

No. 20869

**UNITED STATES OF AMERICA
and
CHINA**

International Express Mail Agreement (with detailed regulations). Signed at Washington on 9 October 1980

Authentic texts: English and Chinese.

Registered by the United States of America on 1 March 1982.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHINE**

Accord relatif au service du courrier exprès international (avec règlement d'exécution). Signé à Washington le 9 octobre 1980

Textes authentiques : anglais et chinois.

Enregistré par les États-Unis d'Amérique le 1^{er} mars 1982.

INTERNATIONAL EXPRESS MAIL AGREEMENT¹ BETWEEN THE UNITED STATES POSTAL SERVICE AND THE MINISTRY OF POSTS AND TELECOMMUNICATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

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PREAMBLE

Being desirous of promoting the development of the economic and cultural relations between the two countries, the Postal Service of the United States of America and the Ministry of Posts and Telecommunications of the People's Republic of China, by virtue of the authority vested in them, have concluded the following Agreement:

Article 1. PURPOSE OF THE AGREEMENT

1. The Agreement shall govern the exchange of International Express Mail between areas for which the postal administrations of the United States of America and the People's Republic of China exercise International Express Mail responsibilities.

2. Both administrations agree to establish service for the exchange and transit of International Express Mail between the two countries.

3. Both administrations agree to maintain the exchange and transit services of International Express Mail by air.

¹ Came into force on 9 October 1980 by signature, in accordance with article 25.

Article 2. DEFINITIONS

As used herein the following terms shall have the indicated meanings:

1. Administration: an abbreviated form used to refer to one of the postal administrations of the countries signatory to this Agreement;
2. Articles and sections: articles and sections of this Agreement, except when the context indicates an article that is or can be inserted into an item;
3. Convention: the Universal Postal Convention¹ adopted by the Congress of the Universal Postal Union from time to time and adopted by the countries signatory to this Agreement;
4. Detailed Regulations of the Convention: the Detailed Regulations of the Universal Postal Convention enacted by the Congress of the Universal Postal Union from time to time and adopted by the countries signatory to this Agreement;
5. International Express Mail Service: the service established by this Agreement;
6. References to the regulations of either administration or to the internal legislation of either country are to the general regulations or legislation governing the matter in question which are applicable regardless of the country of origin;
7. Scheduled service: an International Express Mail service option which allows a sender to enter into a contractual arrangement to mail items on a designated schedule to designated addressees;
8. On-demand service: an International Express Mail service option which allows a sender to mail an item without any requirements for scheduling or prior designation of addressee.

Article 3. SCHEDULED SERVICE

1. Each administration shall offer scheduled service on a contractual basis to customers who agree to use the service on a designated schedule to send items to designated addressees.
2. Each administration shall provide the other 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.
3. For each scheduled service contract, 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:
 - (i) The identification number of the customer contract, which number shall be indicated on each item sent;
 - (ii) The name and address of the designated addressee;
 - (iii) The days of the week designated by the customer as scheduled dispatch days;
 - (iv) The time of day delivery is requested; and
 - (v) The airline and flight number to be used.

¹ United Nations, *Treaty Series*, vol. 1005, p. 53, and vol. 1239, No. I-19985.

Article 4. ON-DEMAND SERVICE

1. Each administration shall offer on-demand service which shall be available to customers on a non-scheduled and non-contractual basis.
2. Each administration shall provide the other administration with a list of the cities and other locations to which on-demand service is available.
3. Each administration shall provide the other administration with a schedule of approximate delivery times to each city or other location to which on-demand service is available, based upon the time schedules of the international flights used.
4. Each administration shall inform the other administration of all identification marks or numbers which it uses for each on-demand item.
5. The administration of origin is not required to provide the administration of destination with notice prior to sending an on-demand item.

Article 5. CHARGES TO BE COLLECTED FROM THE SENDER

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

Article 6. CHARGES, AND FEES TO BE COLLECTED FROM THE ADDRESSEE

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

Article 7. CONDITIONS OF ACCEPTANCE

Provided that the contents do not come within the prohibitions listed in article 8, each item to be admitted into the International Express Mail service shall:

- (a) Be packed in a manner adapted to the nature of the contents and the conditions of transport;
- (b) Bear the name and address of the addressee and of the sender; and
- (c) Satisfy the conditions of weight and size fixed by article 9.

Article 8. PROHIBITED ARTICLES

1. The provisions of the Convention governing prohibited articles shall be applicable to International Express Mail.
2. Each administration shall communicate to the other the necessary information concerning customs or other regulations, as well as the prohibitions or restrictions governing entry of postal items in its service.

Article 9. LIMITS OF SIZE AND WEIGHT

1. An item of International Express Mail shall not:
 - (a) Exceed 1.05 meters for any one dimension nor 2 meters for the sum of the length and the greatest circumference measured in a direction other than that of the length;
and shall not
 - (b) Exceed 15 kilograms in weight.

2. The 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.

Article 10. TREATMENT OF ITEMS WRONGLY ACCEPTED

1. When an item containing an article prohibited under article 8 has been wrongly admitted to the post, the prohibited article shall be dealt with according to the legislation of the country of the administration establishing its presence.

2. When the weight of the dimensions of an item exceed the limits established under article 9, 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 or prohibition which required such treatment.

Article 11. GENERAL RULES FOR DELIVERY AND CUSTOMS CLEARANCE

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

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

Article 12. UNDELIVERABLE ITEMS

1. After every reasonable effort to deliver an item has proven 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. Undeliverable items shall be returned to the administration of origin through the International Express Mail service.

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

Article 13. REDIRECTION OF MISSENT ITEMS

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

2. Neither administration shall charge the other for the redirection of items arriving out of course.

Article 14. INQUIRIES

1. Each administration shall answer in the shortest possible time, not to exceed one month, inquiries relating to any International Express Mail item posted by the other 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 15. ALLOCATION OF SURFACE COSTS FOR TRAFFIC IMBALANCES

1. At the end of each calendar year, the administration which has received a larger quantity of International Express Mail than it has sent during that year shall have the right to collect from the other administration, as compensation, an imbalance charge for the surface handling and delivery costs it has incurred for each additional item received.

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

3. Modifications of the imbalance charge may be made as follows:

- (a) Each administration may increase its imbalance charge when such an increase is necessary due to an increase in the costs of services;
- (b) To be applicable, any such modification of the imbalance charge must:
 - (i) Be communicated to the other administration at least three months in advance;
 - (ii) Remain in force for at least one year.

Article 16. INTERNAL AIR CONVEYANCE DUES

Each administration shall be entitled to reimbursement of internal air conveyance dues for International Express Mail items carried by air at rates established in the provisions of the Convention which govern internal air conveyance dues.

Article 17. ONWARD AIR CONVEYANCE

1. Each administration shall provide onward air conveyance service to or from any country with which it exchanges International Express Mail items, for items addressed to or originating in the other administration and shall provide approximate onward air conveyance times.

2. For each item forwarded pursuant to this article, the administration providing onward air conveyance services shall be authorized to collect from the other administration the onward air conveyance rates applicable to airmail under the Convention.

Article 18. NO ADDITIONAL RATES, CHARGES, OR FEES

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

Article 19. APPLICATION OF THE CONVENTION

The Convention or its Detailed Regulations shall be applicable, where appropriate, by analogy, in all cases not expressly governed by this Agreement or its Detailed Regulations.

Article 20. TEMPORARY SUSPENSION OF SERVICE

1. Should extraordinary circumstances justify it, either administration may suspend temporarily its operation of the service.

2. Notice of such suspension shall be given immediately to the other administration.

Article 21. 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 of both administrations by means of correspondence.

Article 22. ARBITRATION

Any dispute which arises between the administrations concerning the interpretation or application of this Agreement which cannot be resolved by the 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 an administration for arbitration. The arbitrators shall be chosen from the administrations which provide a service analogous to International Express Mail service.

Article 23. ADDITIONAL RULES AND REGULATIONS

Each 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 24. AMENDMENTS TO THE AGREEMENT

Amendments and additions to this Agreement may be made by agreement of both administrations by means of correspondence, and shall enter into force on a date mutually agreed upon by both administrations.

Article 25. ENTRY INTO FORCE AND DURATION OF THE AGREEMENT

1. This Agreement shall enter into force as of the 9th day of October 1980.

2. This Agreement shall remain in force for five years. If neither administration notifies the other in writing of its intention to terminate this Agreement at least six months before the expiration of this five-year period, it will remain in effect for another five years, and shall be renewable accordingly.

DONE in duplicate in the Chinese and English languages, both being equally authentic, and signed at Washington, D.C., on the 9th day of October 1980.

For the Postal Service of the United States of America:

[Signed — Signé]¹

Postmaster General

For the Ministry of Posts and Telecommunications
of the People's Republic of China:

[Signed — Signé]²

Minister

¹ Signed by W. F. Bolger — Signé par W. F. Bolger.

² Signed by Wang Zigang — Signé par Wang Zigang.

DETAILED REGULATIONS OF THE INTERNATIONAL EXPRESS MAIL AGREEMENT BETWEEN THE UNITED STATES POSTAL SERVICE AND THE MINISTRY OF POSTS AND TELECOMMUNICATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

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The United States Postal Service and the Ministry of Posts and Telecommunications of the People's Republic of China, in accordance with article 21 of the International Express Mail Agreement signed on the 9th day of October 1980, have concluded the following detailed regulations for implementation of the said Agreement.

Article 101. INFORMATION TO BE SUPPLIED BY THE ADMINISTRATIONS

1. Each administration shall notify the other administration of:

- (a) The necessary information concerning customs or other regulations, as well as the prohibitions or restrictions governing the entry of International Express Mail items in the areas for which it has International Express Mail responsibility;
- (b) The provisions of its laws or regulations applicable to the conveyance of International Express Mail items;
- (c) The rates and dues established under the Agreement; and,
- (d) 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 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. ITEMS CONTAINING SAMPLES OF MERCHANDISE

1. Each item containing samples of merchandise or other articles requiring payment of customs duties shall be accompanied by a customs declaration on Universal Postal Union form C2/CP3 or a similar form. The customs declaration shall be securely attached to each such item.

2. The contents of each such item shall be shown in detail on the customs declaration.

3. Although the administrations assume no responsibility for the accuracy of customs declarations, they shall inform senders of the correct way to complete these declarations.

4. The aggregate value of all items a sender may mail to the same person in the United States in one day shall not exceed \$250.

Article 104. PACKING REQUIREMENTS

1. Each item shall be packed and closed in a manner befitting the weight, the shape, and the nature of the contents as well as the mode and duration of conveyance.
2. Each item shall have, on its packing or wrapping, sufficient space for service instructions and for affixing labels.
3. Each item which requires special packing shall be made up in accordance with the packing provisions in the Detailed Regulations of the Convention.

Article 105. MAKEUP AND DISPATCH OF MAILS

1. International Express Mail 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.
2. The items in each dispatch shall be enclosed in blue and orange International Express Mail bags.
3. Each bag shall bear a label, showing the blue and orange chevron which has been adopted as the International Express Mail identification symbol. Each bag label shall clearly indicate the exchange office of destination.

Article 106. MANIFESTS

1. An International Express Mail manifest, on a form acceptable to each administration, shall accompany each dispatch.
2. Each item sent through the scheduled service shall be listed separately on the manifest. If no items are sent under a scheduled service contract, the contract number and the fact that no items were sent shall be entered on the manifest.
3. On-demand items shall be reflected on the manifest either as separate entries or in a single entry stating the total number of such items.
4. The manifest shall clearly indicate that the dispatch contains International Express Mail items.

Article 107. 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 marked so as to indicate clearly that the dispatch contains International Express Mail.

Article 108. EXCHANGE OFFICES

1. The exchange of dispatches of International Express Mail shall be carried out by the designated exchange offices of each administration.
2. Each administration shall designate its International Express Mail exchange offices to be used in the service and inform the other administration of the location of each such exchange office.
3. Each administration shall give the other administration advance notice of redesignation of or addition to its exchange offices.

Article 109. CHECK OF INTERNATIONAL EXPRESS MAIL

1. Upon receipt of an International Express Mail 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 exchange office designated by the administration of destination, to confirm their conformity with the manifest.

Article 110. NOTIFICATION OF IRREGULARITIES

1. Any evidence of missing or damaged bags or items shall be reported to the administration of origin by telex or telegraph 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 111. REDIRECTION OF ITEMS ARRIVING OUT OF COURSE

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

Article 112. RETURN OF ITEMS TO ORIGIN

Each 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 manifest which accompanies it, the reason for non-delivery.

Article 113. ACCOUNTING, SETTLEMENT OF ACCOUNTS

1. The procedures for accounting and for the settlement of accounts for internal air conveyance shall be governed by the provisions covering accounting for air mail in the Detailed Regulations of the Convention.

2. The procedures for accounting and settlement of accounts for allocation of surface costs for traffic imbalances shall be as follows:

- (a) The settlement shall take place at the end of each calendar year. The annual period shall begin on the date mutually agreed upon by both administrations;
- (b) Each administration shall prepare quarterly a statement of items received on a mutually acceptable form which indicates the number of items received in each dispatch based upon the particulars of the International Express Mail manifests. These forms shall be forwarded to the administration of origin within two months from the end of the quarter;
- (c) After verifying the statement of items received, the origin administration shall advise the destination administration by correspondence of its acceptance. If the verification reveals any discrepancies, a corrected statement shall be returned to the destination administration duly amended and accepted. If the destination administration disputes the amendments, it shall confirm the actual data by sending photocopies of relevant International Express Mail manifests and notices of irregularities to the administration of origin. If the destination administration has received no notice of amendment within two months from the date of forwarding the quarterly statement of items received, the account shall be regarded as fully accepted;
- (d) After each administration has accepted the statement of items received prepared by the other, the creditor administration shall prepare annually a detailed account and statement of charges on a mutually acceptable form which indicates the total number of items received and dispatched, the imbalance, the imbalance charge per item, and the total amount due;
- (e) Accounts shall be closed within 6 months after the last day of the settlement period.

Article 114. DEFINITIONS

The definitions set forth in article 2 of the Agreement shall be applicable to these detailed regulations.

Article 115. PERIOD OF RETENTION OF DOCUMENTS

1. Documents of the service shall be kept for a minimum period of eighteen months from the day following the date to which they refer.

2. A document concerning a dispute or an inquiry shall be kept until the matter has been settled. If the inquiring administration, duly informed of the result of an inquiry, allows six months to elapse from the date of the communication without raising any objections, the matter shall be regarded as settled.

Article 116. ENTRY INTO FORCE AND DURATION OF THESE DETAILED REGULATIONS

1. These detailed regulations shall come into force on the same date as the International Express Mail Agreement to which they refer.

2. These detailed regulations, and any amendments hereto pursuant to article 21, section 2, of the International Express Mail Agreement, shall have the same duration as the said Agreement to which they refer.

DONE in duplicate in the English and Chinese languages, both being equally authentic, and signed at Washington, D.C., on the 9th day of October 1980.

For the Postal Service of the United States of America:

[Signed — Signé]¹

Postmaster General

For the Ministry of Posts and Telecommunications
of the People's Republic of China:

[Signed — Signé]²

Minister

¹ Signed by W. F. Bolger — Signé par W. F. Bolger.

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