

**1874 CONSTITUTION OF THE
UNIVERSAL POSTAL UNION AMENDED 1964, 1969, 1974, 1984,
1989, 1994, 1999, 2004, 2008, 2016 AND 2018**

Done at Berne, Switzerland on 9th October 1874

PREAMBLE.....	3
SECTION I - ORGANIC PROVISIONS.....	3
CHAPTER I - GENERAL.....	3
ARTICLE 1: SCOPE AND OBJECTIVES OF THE UNION.....	3
ARTICLE 1BIS: DEFINITIONS.....	4
ARTICLE 2: MEMBERS OF THE UNION.....	4
ARTICLE 3: JURISDICTION OF THE UNION.....	5
ARTICLE 5: SEAT OF THE UNION.....	5
ARTICLE 6: OFFICIAL LANGUAGE OF THE UNION.....	5
ARTICLE 7: MONETARY UNIT.....	5
ARTICLE 8: RESTRICTED UNIONS. SPECIAL AGREEMENT.....	5
ARTICLE 9: RELATIONS WITH THE UNITED NATIONS.....	6
ARTICLE 10: RELATIONS WITH INTERNATIONAL ORGANIZATIONS.....	6
CHAPTER II -ACCESSION OR ADMISSION TO THE UNION WITHDRAWAL FROM THE UNION.....	6
ARTICLE 12: WITHDRAWAL FROM THE UNION. PROCEDURE.....	7
CHAPTER III - ORGANIZATION OF THE UNION.....	7
ARTICLE 14: CONGRESS.....	7
ARTICLE 15: EXTRAORDINARY CONGRESSES.....	7
ARTICLE 16: ADMINISTRATIVE FOR CONFERENCES.....	7
ARTICLE 18: POSTAL OPERATION COUNCIL.....	8
ARTICLE19: SPECIAL COMMITTEES.....	8
CHAPTER IV - FINANCES OF THE UNION.....	8
SECTION II - ACTS OF THE UNION.....	9
CHAPTER I - GENERAL.....	9
ARTICLE 23: APPLICATION OF THE ACTS OF THE UNION TO TERRITORIES FOR WHOSE INTERNATIONAL RELATIONS A MEMBER COUNTRY IS RESPONSIBLE.....	9
ARTICLE 24: NATIONAL LEGISLATION.....	10
CHAPTER II - ACCEPTANCE OR DENUNCIATION OF THE ACTS OF THE UNION.....	10
ARTICLE 26: NOTIFICATIONS OF RATIFICATIONS AND ANY OTHER FORMS OF APPROVAL OF THE ACTS OF THE UNION.....	10
ARTICLE 27: ACCESSION TO THE AGREEMENTS.....	11
ARTICLE 28: DENUNCIATION OF AN AGREEMENT.....	11
CHAPTER III - AMENDMENT OF THE ACTS OF THE UNION.....	11
ARTICLE 29: PRESENTATION OF PROPOSALS.....	11
ARTICLE 30: AMENDMENT OF THE CONSTITUTION.....	11

ARTICLE 31: AMENDMENT OF GENERAL REGULATIONS, THE CONVENTION AND AGREEMENTS	12
CHAPTER IV - SETTLEMENT OF DISPUTES	12
ARTICLE 2: ARBITRATION	12
SECTION III - FINAL PROVISIONS	12
ARTICLE 33: COMING INTO OPERATION AND DURATION OF THE CONSTITUTION	12
FINAL PROTOCOL TO THE CONSTITUTION OF THE UNIVERSAL POSTAL UNION	13
SOLE ARTICLE	13
ACCESSION TO THE CONSTITUTION	13

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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, adopted this Constitution.

The mission of 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.

SECTION I - ORGANIC PROVISIONS

CHAPTER I – GENERAL

Article 1: Scope and Objectives of the Union¹

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.
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.

¹ Article amended by the 2016 Istanbul Add Prot.

Article 1bis: Definitions²

For the purpose of the Acts of the Universal Postal Union, the following terms shall have the meanings defined below:

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.
2. Member country: a country that fulfills the conditions of article 2 of the Constitution.
3. Single postal territory (one and the same postal territory): the obligation upon the contracting parties to the UPU Acts to provide for the reciprocal exchange of letter-post 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.
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.
5. Letter-post item: items described in the Convention.
6. (Deleted.)

6bis 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, the Postal Payment Services Agreement and their respective Regulations.

7. Designated operator: any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfill the related obligations arising out of the Acts of the Union on its territory.
8. 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 2: Members of the Union

Member countries of the Union shall be:

- a. countries which have membership status at the date on which the Constitution comes into force;
- b. countries admitted to membership in accordance with article 11.

² New article is introduced by the 2004 Bucharest Add Prot., and subsequently amended and supplemented by the 2008 Geneva Add Prot and 2018 Addis Ababa Add Prot.

Article 3: Jurisdiction of the Union

The Union shall have within its jurisdiction:

- a. the territories of member countries;
- b. post offices set up by member countries in territories not included in the Union;
- c. 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 4: Exceptional Relations³

Member countries whose designated operators provide a service with 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 5: Seat of the Union

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

Article 6: Official Language of the Union⁴

The official language of the Union shall be French.

Article 7: Monetary Unit⁵

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

Article 8: Restricted Unions. Special Agreements⁶

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 international postal service, provided always that they do not introduce provisions less favourable

³ As amended by Geneva 2008-08-12, in force 2010-01-01.

⁴ The 1994 Seoul Congress had set up a French language group consisting of the member countries using the official language which have to bear the costs of translation into the official language of documents and correspondence received in Arabic, English and Spanish. The 1999 Beijing Congress abandoned the concept of the French language group, instead adding the provision, in art 110 of the Gen Regs, that member countries using the official language shall pay a lump-sum contribution equal to that paid by member countries using English.

⁵ Article amended by the 1989 Washington Add Prot. The 1989 Washington Congress abolished the g fr and replaced it with the IMF accounting unit. Only a few adms still use the g fr for preparing accounts, the totals of which are then converted into SDR for settlement.

⁶ As amended by 2018 Addis Ababa Add Prot.

to the public than those provided for by the Acts to which the member countries concerned are parties.⁷

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 9: 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 10: 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 11: Accession or Admission to the Union. Procedure⁸

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 which have not replied within a period of four months counting from the date of the consultation shall be considered as having abstained⁹.
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.

⁷ As amended by Geneva 2008-08-12, in force 2010-01-01.

⁸ Article amended by the 1969 Tokyo and 1989 Washington Add Prots.

⁹ As amended by Geneva 2008-08-12, in force 2010-01-01.

Article 12: Withdrawal from the Union. Procedure¹⁰

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 and by him to the Governments of member countries.
2. Withdrawal from the Union shall become effective one year after the day on which the notice of denunciation provided for in § 1 is received by the Director-General of the International Bureau.

CHAPTER III - ORGANIZATION OF THE UNION

Article 13: Bodies of the Union¹¹

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 14: Congress

1. Congress shall be the supreme body of the Union.
2. Congress shall consist of the representatives of member countries.

Article 15: 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 16: Administrative Conferences

(Deleted.)

Article 17: Council of Administration¹²

¹⁰ Article amended by the 1989 Washington Add Prot.

¹¹ Article amended by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Add Prots. The 1994 Seoul Congress replaced the names "Executive Council" and "Consultative Council for Postal Studies" with "Council of Administration" and "Postal Operations Council", which better suit the new nature of their activities.

¹² Article amended by the 1994 Seoul Add Prot.

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 Council¹³

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 Union.

Article 19: Special Committees

(Deleted.)

Article 20: International Bureau¹⁴

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 21: Expedition of the Union. Contributions of Member Countries¹⁵

1. Each Congress shall fix the maximum amount which:
 - a) the expenditure of the Union may reach annually.
 - b) the expenditure relating to the organization of the next Congress may reach.
 - c) The maximum amount for expenditure referred to in § 1 may be exceeded if circumstances so require, provided that the relevant provisions of the General Regulations are observed.
 - d) The expenses of the Union, including where applicable the expenditure envisaged in § 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. The contribution classes shall be laid down in the General Regulations.
 - e) In the case of accession or admission to the Union under article 11, the country concerned shall freely choose the contribution class into which it wishes to be placed for the purpose of apportioning the expenses of the Union.

¹³ Article amended by the 1969 Tokyo, 1994 Seoul and 2018 Addis Ababa Add Prots.

¹⁴ Article amended by the 1984 Hamburg and 1994 Seoul Add Prots.

¹⁵ Article amended by the 1969 Tokyo, 1974 Lausanne and 1989 Washington Add Prots.

SECTION II - ACTS OF THE UNION

CHAPTER I - GENERAL

Article 22: Acts of the Union¹⁶

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 Universal Postal Convention and its Regulations shall embody the rules applicable throughout the international postal service and the provisions concerning the letter-post and postal parcels services. These Acts shall be binding on all member countries. Member countries shall ensure that their designated operators fulfill the obligations arising from the Convention and its Regulations¹⁷.
4. The Agreements of the Union, and their Regulations, shall regulate the services other than those of the letter post and postal parcels 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 fulfill the obligations arising from the Agreements and their Regulations¹⁸.
5. The Regulations, which shall contain the rules of application necessary for the implementation of the Convention and of the Agreements, 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 §§ 3, 4 and 5 shall contain the reservations to those Acts.

Article 23: Application of the Acts of the Union to Territories for whose International Relations a Member Country is Responsible¹⁹

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 § 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

¹⁶ Article amended by the 1989 Washington, 1994 Seoul, 1999 Beijing, 2004 Bucharest and 2016 Istanbul Add Prots. It has been amended to ensure that general regulations were binding on all member countries.

¹⁷ As amended by Geneve 2008-08-12, in force 2010-01-01.

¹⁸ As amended by Geneve 2008-08-12, in force 2010-01-01.

¹⁹ Article amended by the 1989 Washington Add Prot.

which it has made the declaration provided for in § 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 §§ 1 and 3 shall be communicated to member countries by the Director-General of the International Bureau.
5. §§ 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 24: 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 25: Signature, Authentication, Ratification, and Other Forms of Approval of the Acts of the Union²⁰

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 Chairman and the Secretary-General of the Postal Operations Council.
3. The Constitution shall be ratified as soon as possible by the signatory countries.
4. Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.
5. When a country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified or approved them²¹.

Article 26: Notification of Ratifications and Other Forms of Approval of the Acts of the Union²²

The instruments of ratification of the Constitution and the Additional Protocols thereto and, where appropriate, of approval of the other 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.

²⁰ Article amended by the 1989 Washington, 1994 Seoul and 1999 Beijing Add Prots.

²¹ As amended by Geneva 2008-08-12, in force 2010-01-01.

²² Article amended by the 1969 Tokyo and 1989 Washington Add Prots.

Article 27: Accession to the Agreements

1. Member countries may, at any time, accede to one or more of the Agreements provided for in article 22.4.
2. Accession of member countries to the Agreements shall be notified in accordance with article 11.3.

Article 28: Denunciation of an Agreement

Each member country may cease being a party to one or more of the Agreements, under the conditions laid down in article 12.

CHAPTER III - AMENDMENT OF THE ACTS OF THE UNION

Article 29: 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 party²³.
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 direct to the Postal Operations Council but must first be transmitted by the International Bureau to the postal administrations of all member countries and all designated operators²⁴.

Article 30: 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 vote²⁵.
2. Amendments adopted by a Congress shall form the subject of an additional protocol and, unless that Congress decides otherwise, shall enter into force at the same time as the Acts renewed in the course of the same Congress. They shall be ratified as soon as possible by member countries and

²³ As amended by Geneva 2008-08-12, in force 2010-01-01.

²⁴ Article amended by the 1999 Beijing Add Prots. The 1999 Beijing Congress added a new para to art 29 for two reasons. Firstly, in line with its fundamental decision to place all provisions in the Regulations which are not intergovernmental in nature, it concluded that it was no longer justified to formally submit to Congress props for amending the Regs. Congress, when required, can give necessary guidelines to the POC on any proposal of a member country under art 22, § 5, of the Const. Secondly, abolishing the obligation to submit props concerning the Regs to Congress would result in lower costs. However, the 1999 Beijing Congress desired that prior information on proposals relating to the Regs should be communicated to all Union member countries to enable the countries concerned to send in written comments or attend the relevant POC meeting as observers. See also art 22.5, comm. Subsequently amended by Geneva 2008-08-12, in force 2010-01-01.

²⁵ The 1999 Beijing Congress introduced a system of automatic sanctions relating to the arrears of mandatory contributions owed to the Union (art 129 of the Gen Regs). Member countries against which sanctions have been applied lose their voting rights at Congress and at meetings of the Councils. This amendment is a consequence of that decision, designed to provide a legal basis in the Acts (art 133 of the Gen Regs, art 36 of the Conv and art 30 of the Rules of Procedure of Congresses).

the instruments of such ratification shall be dealt with in accordance with the procedure laid down in article 26.

Article 31: Amendment of the General Regulations, the Convention and the Agreements

1. The General Regulations, the Convention and the Agreements shall define the conditions to be fulfilled for the approval of proposals which concern them.
2. The Convention and the Agreements referred to in § 1 shall enter into force simultaneously and shall have the same duration. As from the day fixed by Congress for the entry into force of these Acts, the corresponding Acts of the preceding Congress shall be abrogated.

CHAPTER IV - SETTLEMENT OF DISPUTES

Article 32: Arbitration

In the event of a dispute between two or more postal administrations of 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 arbitration²⁶.

SECTION III - FINAL PROVISIONS

Article 33: 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 party by the International Bureau of the Universal Postal Union.

Done at Vienna, 10 July 1964.

²⁶ As amended by Geneva 2008-08-12, in force 2010-01-01.

FINAL PROTOCOL TO THE CONSTITUTION OF THE UNIVERSAL POSTAL UNION

At the moment of proceeding to signature of the Constitution of the Universal Postal Union concluded this day, the undersigned plenipotentiaries have agreed the following:

SOLE ARTICLE

Accession to the Constitution

Member countries of the Union which have not signed the Constitution may accede to it at any time. Instruments of accession shall be addressed through diplomatic channels to the Government of the country in which the seat of the Union is situated and by that Government to the Governments of the member countries of the Union.