

N° 3025.

ÉTATS-UNIS D'AMÉRIQUE,
RÉPUBLIQUE ARGENTINE,
BOLIVIE,
BRÉSIL, CANADA, etc.

Accord relatif aux colis postaux.
Signé à Madrid, le 10 novembre
1931.

UNITED STATES OF AMERICA,
ARGENTINE REPUBLIC,
BOLIVIA,
BRAZIL, CANADA, etc.

Parcel Post Agreement. Signed at
Madrid, November 10, 1931.

TEXTE ESPAGNOL. — SPANISH TEXT.

N^o 3025. — ACUERDO ¹ SOBRE ENCOMIENDAS POSTALES CELEBRADO ENTRE : ARGENTINA, BOLIVIA, BRASIL, CANADÁ, COLOMBIA, COSTA-RICA, CHILE, DOMINICANA, ECUADOR, EL SALVADOR, ESPAÑA, ESTADOS UNIDOS DE AMÉRICA, GUATEMALA, HAITÍ, HONDURAS, MÉXICO, NICARAGUA, PANAMÁ, PARAGUAY, PERÚ, URUGUAY Y VENEZUELA. FIRMADO EN MADRID, EL 10 DE NOVIEMBRE DE 1931.

Texte officiel espagnol communiqué par le chargé d'Affaires d'Espagne à Berne. L'enregistrement de cet accord a eu lieu le 29 août 1932.

Spanish official text communicated by the Spanish Chargé d'Affaires at Berne. The registration of this Agreement took place August 29, 1932.

Los infrascritos, Plenipotenciarios de los Gobiernos de los países arriba mencionados en ejercicio de la facultad concedida por el artículo 5 del Convenio² vigente de la Unión Postal Universal, convienen, bajo reserva de ratificación, en establecer el servicio de encomiendas, de acuerdo con las cláusulas siguientes :

Artículo 1.

OBJETO DEL ACUERDO.

1. Bajo la denominación de « Encomienda Postal », o de las expresiones sinónimas « Paquete Postal » y « Bulto Postal », podrán expedirse de uno de los países precedentemente enumerados a cualquier otro de los mismos, esta clase de envíos.
2. Las encomiendas postales podrán revestir el carácter de certificado, con declaración de valor o contra reembolso, cuando los países adheridos convengan en adoptar estas modalidades del servicio en sus relaciones recíprocas.
3. La expedición de tales envíos será obligatoria en envases de buenas condiciones debidamente cerrados.

¹ *Dépôt des ratifications à Madrid :*

ESPAGNE	} 11 août 1932.
ETATS-UNIS D'AMÉRIQUE	
RÉPUBLIQUE DOMINICAINE	3 octobre 1932.
COSTA-RICA	20 octobre 1932.
PANAMA	8 mars 1933.
MEXIQUE	28 avril 1933.

Adhésions :

CANADA	11 août 1932.
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¹ *Deposit of ratifications in Madrid :*

SPAIN	} August 11, 1932.
UNITED STATES OF AMERICA	
DOMINICAN REPUBLIC	October 3, 1932.
COSTA RICA	October 20, 1932.
PANAMA	March 8, 1933.
MEXICO	April 28, 1933.

Accessions :

CANADA	August 11, 1932.
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² Vol. CII, page 245 ; vol. CVII, page 552 ; vol. CXVII, page 310 ; vol. CXXII, page 359 ; et vol. CXXX, page 458, de ce recueil.

² Vol. CII, page 245 ; Vol. CVII, page 552 ; Vol. CXVII, page 310 ; Vol. CXXII, page 359 ; and Vol. CXXX, page 458, of this Series.

¹ TRANSLATION.

No. 3025. — PARCEL POST AGREEMENT CONCLUDED BETWEEN THE ARGENTINE, BOLIVIA, BRAZIL, CANADA, COLOMBIA, COSTA RICA, CHILE, THE DOMINICAN REPUBLIC, ECUADOR, SALVADOR, SPAIN, THE UNITED STATES OF AMERICA, GUATEMALA, HAITI, HONDURAS, MEXICO, NICARAGUA, PANAMA, PARAGUAY, PERU, URUGUAY AND VENEZUELA. SIGNED AT MADRID, NOVEMBER 10, 1931.

The undersigned, Plenipotentiaries of the Governments of the above-named countries, in the exercise of the right conferred by Article 5 of the Convention of the Universal Postal Union at present in force, agree, subject to ratification, to provide a parcel post service in accordance with the following provisions :

Article 1.

SUBJECT OF THE AGREEMENT.

1. Under the designation of " *encomienda postal* " (postal parcel) or the synonymous expressions " *paquete postal* " and " *bulto postal* ", parcels of this kind may be sent from any one of the above-named countries to any other of these countries.
2. Postal parcels may take the form of insured parcels or of cash on delivery parcels if the contracting countries agree to adopt these methods of despatch in their reciprocal relations.
3. These parcels must be sent in properly closed packing in good condition.

Article 2.

TRANSIT.

1. Freedom of transit is guaranteed in the territory of each of the contracting countries. Consequently, the various administrations may use the medium of one or more countries for the reciprocal exchange of postal parcels.
2. Postal parcels shall be transmitted in closed mails, which shall be sent by the most rapid land and sea routes used for their own parcels by the countries taking part in the transport.
3. The despatching administrations shall be bound to send a copy of the way-bills to each of the intermediary administrations.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 3.

WEIGHT AND DIMENSIONS.

1. The maximum weight of each parcel shall be 10 kilogrammes, the administrations retaining the right to limit it to 5 kilogrammes.
2. The maximum dimensions of the postal parcels shall be fixed by the Universal Postal Union Agreement in force relating to this service. Nevertheless, the administrations of the contracting countries shall have the right, after agreement with the intermediary countries, to accept postal parcels of other limits of weight and size.
3. Cumbersome parcels shall be accepted only in the services between countries which undertake to convey them.

Article 4.

CHARGES AND CREDITS.

1. The rate applicable to postal parcels exchanged in accordance with the present Agreement shall consist solely of the sum of the charges of the countries of origin, of transit, and of destination. Should the case arise, the sea transport rates provided for in the existing Parcel Post Agreement of the Universal Postal Union shall be added.
2. The charges of the countries of origin, of transit and of destination shall be fixed for each country at fifty centimes gold or the equivalent of this sum for each postal parcel up to 5 kilogrammes and at one franc gold or its equivalent for each postal parcel of a weight exceeding 5 kilogrammes but not exceeding 10 kilogrammes.
3. Nevertheless, the contracting administrations shall have the right to increase these rates up to double the amount and to apply a fixed surcharge of twenty-five centimes gold or the equivalent of this sum for each postal parcel which they despatch or receive.
4. The administrations which, in the universal system, enjoy special authorisations to raise the charges mentioned in paragraph 2 may also use such authorisations in the Spanish American system.
5. Notwithstanding the provisions of the preceding paragraphs, no contracting administration shall be bound to fix a rate lower than that which it has established for this category of parcels in its inland service.
6. The administration of the country of origin shall credit each of the administrations taking part in the transport and the administration of the country of destination with the charges due to it under the provisions of the preceding paragraphs.

Article 5.

CHARGES FOR CUSTOMS CLEARANCE, DELIVERY, STORAGE, ETC.

The administrations of countries of destination may collect from the addressees of the postal parcels :

- (a) A charge of not more than fifty centimes gold or the equivalent of this sum for operations and formalities connected with Customs clearance ;
- (b) A charge of not more than fifty centimes gold or the equivalent of this sum for portage and the delivery of each postal parcel at the addressee's residence.

When postal parcels are not delivered at the addressee's residence, he must be advised of the arrival of the parcel. In this case, administrations whose internal regulations oblige

them to do so, shall collect a special charge for the delivery of such an advice ; this charge may not exceed that for an ordinary letter in its inland service ;

(c) A daily charge for storage, which may not exceed that fixed by the postal legislation of each country and collected as from the periods laid down in such legislation, without the total sum to be collected exceeding in any case five francs gold or the equivalent of this sum ;

(d) Customs duties and all other non-postal charges laid down in their internal legislation ;

(e) The amount due under the heading of consular charges, when such charges have not been paid in advance by the sender.

Article 6.

PROHIBITION TO MAKE OTHER CHARGES ON PARCELS.

Postal parcels coming under the present Agreement may not be subject to other postal charges than those mentioned above.

Nevertheless, administrations which have agreed to admit registered cash on delivery parcels or insured parcels shall be authorised to charge the special rates applicable to this category of parcels.

Article 7.

RESPONSIBILITY.

1. The administrations shall be responsible for the loss of parcels and for the abstraction of or damage to their contents.

The sender shall be entitled on that account to compensation corresponding to the actual amount of the loss, abstraction or damage. Such compensation may not exceed :

(a) For postal parcels weighing up to 5 kilogrammes, 25 francs gold or the equivalent of this sum ;

(b) For postal parcels weighing up to 10 kilogrammes, 40 francs gold or the equivalent of this sum.

2. Compensation shall be calculated on the current price of goods of the same nature at the place and time at which the postal parcel was accepted for transport.

3. For insured parcels exchanged between administrations which have agreed to provide such a service, compensation may not exceed the amount for which they were insured.

Article 8.

UNDELIVERABLE PARCELS.

1. The period during which postal parcels must be held at the disposal of the parties concerned in the offices of destination shall be fixed at thirty days and may be increased to ninety days by an agreement between the administrations concerned, provided that in all cases the parcel is returned without it being necessary to consult the sender in advance.

2. Senders must state, in accordance with the provisions mentioned in the previous paragraph, on the back of the despatch note, how their parcels are to be disposed of in the event of non-delivery. Senders may, however, only apply for one of the following methods of treatment :

(a) That the parcel be returned to the sender ;

(b) That the parcel be delivered to another addressee ;

(c) That the parcel be considered as abandoned.

Article 9.

FRAUDULENT DECLARATIONS.

1. If it is ascertained that the senders of a postal parcel, acting alone or in agreement with the addressees, have made a false declaration regarding the quality, weight or amount of the contents or that they have endeavoured in some other manner to defraud the fiscal administration of the country of destination by evading the payment of import duties, by concealing articles or declaring them in a manner which indicates their intention of evading the payment of the proper duty or of reducing the amount of such duty, the administration concerned may dispose of these parcels in accordance with its internal legislation without the sender or addressee having any right to the delivery or return of these parcels or to any compensation whatever.

2. An administration which confiscates a parcel postal under the above authorisation must notify the fact to the addressee and to the administration of the country of origin.

Article 10.

POSTAL PARCELS FOR SECOND ADDRESSEES.

The senders of postal parcels addressed care of banks or other bodies for delivery to second addressees must indicate on the labels or packing of such parcels the exact name and address of the persons for whom they are intended. The second addressee shall, however, be informed of the arrival of such a postal parcel and the advice charge fixed in Article 5 may be collected but the party concerned may not claim the delivery of the parcel without a written authorisation from the first addressee or the sender; the latter must in this case require the delivery through the intermediary of the administration of the country of origin of the postal parcel.

Article 11.

ABANDONED OR RETURNED PARCELS.

Abandoned parcels or parcels which cannot be delivered to the sender after being returned shall be sold by the administration concerned. If the amount resulting from the sale is less than the amount of the charges on the parcel, the deficit shall be made good in equal shares by the administrations of the countries of origin and of destination.

Article 12.

PROPOSALS MADE BETWEEN MEETINGS.

The present Agreement may be modified in the interval between the congresses in accordance with the procedure laid down in Chapter III of the existing Convention of the Universal Postal Union. In order to become binding the proposals for modification must obtain :

- (1) Unanimity of votes if they involve the addition of new provisions or any modification of the present Article and the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 ;
- (2) Two-thirds of the votes if they involve a modification of the other provisions.

Article 13.

EQUIVALENTS.

Each contracting country shall determine the legal equivalent of its currency in relation to the gold franc.

Article 14.

QUESTIONS NOT PROVIDED FOR.

1. All questions not provided for in the present Agreement shall be governed by the provisions of the existing Agreement of the Universal Postal Union and the Detailed Regulations of that Agreement.

2. Nevertheless the contracting administrations may agree on other detailed provisions for the working of the service.

3. It is acknowledged that the contracting countries have the right to maintain in force the procedure adopted in order to ensure the application of conventions concluded between each other, in so far as such procedure is not incompatible with the provisions of the present Agreement.

Article 15.

ENTRY INTO FORCE AND DURATION OF THE AGREEMENT.

1. The present Agreement shall come into force on March 1st, 1932, and shall remain in force for an indefinite period, each of the Contracting Parties reserving the right to denounce it by means of notice given by its Government to that of the Republic of Uruguay one year in advance.

2. The deposit of ratifications shall take place at Madrid as soon as possible; an instrument regarding the deposit of ratifications of each country shall be drawn up and the Spanish Government shall send a copy of the said instrument through the diplomatic channel to the Governments of the other signatory countries.

3. As from the date when the present Agreement comes into force, the provisions of the Parcel Post Convention signed at Mexico City on November 9, 1926, shall be annulled.

4. Should the present Agreement not be ratified by one or more of the contracting countries it shall nevertheless be valid for those which have ratified it.

5. The contracting countries may ratify the present Agreement provisionally by correspondence by advising the administrations concerned through the intermediary of the International Bureau, without prejudice to confirmation through the diplomatic channel in accordance with the legislation of each country and after approval by the national Congresses.

In faith whereof the Plenipotentiaries of the above-named countries have signed the present Agreement at Madrid on the tenth day of November, one thousand nine hundred and thirty-one.

For Argentine :

R. CORREA LUNA.

For Bolivia :

G. A. OTERO.

For Brazil :

Luis GUIMARAES.

For Canada :

For Colombia :

Alberto SANCHEZ DE IRIARTE.

E. ZÁLDÚA PIEDRAHITA.

W. MAC-LELLAN.

For Costa Rica :

Adriano MTIN LANUZA.

Eduardo FOURNIER QUIRÓS.

For Chile :

E. BERMÚDEZ.

Carlos MORLA LYNCH.

For the Dominican Republic :

E. BRACHE HIJO.
Enrique DESCHAMPS.

For Ecuador :

Ricardo CRESPO ORDÓÑEZ.
Abel ROMEO CASTILLO.

For Salvador :

Raúl CONTRERAS.

For Spain :

A. NISTAL.
A. CAMACHO.
Agustín RAMOS.
Demetrio PEREDA.

For the United States of America :

P. W. IRVING GLOVER.
Eugene R. WHITE.

For Guatemala :

Enrique TRAUMANN.

For Haiti :

Luis M^a. SOLER.

For Honduras :

Antonio GRAIÑO.

For Mexico :

A. J. PANI.
Antonio CASTRO LEAL.

For Nicaragua :

José GARCÍA-PLAZA.

For Panama :

Carlos ORTIZ R.

For Paraguay :

Fernando PIGNET.
R. BLANCO-FOMBONA.

For Peru :

Manuel GARCÍA YRIGOYEN.

For Uruguay :

César MIRANDA.

For Venezuela :

Antonio REYES.
León AGUILAR.