POSTAL UNION OF THE AMERICAS AND SPAIN: PARCEL POST

Agreement and final protocol signed at Panama December 22, 1936
Ratified and approved by the Postmaster General of the United States August 12, 1937
Approved by the President of the United States August 20, 1937
Ratification of the United States deposited at Panama September 17, 1937
Entered into force October 1, 1937
Articles 3, 4, and 8 amended August 14, 1941,[1] *by Brazilian proposal of July 2, 1940*
Terminated by agreement of September 25, 1946 [2]

50 Stat. 1696; Post Office Department print

[TRANSLATION]

AGREEMENT RELATIVE TO PARCEL POST

concluded between Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above mentioned, in exercise of the option conferred by Article 5 of the Universal Postal Convention in force, agree, subject to ratification, to the establishment of parcel-post service in accordance with the following provisions:

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[1] Three months from date of notification from Government of Uruguay to U.S. Government regarding approval of amendments by all parties. A translation of the Uruguayan note reads as follows:

"LEGATION OF URUGUAY,
Washington, D.C.

"MR. SECRETARY OF STATE:

"I have the honor to inform Your Excellency that I have received instructions from my Government to bring the following to the knowledge of Your Excellency:

"The Director of the International Office of the Postal Union of the Americas and Spain, with headquarters at Montevideo, has notified this Chancellery that the amendments to

(*Footnote 1 continued on following page*)

[2] TIAS 1681, *post*, vol. 4.

219-917—69——22

ARTICLE 1

Object of Agreement

1. Under the denomination of *parcel post* (*Encomienda postal, Paquete postal* or *Bulto postal*), this class of mail matter may be sent from any one of the above-mentioned countries to any other of them.

2. The sender of a parcel may register it by paying, in addition to the postage, the same registration fee as has been fixed by the country of origin.

3. Parcels may be sent insured or collect-on-delivery, when the adhering countries agree to adopt these types of service in their reciprocal relations.

4. The dispatch of such parcels in containers in good condition, properly fastened, will be obligatory.

ARTICLE 2

Transit

1. Liberty of transit is guaranteed over the territory of every one of the contracting countries. Consequently, the various Administrations may use the intermediary of one or more countries for the reciprocal exchange of parcels.

2. Parcels will be sent in closed mails, or in open mail when the Administrations concerned have so agreed, and shall be forwarded by the most

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the Agreement relative to Parcel Post signed at Panamá on December 22, 1936, proposed by the Department of Mails and Telegraphs of Brazil, have been approved by the unanimous vote of the parties concerned. The Brazilian proposal was sent to all the administrations of the Postal Union of the Americas and Spain by circular note number 4390, of July 2, 1940.

"Articles 3, 4 and 8 of the Panama Parcel-Post Agreement are worded in the following way:

" 'ARTICLE 3, NUMBER 2: [The division of weight for parcels will be the following:] Up to 1 kilogram; *from 1 to 3 kilograms; from 3 to 5 kilograms;* from 5 to 10 kilograms; from 10 to 15 kilograms; from 15 to 20 kilograms.

" 'ARTICLE 4, NUMBER 2: The rates of origin, transit and destination are fixed for each country in gold francs or their equivalent, as follows: 25 centimes for parcels up to 1 kilogram; *40 centimes for parcels from 1 to 3 kilograms; 50 centimes for parcels from 3 to 5 kilograms;* 100 centimes for parcels from 5 to 10 kilograms; 150 centimes for parcels from 10 to 15 kilograms; 200 centimes for parcels from 15 to 20 kilograms.

" 'ARTICLE 8, NUMBER 1, PARAGRAPH 2: The sender will be entitled on that account to an indemnity equivalent to the actual amount of loss, rifling or damage. This indemnity may not exceed: 10 gold francs for each parcel up to 1 kilogram; *15 gold francs for each parcel from 1 to 3 kilograms; 25 gold francs for each parcel from 3 to 5 kilograms;* 40 gold francs for each parcel from 5 to 10 kilograms; 55 gold francs for each parcel from 10 to 15 kilograms; 70 gold francs for each parcel from 15 to 20 kilograms.

" 'The changes adopted will not take effect for at least three months after notification thereof' (Article 23 of the Universal Postal Convention).

"The provisions of Article 13 of the said Agreement having been complied with, and in virtue of Article 22 of the Convention of the Universal Postal Union, which applies in this case, the Government of Uruguay must make known to the other Governments the amendments approved, so that they may take effect accordingly.

"Accept [etc.] J. RICHLING

"May 14, 1941."

rapid land and sea routes which are utilized for their own mails by the countries participating in the transportation.

3. The dispatching Administrations will be obliged to send a copy of the parcel bills to each of the intermediary Administrations, when the dispatches are sent in closed-mail transit.

ARTICLE 3 [3]

Weight and dimensions

1. The maximum weight of each parcel will be 20 kilograms, the Administrations remaining at liberty to limit it to 10, when the capacity of their domestic service makes that measure necessary, previous notice being given to the other signatory countries through the intermediary of the International Office of Montevideo.

2. The divisions of weight for parcels will be the following:

Up to 1 kilogram;
From 1 to 5 kilograms;
From 5 to 10 kilograms;
From 10 to 15 kilograms;
From 15 to 20 kilograms.

3. The maximum dimensions for parcels will be fixed by the Agreement of the Universal Postal Union in force relative to this service. Nevertheless, the contracting Administrations may, after obtaining the consent of the intermediary countries, accept parcels with other limits of dimensions.

4. Bulky parcels, i. e., those exceeding 1.05 meters in any direction, will be accepted only in relations between countries which are willing to effect their transportation by special agreement.

ARTICLE 4 [3]

Postage rates and payments

1. The postage on parcels exchanged under this Agreement is composed only of the sum of the rates of origin, transit and destination. If necessary, the maritime rates provided for by the Agreement of the Universal Postal Union in force concerning the exchange of parcel post will be added.

2. The rates of origin, transit and destination are fixed for each country, in gold francs or their equivalent, as follows:

25 centimes for parcels up to 1 kilogram;
50 centimes for parcels from 1 to 5 kilograms;
100 centimes for parcels from 5 to 10 kilograms;
150 centimes for parcels from 10 to 15 kilograms;
200 centimes for parcels from 15 to 20 kilograms.

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[3] For an amendment of 1941, see footnote 1, p. 319.

3. However, the contracting Administrations will have the option of increasing these rates up to double their amount.

4. Administrations which, in the Universal service, are specially authorized to increase the rates set forth in the two preceding Sections, may also make use of such authorization in the Americo-Spanish service.

5. Notwithstanding the provisions of the foregoing Sections, no contracting Administration will be obliged to fix a rate lower than that which it has established for this class of articles in its domestic service.

6. The Administration of origin will credit each of the Administrations taking part in the transportation, including that of destination, with the corresponding charges, in accordance with the provisions of the foregoing Sections.

7. The International Office will publish and distribute the table of land-transit rates and those of origin and destination payable to each Administration, keeping it up to date by means of supplements.

Article 5

Customs-clearance, delivery, storage and other charges

1. The Administrations of destination may collect from the addressees of parcels:

(a) A fee of 50 centimes of a gold franc or the equivalent thereof, as a maximum, for the operations, formalities and transactions in connection with customs handling;

(b) A fee of 50 centimes of a gold franc or the equivalent thereof, as a maximum, for the transmission and delivery of each parcel to the address of the addressee.

When parcels are not delivered at the address of the addressee, the latter shall be advised of their arrival. In this case, Administrations whose domestic regulations require it will collect a special fee for the delivery of such notice. This fee may not exceed the postage for a single weight-unit of an ordinary letter in the domestic service;

(c) A daily storage charge which may not exceed that fixed by the postal legislation of each country, charged from the time prescribed therein, provided that the total to be collected may in no case exceed five gold francs or the equivalent thereof;

(d) The customs duties and all other non-postal charges which their domestic legislation establishes;

(e) The amount corresponding to the consular fee, when it has not been prepaid by the sender;

(f) The repacking fee of 30 centimes at most provided for in the corresponding Agreement under the Universal Postal Convention in force. This fee will be collected from the addressee or from the sender, according to circumstances.

2. Parcels addressed to Consuls and Vice-Consuls acting as Consuls will be exempt from payment of postal delivery fees when they contain articles not liable to payment of customs duties.

ARTICLE 6

Cancelation of customs duties

The contracting Administrations undertake to make representations to the competent authorities of their respective countries as soon as possible, with a view to obtaining cancelation of the relative customs duties, not only on parcels returned to the country of origin, but also on those destroyed for any reason or forwarded to a third country.

The same procedure will be followed by the Administrations with respect to parcels lost, rifled or damaged in their service.

ARTICLE 7

Prohibition against other charges

The parcels of which the present Agreement treats may not be subjected to any other postal charges than those established in the foregoing Articles.

However, Administrations which agree among themselves on the admission of collect-on-delivery or insured parcels will be authorized to collect the special charges relative to these classes of articles.

ARTICLE 8 [4]

Responsibility

1. The Administrations will be responsible for loss, rifling or damage of ordinary or registered parcels.

The sender will be entitled on that account to an indemnity equivalent to the actual amount of loss, rifling or damage. This indemnity may not exceed:

10 gold francs for each parcel up to 1 kilogram;
25 gold francs for each parcel from 1 to 5 kilograms;
40 gold francs for each parcel from 5 to 10 kilograms;
55 gold francs for each parcel from 10 to 15 kilograms;
70 gold francs for each parcel from 15 to 20 kilograms.

2. The indemnity will be calculated according to the current price of merchandise of the same kind at the place where and the time when the parcel is accepted for mailing.

3. For insured parcels exchanged between those Administrations which agree to establish this type of service, the indemnity may not exceed the insured value.

4. In cases where parcels are damaged when received at the offices of destination, the latter shall draw up a report setting forth the circumstances under which the parcels were received, particularly the condition of the

[4] For an amendment of 1941, see footnote 1, p. 319.

fastenings and containers, which will be sent to the office of origin accompanied by a copy of the report and the corresponding bulletin of verification, as well as the other supporting evidence.

The addressees shall be notified of such irregularities only when the provisions of the domestic legislation of each country authorize such action.

The same procedure will be followed by the offices of origin in the case of returned parcels.

Article 9

Parcels pending delivery

1. The period for which parcels must be held at the disposal of the interested parties at the office of destination is fixed at 30 days. That period may be increased to 90 days by agreement between the Administrations concerned, it being understood that in every case the return will be effected without previously consulting the sender.

2. The senders, by virtue of the provisions contained in the preceding Section, will be obliged to indicate on the dispatch note or customs declaration what disposal is to be made of their parcels in case of non-delivery, limiting themselves to one of the following instructions:

(a) That the parcel be returned to origin;
(b) That the parcel be delivered to another addressee;
(c) That the parcel be considered as abandoned.

Article 10

Fraudulent declarations

1. In cases where it is proved that the senders of parcels, by themselves or by agreement with the addressees, falsely declare the quality, weight or measure of the contents, or in any other way attempt to defraud the fiscal interests of the country of destination by avoiding payment of import duties, concealing articles or declaring them in such a way as to show the evident intention of nullifying or reducing the amount of such duties, the Administration concerned is authorized to dispose of those articles in accordance with its domestic legislation, and neither the sender nor the addressee will have any right to delivery, return or indemnity.

2. The Administration confiscating a parcel in accordance with the preceding authorization shall notify the addressee and the Administration of origin.

Article 11

Parcels for second addressees

Senders of parcels addressed in care of banks or other organizations for delivery to second addressees will be obliged to state on the tags, labels or wrappers thereof the exact names and addresses of the persons for whom such parcels are intended. Nevertheless, the second addressee will be notified

that such parcel is on hand, and the fee provided for by Article 5 may be collected; but he may not claim delivery without the written authorization of the first addressee or of the sender. The latter shall, in that case, arrange for its delivery through the Administration of origin.

ARTICLE 12

Abandoned or returned parcels

1. Abandoned parcels, or those returned to origin which can not be delivered to the senders, will remain at the disposal of the Administration of destination or origin, as the case may be, and be treated in accordance with their domestic legislation, after the expiration of a period of 90 days.

2. The Administrations of destination may immediately return parcels which have been refused.

3. The Administrations may collect, for each parcel returned to origin as undeliverable, the following amounts:

(a) The amount due them as the terminal charge;

(b) The sea-transit charges referred to in Section 1 of Article 4;

(c) The charges due on the parcels in the country of destination on account of forwarding;

(d) The fee mentioned in letter (a) of Article 5;

(e) The storage charges indicated in letter (c) of Article 5;

(f) The repacking fee.

ARTICLE 13

Propositions in the interval between meetings

The present Agreement may be modified in the interval which transpires between Congresses, following the procedure established by the Convention of the Universal Postal Union in force.

In order to become effective, modifications must obtain:

(a) Unanimity of votes, if it is a question of introducing new provisions or modifying the present Article or Articles 1, 2, 3, 4, 5, 7, 8 and 9;

(b) Two-thirds of the votes, in order to modify the other provisions.

ARTICLE 14

Equivalents

Each Administration will determine the legal equivalent of its money with relation to the gold franc of the Universal Postal Convention.

ARTICLE 15

Matters not provided for

1. All matters not provided for by this Agreement will be governed by the provisions of the Parcel-Post Agreement of the Universal Postal Union in force and its Regulations of Execution.

2. However, the contracting Administrations may fix other details for the carrying out of the service, after previous agreement.

3. The right of the contracting countries to retain in force the regulatory procedure adopted for the execution of Conventions among themselves is recognized, provided that such procedure is not contrary to the provisions of this Agreement.

ARTICLE 16

Effective date and duration of Agreement

1. The present Agreement will become effective October 1, 1937, and will remain in force without time-limit, each of the contracting parties reserving the right to denounce it by means of notice given by its Government to that of the Oriental Republic of Uruguay one year in advance.

2. The deposit of ratifications will be effected in the city of Panama, Republic of Panama, as soon as possible. The relative certificate will be made up in regard to the ratification by each country, and the Government of Panama will send a copy of said certificate, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Parcel-Post Agreement sanctioned in Madrid on November 10, 1931,[5] are abrogated, beginning with the date on which the present Agreement becomes effective.

4. In case that the Agreement is not ratified by one or more of the contracting countries, it will nevertheless be valid for the countries which have ratified it.

5. The contracting countries may ratify this Agreement provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country, and after approval by the National Congresses, it may be confirmed through diplomatic channels.

In faith of which, the Plenipotentiaries of the countries enumerated sign the present Agreement in the city of Panama, Republic of Panama, on the 22d day of the month of December, 1936.

For Argentina:
LUIS S. LUTI

For Bolivia:
JORGE E. BOYD

For Brazil:
LEONIDAS DE SIQUEIRA MENESES
JAYME DIAS FRANÇA
JULIO SÁNCHEZ PÉREZ

For Canada:
PETER T. COOLICAN
F. E. JOLLIFFE

For Colombia:
ALFONSO PALACIO RUDAS

For Costa Rica:
ENRIQUE FONSECA ZÚÑIGA

For Cuba:
CARLOS A. VASSEUR

For Chile:
SILVERIO BRAÑAS
MIGUEL A. PARRA

For the Dominican Republic:
MANUEL DE J. QUIJANO

[5] *Ante*, p. 49.

For Ecuador:
VICTORIANO ENDARA A.
VICTOR M. NARANJO

For El Salvador:
JOSÉ E. ARJONA

For Spain:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For the United States of America:
For Harllee Branch:
JOHN E. LAMIELL
JOHN E. LAMIELL
STEWART M. WEBER

For Guatemala:
TOMÁS ARIAS

For Haiti:
ANDRÉ FAUBERT

For Honduras:
ALBERTO ZÚÑIGA

For Mexico:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For Nicaragua:
ADOLFO ALTAMIRANO BROWNE

For Panama:
JOSÉ E. ARJONA
JUAN B. CHEVALIER
JUAN BRIN
CARLOS ORTIZ R.
TOMÁS H. JÁCOME
MANUEL DE J. QUIJANO
ANGELO FERRARI

For Paraguay:
LUIS S. LUTI

For Peru:
AUGUSTO S. SALAZAR
ERNESTO CÁCERES B.

For Uruguay:
HUGO V. DE PENA

For Venezuela:
FRANCISCO VÉLEZ SALAS
CARLOS HARTMANN

FINAL PROTOCOL OF THE AGREEMENT RELATIVE TO PARCEL POST

At the moment of signing the Agreement relative to Parcel Post concluded by the Fourth Americo-Spanish Postal Congress, the undersigned Plenipotentiaries have agreed upon the following:

The Venezuelan Delegation declares that the Postal Administration of Venezuela can not accept, for the present, in its service, parcels with a weight greater than five kilograms.

Done at Panama on the 22d day of December, 1936.

For Argentina:
LUIS S. LUTI

For Bolivia:
JORGE E. BOYD

For Brazil:
LEONIDAS DE SIQUEIRA MENESES
JAYME DIAS FRANÇA
JULIO SÁNCHEZ PÉREZ

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