

Council of Administration
Memorandum of understanding between the UPU and the European Conference of Postal and Telecommunications Administrations
Memorandum by the Secretary General
(Agenda item 8)

1 Subject Presentation of a memorandum of understanding between the UPU and the European Conference of Postal and Telecommunications Administrations to pursue activities together in the fields of technical cooperation and information sharing.	References/paragraphs §§ 1 to 4 and Annex 1
2 Decision expected The Council is asked to take note of this document.	§ 5

1 The European Conference of Postal and Telecommunications Administrations (CEPT) is a restricted union and actively participates in the work of the UPU, particularly through the European Committee for Postal Regulation (CERP). CEPT has supported the joint implementation of UPU regional development plans in the past and has contributed resources for related projects.

2 In particular, CEPT has worked with the UPU by providing invaluable expertise in seminars for regulators for the Common Market for Eastern and Southern Africa (COMESA), and as part of regulatory projects in Swaziland. These joint projects have been set up on an ad hoc basis.

3 In view of the success of these projects, CEPT approached the UPU International Bureau with the idea of formalizing this cooperation in a memorandum of understanding between the two bodies. The attached memorandum has been finalized and was approved by CEPT members in December 2012.

4 The two organizations wish to establish a framework for cooperation in areas defined in the memorandum of understanding. The aims are to promote and exchange best practices among UPU member countries and restricted unions, through cooperation in specialized studies, as well as on projects within their respective fields of competence, including multi-year integrated projects associated with UPU regional development plans and projects established on a bilateral basis with UPU member countries and other restricted unions.

5 The Council of Administration is asked to take note of this document.

Berne, 12 March 2013

Bishar A. Hussein
Secretary General

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14.3.2013

MEMORANDUM OF UNDERSTANDING

Between

the Universal Postal Union, a specialized agency of the United Nations duly represented by the Director General of its International Bureau and having its headquarters at Weltpoststrasse 4, 3000 Berne 15, Switzerland (hereinafter the "UPU");

and

the European Conference of Postal and Telecommunications Administrations, a European intergovernmental organization represented by its Co-President (hereinafter "CEPT");

the UPU and CEPT may also be referred to individually as "Party", or collectively as "Parties".

Preamble

Whereas

- the UPU is an intergovernmental organization whose mission is to facilitate communication by guaranteeing the free circulation of postal items over a single postal territory composed of interconnected networks and by encouraging the adoption of fair common standards and the use of technology, ensuring cooperation and interaction among stakeholders and the satisfaction of customers' changing needs;
- the aim of the UPU is, moreover, to secure the organization and improvement of postal services and to promote in this sphere the development of international collaboration;
- a number of UPU resolutions recognize the contribution of restricted unions and invite them to participate in fields such as development cooperation, market development, postal sector reform, and other policy and regulatory issues;
- restricted unions, gathering UPU member countries (or their designated operators if the legislation of those member countries so permits) within the meaning provided for in the Constitution of the UPU, are established to promote further cooperation on international postal services;
- CEPT is a restricted union whose essential aims are to strengthen relations between its members, to promote cooperation between them and to contribute to creating a dynamic market by establishing necessary contacts and cooperation with other regional organizations and their members;
- CEPT actively participates in the work of the UPU, particularly through its European Committee for Postal Regulation (CERP);
- CEPT has been supporting the joint implementation of UPU regional development plans and providing the necessary resources for this;
- the Parties wish to further promote the realization of their statutory objectives, within the framework of their respective basic Acts and of their resolutions and decisions;
- the Parties agree that improving synergies and strengthening mutual cooperation would be beneficial to the international postal service;
- the Parties wish to coordinate their efforts in order to exchange information and promote best practices for the development of the international postal service in UPU member countries,

The Parties have agreed to mutually pursue cooperation activities in the fields of technical cooperation and information sharing through this Memorandum of Understanding (hereinafter "MoU") as follows:

Article 1

Scope and areas of cooperation

- 1 The objective of this MoU is to establish a framework within which the Parties may cooperate in areas of common interest, including without limitation the following areas:
 - 1.1 Definition of universal postal service obligations and financing thereof;
 - 1.2 Cost accounting and price regulation of international postal services;
 - 1.3 Postal regulation issues;
 - 1.4 Postal sector policy;
 - 1.5 Issues related to national postal regulatory authorities;
 - 1.6 Consumer issues;
 - 1.7 Market supervision;
 - 1.8 Sustainable development.
- 2 The Parties agree to collaborate in the areas referred to above (or in other areas subject to mutual agreement of the Parties) through the promotion and exchange of best practices among UPU member countries and restricted unions, through joint cooperation in specialized studies, as well as through the provision of relevant input to each other for projects within their respective fields of competence (including multi-year integrated projects associated with UPU regional development plans and projects established on a bilateral basis with UPU member countries and other restricted unions).

Article 2

Secretariat activities and mutual representation

- 1 The secretariats of both Parties shall be charged with overseeing proper implementation and execution of this MoU, including the provision of information and recommendations on progress of cooperation activities, as well as any additional measure needed to ensure efficient and proper coordination and planning between the Parties for the purposes of this MoU.
- 2 The secretariats of both Parties shall, as far as reasonably possible, conduct their business by electronic mail or other remote means (including electronic document handling means for the exchange of documents). A list of contact persons for each Party shall be exchanged by the Parties' respective secretariats.
- 3 The development of any specific project related to the implementation of activities undertaken under the terms of this document may be subject to the conclusion of separate and specific agreements between the Parties.
- 4 One Party may participate, without voting rights, in meetings organized by the other Party whenever agenda items are discussed in the areas of mutual interest defined herein. Notwithstanding the foregoing, the participation of one Party in meetings of the other Party shall be without prejudice to the relevant Party's rules of procedure and organizational provisions.

Article 3

Entry into force, duration and termination

- 1 The MoU shall come into effect on the last date of its signature by the Parties and remain in force for four (4) years, unless terminated by mutual consent of the Parties or by either Party giving three (3) months' written notice of termination to the other Party.

Article 4**Amendments, consultation procedures and final provisions**

- 1 This MoU may be amended at any time upon written agreement of both Parties.
- 2 The Parties shall exercise their good faith efforts to resolve, through mutual negotiations, any disagreement between them arising from or in connection with this MoU.
- 3 This MoU or any other written commitment between the Parties shall not represent, and shall in no way imply, a partnership, joint venture or employment between the Parties, or an authorization for either Party to act as the agent or representative of the other Party. Except as agreed by the Parties in this MoU, neither Party shall have any right or authority to assume, create, or incur any liability or other legal obligation of any kind, express or implied, in the name of, or on behalf of, the other Party.
- 4 No Party may assign, sublicense, subcontract, pledge or otherwise transfer or dispose of this MoU, or any of the rights and obligations contained herein, without the prior written consent of the other Party.
- 5 Should any provision of this MoU be held invalid or prohibited, such provision shall be ineffective only to the extent of such invalidity or prohibition and shall not invalidate the remainder of such provision or the remaining provisions of this MoU.
- 6 CEPT shall not, without the prior written consent of the UPU, use the emblem, name or initials of the UPU in connection with its activities for purposes of commercial advantage or goodwill. Moreover, CEPT shall take all necessary measures to ensure compliance with this provision by its agents, employees and subcontractors. The provisions contained in this article shall equally apply, mutatis mutandis, to the name and trademarks of CEPT referred to or used in connection with this MoU. In this regard, publication of any announcements or press releases concerning the activities undertaken by the Parties in application of this MoU shall be subject to a joint decision of the Parties.
- 7 Nothing in this MoU or relating to the cooperation activities described herein shall be deemed as a waiver, expressed or implied, of any of the privileges, immunities and facilities which the UPU enjoys as a specialized agency of the United Nations.

In witness whereof, the Parties hereto, acting through their duly authorized representatives, have affixed their signatures to this MoU in two (2) originals in the English language, one for each Party.

For the UPU

For CEPT

Bishar A. Hussein
Director General

Ulrich Dammann
Co-President

Place and date: _____

Place and date: _____