

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1953 No. 97

A. TITEL

*Pakketpostovereenkomst tussen het Koninkrijk der Nederlanden en
het Gemenebest van Australië;
's-Gravenhage, 22 October 1953*

B. TEKST

Agreement for an Exchange of Postal Parcels between the Kingdom of the Netherlands and the Commonwealth of Australia

The Government of the Kingdom of the Netherlands and the Government of the Commonwealth of Australia, having resolved to conclude an Agreement concerning the exchange of postal parcels between the Netherlands and Australia, have agreed on the following provisions.

Article I

There shall be a regular exchange of postal parcels both insured and uninsured between the Kingdom of the Netherlands and the Commonwealth of Australia. The exchange shall be effected per medium of the Exchange Offices of the two contracting countries as may be determined by the respective Postal Administrations.

Article II

Territorial Scope

1. In respect of the Netherlands this Agreement shall apply to the Realm in Europe only. The two contracting parties may, by an exchange of diplomatic notes, extend the present Agreement to the Netherlands Antilles, Surinam or Netherlands New Guinea.

2. In respect of Australia this Agreement shall apply to metropolitan Australia only, comprising the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania.

Article III

Except where they are inconsistent with the provisions of this Agreement the provisions of the current Parcel Post Agreement of the Universal Postal Union and of the Regulations for the execution of that Agreement shall apply to the exchange of postal parcels between the Netherlands and Australia.

Article IV

Limits of Size and Weight

1. Parcels may not exceed 3 feet 6 inches (1.05 metres) in length and the sum of the length and of the greatest circumference measured in a direction other than that of the length shall not exceed 6 feet (1.80 metres).

2. Parcels may not exceed 11 English pounds avoirdupois or 5 Kilograms.

3. For the correct computation of the weight or measurement of a parcel the opinion of the Administration of origin shall be taken as final unless an obvious error has been made.

4. The foregoing limits of size and weight shall be subject to alteration by mutual arrangement between the two Administrations.

Article V

Postage

1. The prepayment of postage shall be compulsory.

2. The postage shall be made up of the sums accruing to the Administrations (including the Administrations of the two contracting countries) taking part in the conveyance of the parcels.

3. Each Administration shall inform the other of the rates of postage which have been adopted and of any subsequent alteration of such rates.

Article VI

Payment for Conveyance

1. The despatching Administration shall bear the cost of the conveyance of the parcels to the country of destination.

2. The routes by which the parcels shall be forwarded and the ports at which the parcels shall be landed shall be determined by mutual arrangements between the two Administrations.

3. When one Administration uses for the conveyance of its parcels a vessel which is under contract to the other, payment for the service shall be made in accordance with the scale which the Administration providing the sea service has adopted for general application.

Article VII

Intermediary Services

1. The services of one Administration may at any time be utilised by the other for the transmission of parcels to any place or country with which the former has a parcels post service.
2. In the absence of any arrangement to the contrary the parcels shall be forwarded à découvert.
3. The payment for intermediary services shall be in accordance with the scale which the creditor Administration has adopted for general application to transit parcels.

Article VIII

Express and Urgent Parcels

The service of express delivery and of urgent parcels shall not be available to parcels exchanged between the two Administrations. The introduction of such services may, however, subsequently be effected by mutual consent.

Article IX

Withdrawal — Alteration of Address

The service of withdrawal of a parcel from the post or alteration of address shall not be given after the parcel has been despatched from the country of origin. It shall, however, be open to the two Administrations at a later date to mutually arrange for the provision of this service under conditions satisfactory to both parties.

Article X

Advice of Delivery

The sender of an insured parcel may obtain an advice of delivery in accordance with the provision of the Parcel Post Agreement of the Universal Postal Union but such service shall not be given in respect of an uninsured parcel. Nevertheless it shall be open to the two Administrations at a later date to mutually arrange for the extension of the "Advice of Delivery" service to uninsured parcels.

Article XI

Non-Delivery

1. Senders may request that in the event of non-delivery
 - (a) the parcel be returned to sender;
 - (b) the parcel be treated as abandoned;

(c) the parcel be delivered to another addressee in the country of destination.

Other requests are not admitted. The requests must be stated on the despatch note (if one is used) and on the parcels.

2. Undelivered parcels forwarded from one contracting Administration to the other bearing instructions by the sender which are not permitted, and undelivered parcels in respect of which there are no instructions by the sender in regard to disposal shall without notification be returned to the sender after the expiration of one calendar month, reckoned from the day following that on which the parcel was available for delivery to the addressee.

3. Fresh charges in accordance with the Regulations of the Administration returning the parcels, which charges shall be indicated on the relative parcel bill, and any charges leviable in the country of origin in connection with the return of the parcel to the sender shall be collected from the sender and apportioned among the Administrations taking part in the return of the parcel.

Article XII

Insured Parcels

The provisions of the relevant Chapters of the Parcel Post Agreement of the Universal Postal Union shall apply to insured parcels exchanged between the two Administrations, except where such provisions are inconsistent with the provisions of the following paragraphs:

(a) The maximum amount for which a parcel may be insured shall be 500 gold Francs or its equivalent in the currency of the country of origin.

(b) Compensation shall be paid in the currency determined by the paying Administration.

(c) Each Administration shall have the right to determine the fees it will charge for insurance of the parcels it despatches.

(d) The creditor Administration shall have the right to determine the amount to be credited to it in respect of the risk accepted on parcels received for delivery or for retransmission to a third country.

(e) Subject to the provisions of the foregoing paragraph the amount to be credited:

(i) to the Netherlands in respect of parcels from Australia;

(ii) to Australia in respect of parcels from the Netherlands shall be 10 gold centimes for each insured parcel.

(f) Subject also to the provisions of paragraph (d) the additional amount which shall be credited to the Administration which under-

takes the sea risk in respect of parcels despatched by the other shall be 10 gold centimes for each insured parcel.

(g) Subject also to paragraph (d) for insured parcels redirected or returned to the country of origin the additional amount to be credited to the returning Administration in respect of the sea risk in the return transmission shall be 10 gold centimes for each parcel.

(h) Insured parcels must be sealed in such a manner that no contents can be removed without leaving obvious traces of violation. The use of wax or lead is not obligatory.

(i) Insured parcels shall be entered on a separate "Insured Parcel" bill which must not contain any entries in respect of uninsured parcels. Insured parcels shall also be forwarded in separate bags and such bags shall be labelled to indicate that the contents are insured parcels. The label of the bag which contains the insured parcel bill shall bear the letter "F".

Article XIII

Cash-on-Delivery Parcels

The Cash-on-Delivery service shall not be available to parcels exchanged between the two Administrations nor to parcels from a third country received by one of the two Administrations for transmission to the other. Nevertheless it shall be open to the two Administrations at a later date mutually to arrange for the provision of this service.

Article XIV

Responsibility

1. No compensation shall be payable in respect of the loss of an uninsured parcel nor for the abstraction of or damage to the contents of an uninsured parcel.

2. No compensation shall be payable for the loss or damage of an insured parcel which arises from a cause beyond control (force majeure). The country responsible for the loss must decide, according to its internal legislation, whether the loss is due to circumstances constituting causes beyond control.

3. If the loss, abstraction or damage has occurred in course of conveyance and it cannot be determined on which territory or in which service the irregularity took place, the Administrations concerned shall bear the loss in equal shares.

4. In the absence of other arrangements between the two Administrations compensation in respect of insured parcels containing liquids or semi-liquids, articles of a perishable character, or articles of exceptionally fragile nature, shall be payable only in the event

of the loss of the entire parcel. Each Administration shall furnish the other with a description of the articles to which it has been decided this stipulation shall apply. Three months' notice shall be given of any modification of the arrangement.

Article XV

Terminal Credits

1. In respect of each parcel posted in Australia for delivery in the Netherlands the Administration of the latter country shall receive 0.50, 0.65 and 0.80 gold Francs for parcels not exceeding 1, 3 and 5 Kilograms respectively.

2. In respect of each parcel posted in the Netherlands for delivery in Australia the Administration of the latter country shall receive 0.80, 1.10, and 1.40 gold Francs for parcels not exceeding 1, 3 and 5 Kilograms respectively.

3. The creditor Administration shall have power to alter the relative foregoing amounts after the expiration of four months from the date of notice to the other Administration if the notice is given by post or after three months if the notice is given by telegraph.

Article XVI

Accounts and settlement of Account Balance

1. (a) Each Administration shall prepare quarterly statements showing details, and corresponding credits, of parcel despatches received from the other Administration.

(b) Separate statements shall be prepared by the Netherlands Administration for the parcel mails despatched by each Australian Office of exchange.

2. A Summary statement showing the total credits due by the despatching country shall also be prepared by the receiving Administration and this Summary, together with the detailed statements referred to in paragraph 1, shall be sent from the creditor to the debtor Administration as early as possible and not later than the end of the third month following the close of the Accounting period.

3. The statements shall conform to designs mutually agreed upon between the two contracting Administrations.

4. The statements (detailed and Summary) shall be verified by the debtor Administration and an accepted copy of each returned to the creditor Administration as soon as possible.

5. Immediately following notification of acceptance each Administration shall ascertain whether it is a debtor or a creditor in respect of parcels forwarded in both directions. The debtor Administration shall forthwith advise the creditor Administration of the net balance and at the same time arrange for settlement of such net balance.

Article XVII

Measures of Detail

The Administrations shall have power to decide by mutual arrangement all measures of detail concerning the carrying out of this Agreement and the exchange of parcels.

Article XVIII

The present Agreement shall come into force on the date of its signature with retroactive effect from 1st July, 1953, and shall remain in force until one year after the date on which one party has given notice to the other party of its intention to terminate it.

In faith whereof the undersigned representatives, duly authorised for that purpose, have signed the present Agreement.

Done at The Hague, this 22nd day of October, 1953, in two copies in the English language.

For the Government of the
Kingdom of the Netherlands:

(sd.) J. W. BEYEN.
(sd.) J. LUNS.

For the Government of the
Commonwealth of Australia:

(sd.) Alfred STIRLING.

D. GOEDKEURING

Op grond van artikel 62, eerste lid, sub *a*, van de Grondwet en artikel 10, lid 2, van de Pakketpostwet (*Stb.* 1881 No. 70) zoals die is gewijzigd en aangevuld (*Stb.* 1917 No. 566) werd de Overeenkomst geacht niet de goedkeuring der Staten-Generaal te behoeven, alvorens voor Nederland in werking te kunnen treden. Het tweede lid van genoemd artikel 10 luidt: „Het vervoer van pakketten met de post, in verkeer met de Nederlandsche bezittingen en koloniën, alsmede met vreemde Staten, wordt door Ons geregeld in overeenstemming, voor zooveel het verkeer met vreemde Staten betreft, met de overeenkomsten of schikkingen, die daaromtrent met vreemde regeringen of postadministratiën mochten tot stand komen.” Deze Wet is gecontrasigneerd door de Minister van Waterstaat, Handel en Nijverheid G. J. G. KLERCK.

G. INWERKINGTREDING

De bepalingen der Overeenkomst zijn ingevolge artikel XVIII op 22 October 1953 in werking getreden, met terugwerkende kracht te rekenen van 1 Juli 1953 af. Voor wat Nederland betreft is de Overeenkomst op grond van artikel II, eerste lid, slechts toepasselijk op het Rijk in Europa.

H. TOEPASSELIJKVERKLARING

Een notawisseling betreffende de toepasselijkheid van deze Overeenkomst op een van de Nederlandse overzeese Rijksdelen, zoals bedoeld in artikel II, eerste lid, heeft niet plaats gevonden.

J. GEGEVENS

De tekst van de bij het Algemeen Postverdrag behorende Overeenkomst betreffende de postpakketten, ondertekend te Brussel op 11 Juli 1952, naar welke Overeenkomst wordt verwezen in de artikelen III, X en XII van de onderhavige Overeenkomst, is in *Trbl.* 1953 No. 20 (blz. 147 e.v.) geplaatst.

Uitgegeven de zesde November 1953.

De Minister van Buitenlandse Zaken,
J. W. BEYEN.