

**No. 17714**

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**CANADA  
and  
JAPAN**

**Parcel Post Agreement (with annex). Signed at Tokyo on  
11 April 1978**

*Authentic texts: English, French and Japanese.  
Registered by Canada on 11 April 1979.*

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**CANADA  
et  
JAPON**

**Accord concernant les colis postaux (avec annexe). Signé à  
Tokyo le 11 avril 1978**

*Textes authentiques : anglais, français et japonais.  
Enregistré par le Canada le 11 avril 1979.*

## PARCEL POST AGREEMENT<sup>1</sup> BETWEEN CANADA AND JAPAN

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The Government of Canada and the Government of Japan,  
Desiring to improve the parcel post service between the two countries,  
Have agreed as follows:

*Article 1.* 1. Between Canada and Japan, postal parcels (hereinafter called “parcels”) shall be exchanged by surface and air routes under the conditions prescribed in this Agreement.

2. 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.

*Article 2.* The limits of weight and dimensions of parcels exchanged between the two countries shall be fixed by mutual consent between the Administrations.

*Article 3.* 1. Each Administration shall fix the postage rates for parcels posted in its service. However, such rates must be fixed not to exceed the total amount of the cost for handling the parcel in the service of the Administration of origin, in addition to the cost of sea or air transportation between the two countries and the credits due to the Administration of destination for handling the parcel in its service.

2. Prepayment of postage on all parcels is obligatory except in the case of returned or redirected parcels.

*Article 4.* 1. For parcels exchanged between the two countries, the Administration of origin shall pay to the Administration of destination the amount of credit fixed by mutual consent between the Administrations on the basis of the cost of handling in the service of the Administration of destination.

2. As regards parcels originating in one of the two countries and sent through the other to a third country, the Administration of origin shall pay to the intermediate Administration the amount of credit fixed by mutual consent between the Administrations on the basis of the cost relating to the transit which is incurred by the intermediate Administration.

3. As regards parcels originating in a third country and sent to one of the two countries through the other in open mail, the intermediate Administration shall pay to the Administration of destination the amount of credit fixed by mutual consent between the Administrations on the basis of the cost of handling in the service of the Administration of destination.

4. In cases where parcels are transported by the air service of the other country, the despatching Administration shall pay to the other Administration, as the cost of air transportation, the same amount as the maximum fixed by the Universal Postal Union.

*Article 5.* 1. The Administrations may collect the amounts for the customs clearance fee, warehousing charge, and the other postal charges for the various serv-

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<sup>1</sup> Came into force on 1 October 1978, the date agreed upon by the Contracting Parties in an exchange of diplomatic notes, in accordance with article 16 (2).

ices mentioned hereinafter in this Agreement, of which the amounts are not fixed clearly therein, within the limits of maximum amounts for these services prescribed in the Postal Parcels Agreement of the Universal Postal Union.<sup>1</sup>

2. Where applicable, the customs clearance fee and warehousing charge prescribed by the preceding paragraph shall be cancelled in cases where parcels are returned to the country of origin or redirected to a third country.

*Article 6.* 1. The sender or addressee of a parcel may request an inquiry about the disposal of the parcel upon payment of a fee which may be fixed by the Administration of origin or of destination within the period of one year counting from the day following that of posting.

2. The inquiry shall be forwarded and returned by the quickest available means. If an inquiry is to be made by telegraph, the cost of the telegram shall be collected in addition to the fee for the inquiry, and if the reply is to be sent by telegraph, the cost of the telegram for that reply.

*Article 7.* 1. The Administrations are not responsible for the loss of ordinary parcels and the spoliation of or damage to their contents. The Administrations, however, shall make inquiry in cases which are submitted to them in connection with the loss, spoliation or damage.

2. The sender of a parcel shall be responsible for ensuring that it is securely packed in such a manner as to protect the contents from damage and to make it impossible to tamper with the contents without leaving an obvious trace of violation.

*Article 8.* 1. Parcels may not contain substances of a dangerous, destructive, explosive or offensive nature, or contraband articles or substances, or liquids (unless securely packed in proper cases) nor may they contain a letter or any article, the transmission of which by parcel post is prohibited by the country of destination.

2. The Administrations shall exchange a list of the articles which are prohibited in their country.

3. Any parcel the contents of which are found to be prohibited in terms of paragraphs 1 and 2 of this Article shall be disposed of in accordance with the internal regulations of the country concerned.

4. If a parcel be found to contain an unpaid or underpaid letter, such letter shall be charged the fee prescribed in the Universal Postal Convention as for an unpaid or underpaid unregistered items and the amount of charge shall accrue to the Administration of destination.

*Article 9.* 1. The Administrations agree to consult with the competent authorities of their respective countries in order to obtain the cancellation of customs and other non-postal charges on parcels returned to the country of origin, abandoned by the sender, wholly destroyed or forwarded to a third country.

2. Similar action is undertaken in respect of the loss of parcels, or the spoliation of or damage to their contents in their service.

*Article 10.* 1. Missent parcels shall be forwarded to destination by the most direct route at the disposal of the Administration re-transmitting them. When this re-transmission involves the return of parcels to the Administration from which they

<sup>1</sup> United Nations, *Treaty Series*, vol. 1005, p. 244.

were received, the rates credited in the parcel bill from that Administration shall be cancelled and the re-transmitting Administration shall simply record the parcels on the return parcel bill and call attention to the error by means of a verification note.

2. In other cases the rates shall be allowed to stand and if the amount credited is insufficient to cover the expense of re-transmission, the re-transmitting Administration shall cancel the original amount entered to its credit on the parcel bill of the despatching Administration and claim the appropriate charges for the onward transmission, notifying that Administration by means of a verification note.

*Article 11.* 1. If an addressee changes his address, parcels may be redirected either within the country of destination or out of that country, provided that the redirection is not forbidden by the sender.

2. Parcels may be redirected within the country of destination at the request of the addressee, or automatically if the regulations of that country permit.

3. Parcels may be redirected out of the country of destination only at the request of the addressee; in this case parcels shall comply with the conditions required for the further transmission.

4. Parcels may also be redirected under the conditions set out in paragraphs 1 to 3 of this Article by air at the request of the addressee, provided that payment of the air surcharge in respect of the further transmission is guaranteed.

5. For parcels redirected within the country of destination, the Administration of destination may collect from the addressee charges authorized by the internal regulations of the Administration concerned for such redirection. These charges shall be cancelled in case[s] where parcels are returned to the country of origin or redirected to a third country.

6. Parcels redirected out of the country of destination shall be subjected by the delivering administration to a charge, to be paid by the addressee, representing the rates due to the latter administration, to the redirecting Administration and to each intermediary administration, if there be any. The redirecting Administration shall recover its quota by charging it to the first intermediary administration or to the administration of the new destination. But if the amount chargeable for the further conveyance of a redirected parcel be paid at the time of its redirection, the parcel shall be dealt with as if it had been addressed direct from the re-transmitting country to the country of destination, and delivered without any charge to the addressee for postage.

*Article 12.* 1. The sender of a parcel may give instructions at the time of posting as to the disposal of the parcel in the event it is not deliverable as addressed, the particulars of which shall be prescribed by mutual consent between the Administrations.

2. If the sender does not give any instruction in accordance with the preceding paragraph, or the sender's instruction has not resulted in delivery, undeliverable parcels shall be returned to the sender without previous notification and at his expense. The return to origin of undeliverable air parcels is effected by surface route except in cases where the sender instructs return by air at his expense.

3. Undeliverable parcels which cannot be sent back to the sender shall be dealt with in accordance with the internal regulations of the country of destination.

*Article 13.* Where the deterioration or imminent corruption of the contents of a parcel is feared, they may be sold immediately, without previous notice or judicial formality, for the benefit of the right party, or they may be disposed of in such other manner as provided for by the internal regulations of the country concerned.

*Article 14.* Parcels exchanged between the two countries may be insured in accordance with the terms set forth in the Annex of this Agreement.

*Article 15.* The details necessary for the execution of this Agreement shall be settled by mutual consent between the Administrations.

*Article 16.* 1. This Agreement shall supersede and abrogate the Parcel Post Agreement between Japan and Canada signed at Tokyo on February 16, 1956, and at Ottawa on March 20, 1956, including its Annex.<sup>1</sup>

2. This Agreement shall be approved by each Contracting Party in accordance with its constitutional procedures, and, thereafter, it shall enter into force on the date to be agreed upon by the Contracting Parties in an exchange of diplomatic notes.

3. This Agreement shall continue in force until the expiration of six months after either of the Contracting Parties shall have notified the other of its intention to terminate it.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, in duplicate, in the English, French and Japanese languages, each text being equally authentic, this eleventh day of April, 1978.

For the Government of Canada:

[Signed]<sup>2</sup>

For the Government of Japan:

[Signed]<sup>3</sup>

[Signed]<sup>4</sup>

#### ANNEX

##### PROVISIONS RELATING TO INSURANCE OF PARCEL POST BETWEEN CANADA AND JAPAN

1. Except in cases due to *force majeure*, indemnity shall be paid to the sender or, at the sender's request, to the addressee for the loss of insured parcels exchanged between Canada and Japan or for the spoliation of or damage to their contents not to exceed the actual amount of the loss, spoliation or damage. Nevertheless, either Administration shall be at liberty to indemnify the sender for the loss of insured parcels or for the spoliation of or damage to their

<sup>1</sup> United Nations, *Treaty Series*, vol. 517, p. 33.

<sup>2</sup> Signed by Bruce Rankin.

<sup>3</sup> Signed by Sunao Sonoda.

<sup>4</sup> Signed by Yasushi Hattori.

contents without recourse to the Administration of destination, even in cases where the Administration of origin recognizes that the loss, spoliation or damage in respect of an insured parcel posted in its service was due to *force majeure* during handling in the postal service.

2. Each Administration shall be responsible for the loss of insured parcels or the spoliation of or damage to their contents in its own service.

3. The limit of insured value shall be fixed by mutual consent between the Administrations.

4. The insurance fees shall be fixed by the Administration of origin in respect of parcels despatched.

5. A receipt shall be handed over free of charge to every sender of an insured parcel at the time of posting.

6. The Administrations may, by mutual consent, fix the articles which may not be accepted for insurance.

7. No parcel may be insured for an amount above the real value of its contents.

8. Compensation shall not be given for damage sustained by a parcel (including the spoliation of its contents) which has been delivered without external trace of injury and has been accepted by the addressee.

9. Application for indemnity must be made within one year of the date of posting of the parcel and the receipt must accompany the claim in every case.

10. Compensation shall not be given when the damage is caused by the fault or negligence of the sender or when it arises from the nature of the contents.

11. Compensation shall not include indirect loss or loss of profits.

12. Where compensation is due for the loss of a parcel or for the destruction or spoliation of the whole of the contents, the sender is entitled to return of the postal charges which have been paid. The insurance fee, however, is not returned in any case.

13. The sender of an insured parcel may apply for an advice of delivery at the time of posting upon payment of a fee fixed by the Administration of origin. Immediately the parcel has been delivered, the office of destination shall return an advice of delivery duly completed to the address shown by the sender, free of charge by the quickest route.

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