countries shall have notified the other of its intention to terminate the Protocol.

DONE in duplicate, in the Japanese and English languages, both texts being equally authentic, and signed at Tokyo on the second day of October 1958, and at Washington on the third day of November 1958.

For Japan :

Aiichiro FUJIYAMA

Minister for Foreign Affairs

Yutaka TERAO

Minister of Postal Services

For the United States of America :

Arthur E. SUMMERFIELD

Postmaster General

¹ See p. 102 of this volume.