

No. 18591

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**UNITED STATES OF AMERICA  
and  
FEDERAL REPUBLIC OF GERMANY**

**Agreement relating to International Express Mail/Datapost  
(with detailed regulations). Signed at Bonn on 15 December 1978 and at Washington on 22 January 1979**

*Authentic texts: English and German.*

*Registered by the United States of America on 18 April 1980.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif au service du courrier international par  
exprès/Datapost (avec règlement d'application). Signé  
à Bonn le 15 décembre 1978 et à Washington le  
22 janvier 1979**

*Textes authentiques : anglais et allemand.*

*Enregistré par les États-Unis d'Amérique le 18 avril 1980.*

## INTERNATIONAL EXPRESS MAIL/DATAPOST AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES POSTAL SERVICE AND THE POSTAL ADMINISTRATION OF THE FEDERAL REPUBLIC OF GERMANY

### *Article 1. PURPOSE OF THE AGREEMENT*

This Agreement shall govern the exchange of International Express Mail/Datapost items between the Federal Republic of Germany and the United States, including any areas for which the postal administrations of these countries exercise International Express Mail/Datapost responsibilities.

### *Article 2. CHARGES TO BE COLLECTED FROM THE SENDER*

Each postal administration shall fix the charges to be collected from senders for sending items in the service.

### *Article 3. CHARGES AND FEES TO BE COLLECTED FROM THE ADDRESSEE*

Each postal administration shall be authorized to collect from the addressee the customs duty and other applicable non-postal fees, if any, payable on items it delivers and a charge for the collection of such fees.

### *Article 4. CONDITIONS OF ACCEPTANCE*

Provided that the contents do not come within the prohibitions listed in article 5, each item to be admitted into the International Express Mail/Datapost service shall:

- Be packed in a manner adapted to the nature of the contents and the conditions of transport;
- Bear the name and address of the addressee and of the sender; and
- Satisfy the conditions of weight and size fixed under article 6.

### *Article 5. PROHIBITIONS*

1. The provisions governing prohibitions in the Universal Postal Convention,<sup>2</sup> as enacted by the UPU Congress from time to time and adopted by the countries signatory to this Agreement, shall be applicable to the insertion of articles in International Express Mail/Datapost items.

2. Each postal administration shall communicate to the other the necessary information concerning customs or other regulations, as well as the prohibitions or restrictions governing entry or transit of postal items in its service.

### *Article 6. LIMITS OF SIZE AND WEIGHT*

1. The limits of size of each International Express Mail/Datapost item shall be the same as for letter post items in accordance with the Universal Postal Convention. Each item shall not exceed 15 kilograms in weight.

2. The postal administrations may agree by exchange of correspondence to change the size and weight limits established in section 1; however, the maximum weight limit shall in no event be increased in excess of 20 kilograms.

<sup>1</sup> Came into force on 8 August 1979, with retroactive effect from 1 February 1979, in accordance with article 23 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 1005, p. 53.

*Article 7. TREATMENT OF ITEMS WRONGLY ACCEPTED*

1. When an item containing an article prohibited under article 5 has been wrongly admitted to the post, the prohibited article shall be dealt with according to the legislation of the country of the postal administration establishing its presence.

2. When the weight or the dimensions of an item exceed the limits established under article 6, it shall be returned to the administration of origin if the regulations of the administration of destination do not permit delivery.

3. When a wrongly admitted item is neither delivered to the addressee nor returned to origin, the administration of origin shall be informed how the item has been dealt with and of the restriction of prohibition which required such treatment.

*Article 8. GENERAL RULES FOR DELIVERY AND CUSTOMS CLEARANCE*

1. Each postal administration shall, in accordance with its regulations for the type of service used, make every effort to effect delivery of each International Express Mail/Datapost item by the fastest means available.

2. Each postal administration shall make every effort to expedite the customs clearance of International Express Mail/Datapost items.

3. Required customs declarations shall be affixed to items so that they cannot become detached.

4. Each administration shall be authorized to submit International Express Mail/Datapost items to customs for inspection in accordance with the legislation of its country.

*Article 9. UNDELIVERABLE ITEMS*

1. After every reasonable effort to deliver an item has proved unsuccessful, the item shall be held at the disposal of the addressee for the period of retention provided by the regulations of the administration of destination.

2. An item refused by the addressee shall be returned immediately to the administration of origin.

3. Each undeliverable item shall be returned to the administration of origin through the International Express Mail/Datapost service.

4. Neither postal administration shall charge the other for the return of undeliverable items.

*Article 10. ITEMS ARRIVING OUT OF COURSE AND TO BE REDIRECTED*

1. Each item arriving out of course shall be redirected to its proper destination by the most direct route used by the administration which has received the item.

2. Each postal administration is entitled to collect from the other postal administration reimbursement for its conveyance costs incurred for such redirection.

*Article 11. WITHDRAWAL FROM THE POST*

The sender of an item may, by contacting the administration of origin, request the return of such item, which request shall be honored by the administration of destination if it is notified in sufficient time before delivery.

*Article 12. INQUIRIES*

1. Each postal administration shall answer, in the shortest possible time, inquiries relating to any International Express Mail/Datapost item posted by the other postal administration.

2. Inquiries shall be accepted only within a period of four months from the day after that on which the item was posted.
3. This article does not authorize routine requests for confirmation of delivery.

*Article 13. ALLOCATION OF SURFACE COSTS FOR TRAFFIC IMBALANCE*

1. At the end of each year of this Agreement, the postal administration which has received a larger quantity of International Express Mail/Datapost items than it has sent during that year shall have the right to collect from the other administration, as compensation, an imbalance charge for each additional item received.

2. Each postal administration shall establish an imbalance charge per item which shall correspond to the costs of services.

3. Any adjustment of the imbalance charge must:

- Be communicated to the other administration at least three months in advance;
- Remain in force for at least one year.

4. No imbalance charge shall be collected unless the number of items received exceeds the number of items sent by 5%, and exceeds the number of items sent by one thousand a year.

5. There shall be no imbalance charge assessed under the provisions of this article for the first 12-month period after the beginning of the service.

*Article 14. INTERNAL AIR CONVEYANCE DUES*

1. Each postal administration which provides air conveyance of items within its country shall be entitled to reimbursement of internal air conveyance dues at rates established in the provisions of the Universal Postal Convention, as enacted by the UPU Congress from time to time and adopted by the countries signatory to this Agreement which govern internal air conveyance dues.

2. Each administration which pays its airlines an internal air conveyance rate in excess of the rate established for AO/CP items under the Universal Postal Convention shall be authorized to collect from the other administration a supplemental rate to cover such additional payments; provided, however, that the sum of the rates established under this article shall not exceed the rate established for LC items under the Universal Postal Convention.

*Article 15. ONWARD AIR CONVEYANCE*

1. Each postal administration shall, upon request, provide onward air conveyance service to or from any country with which it exchanges International Express Mail/Datapost items, for items addressed to or originating in the other postal administration.

2. Each postal administration shall provide approximate onward air conveyance times to the postal administrations for which it performs onward air conveyance services.

3. An item to be forwarded shall comply with the conditions of mailability prescribed by each intermediate postal administration involved in its transmission.

4. For each item forwarded pursuant to this article, the postal administration providing onward air conveyance services shall be authorized to collect from the other postal administration the onward air conveyance rates established in article 111 of the Detailed Regulations of this Agreement. Such rates shall not exceed the rate established for LC items by the Universal Postal Convention, as enacted by the UPU Congress from time to time and adopted by the countries signatory to this Agreement.

*Article 16.* NO ADDITIONAL RATES, CHARGES, OR FEES

The postal administrations may collect only the rates, charges, and fees established under this Agreement.

*Article 17.* APPLICATION OF THE UNIVERSAL POSTAL CONVENTION

The Universal Postal Convention or its Detailed Regulations, as enacted by the UPU Congress from time to time and adopted by the countries signatory to this Agreement, shall be applicable, where appropriate, by analogy, in all cases not expressly governed by this Agreement or its Detailed Regulations.

*Article 18.* TEMPORARY SUSPENSION OF SERVICE

1. Should extraordinary circumstances justify it, either postal administration may suspend temporarily its operation of the service.
2. Notice of such suspension shall be given immediately to the other postal administration.

*Article 19.* DETAILED REGULATIONS

1. Details of implementation of this Agreement shall be governed by its Detailed Regulations.
2. The provisions of the Detailed Regulations may be amended, not inconsistently with this Agreement, by mutual consent by means of correspondence between officials of each postal administration who have been authorized to make such amendments.

*Article 20.* ARBITRATION

Any dispute which arises between the postal administrations concerning the interpretation or application of this Agreement which cannot be resolved by the postal administrations to their mutual satisfaction shall be settled by arbitration, following the arbitration procedures of the Universal Postal Union at the time that the dispute is submitted by a postal administration for arbitration. The arbitrators shall be chosen from the administrations which provide a service analogous to International Express Mail/Datapost service.

*Article 21.* ADDITIONAL RULES AND REGULATIONS

Each postal administration is authorized to adopt implementing rules and regulations for its internal operation of the service not inconsistent with this Agreement or its Detailed Regulations.

*Article 22.* BERLIN CLAUSE

This Agreement shall also apply to Land Berlin, provided that the Federal Minister of Posts and Telecommunications of the Federal Republic of Germany does not make a contrary declaration to the United States Postal Service within three months after the date of entry into force of this Agreement.

*Article 23.* ENTRY INTO FORCE AND DURATION OF THE AGREEMENT

1. This Agreement shall enter into force on the date mutually agreed upon by the administrations, after it is signed by the authorized representatives of both administrations.

2. This Agreement shall expire twelve months after either administration notifies the other in writing of termination.

DONE at Washington on January 22, 1979.

DONE at Bonn on 15.12.78

in duplicate in the English and German languages, both texts being equally authentic.

The Federal Minister of Posts and Telecommunications  
of the Federal Republic of Germany,  
By direction of the Minister:

[Signed — Signé]<sup>1</sup>

For the United States of America:

[Signed — Signé]<sup>2</sup>  
Postmaster General

DETAILED REGULATIONS OF THE INTERNATIONAL EXPRESS MAIL/DATAPOST  
AGREEMENT BETWEEN THE UNITED STATES POSTAL SERVICE AND THE POSTAL  
ADMINISTRATION OF THE FEDERAL REPUBLIC OF GERMANY

*Article 101.* INFORMATION TO BE SUPPLIED BY THE POSTAL ADMINISTRATIONS

1. Each postal administration shall notify the other administration of:

- The necessary information concerning customs or other regulations, as well as the prohibitions or restrictions governing the entry and transit of International Express Mail/Datapost items in the territory of its country and other areas for which it has International Express Mail/Datapost responsibility;
- An extract of provisions of its laws or regulations applicable to the conveyance of International Express Mail/Datapost items;
- The rates and dues established under the Agreement; and
- The forms, labels, and other documentation which it requires in the service.

2. Any change of the information mentioned in section 1 shall be communicated in writing immediately to the other administration.

*Article 102.* ADDRESS OF THE SENDER AND OF THE ADDRESSEE

To be admitted for mailing, each item of International Express Mail/Datapost shall bear, in roman letters and arabic figures on the item itself or on a label firmly attached to it, the names and complete addresses of the sender and of the addressee.

*Article 103.* SCHEDULED SERVICE

1. Each postal administration shall offer scheduled service on a contractual or licensing basis to customers who agree to use the service on a designated schedule to send items to designated addresses.

2. Each postal administration shall provide the other postal administration with a schedule of approximate delivery times to each city or other location to which scheduled service is available, based upon the time schedules of the international flights used to carry scheduled items.

<sup>1</sup> Signed by Scholl — Signé par Scholl.

<sup>2</sup> Signed by W. F. Bolger — Signé par W. F. Bolger.

3. For each scheduled service contract or license, the administration of origin shall provide the administration of destination with the following information at least ten days prior to commencing service pursuant to such contract or license:

- The identification number of the customer contract or license, which number shall be indicated on each item sent;
- The name and address of the designated addressee;
- The days of the week designated by the customer as scheduled dispatch days;
- The time of day delivery is requested; and
- The airline and flight number to be used.

*Article 104. METHOD OF TRANSMISSION*

1. The exchange of International Express Mail/Datapost items between the two countries shall be effected by the exchange offices appointed by agreement between the postal administration.

2. International Express Mail/Datapost dispatches shall be made up in closed mails, and shall be accompanied by the air mail delivery bill and manifest forms required by these regulations.

3. The dispatches shall be enclosed in blue and orange International Express Mail/Datapost bags.

4. Each bag shall bear a label, designated by the administration of destination, clearly indicating the exchange office of destination.

5. Each bag label shall bear, either within its format or attached to it as a backing label, the blue and orange chevron which has been adopted as the International Express Mail/Datapost identification symbol.

*Article 105. MANIFESTS*

1. An International Express Mail/Datapost manifest, in the form designated by each postal administration, shall accompany each dispatch.

2. Each item sent shall be listed separately on the manifest.

3. The manifest shall clearly indicate that the dispatch contains International Express Mail/Datapost items.

*Article 106. AIR MAIL DELIVERY BILLS*

1. An air mail delivery bill, on Universal Postal Union form AV 7, shall accompany each dispatch.

2. The air mail delivery bill shall be clearly marked "International Express Mail" or "Datapost."

*Article 107. CHECK OF INTERNATIONAL EXPRESS MAIL/DATAPOST*

1. Upon receipt of an International Express Mail/Datapost dispatch, the administration of destination shall check the dispatch to confirm its conformity with the air mail delivery bill.

2. The contents of each dispatch shall be checked as soon as possible, at an office designated by the administration of destination, to confirm their conformity with the manifest.

*Article 108. NOTIFICATION OF IRREGULARITIES*

1. Any evidence of missing or damaged bags or items shall be reported to the administration of origin by telex and confirmed in writing.

2. All other actions taken in connection with any irregularity shall be governed by the regulations of the administration of destination.

*Article 109.* REDIRECTION OF ITEMS ARRIVING OUT OF COURSE

The redirecting administration shall notify the administration of origin, by telex or telephone, of the details concerning the arrival and redirection of each item or bag arriving out of course.

*Article 110.* RETURN OF ITEMS TO ORIGIN

Each postal administration which returns an item for any reason whatsoever shall give, either written by hand or by means of a stamped impression or a label on the item and on the letter bill which accompanies it, the reason for non-delivery.

*Article 111.* ONWARD AIR CONVEYANCE RATES

The onward air conveyance rates referred to in article 15 of the Agreement shall be:  
—1.5 gold francs per tonne kilometer for the Federal Republic of Germany;  
—One gold franc per tonne kilometer for the United States.

*Article 112.* ACCOUNTING, SETTLEMENT OF ACCOUNTS

The procedures for accounting and for the settlement of accounts shall be governed by the provisions covering accounting for air mail in the Detailed Regulations of the Universal Postal Convention, as enacted by the UPU Congress from time to time and adopted by the countries signatory to these Detailed Regulations.

*Article 113.* ALTERATIONS OR AMENDMENTS

These Detailed Regulations may be altered or amended, not inconsistently with the Agreement, by mutual consent by means of correspondence between officials of each administration who have been authorized to make such amendments.

*Article 114.* ENTRY INTO FORCE AND DURATION OF THESE DETAILED REGULATIONS

These Detailed Regulations shall come into force on the same date as the International Express Mail/Datapost Agreement to which they refer.

These Detailed Regulations and any amendments hereto pursuant to article 113 shall have the same duration as the International Express Mail/Datapost Agreement to which they refer.

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