

Treaty of Berne

Treaty Concerning the Formation of a General Postal Union, Concluded Between Germany, Austria-Hungary, Belgium, Denmark, Egypt, Spain, The United States of America, France, Great Britain, Greece, Italy, Luxemburg, Norway, The Netherlands, Portugal, Roumania, Russia, Servia, Sweden, Switzerland, and Turkey.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, have by common consent, and subject to ratification, agreed upon the following Convention:

ARTICLE 1

The countries between which the present treaty is concluded shall form, under the title of General Postal Union, a single postal territory for the reciprocal exchange of correspondence between their post-offices.

ARTICLE 2

The stipulations of this treaty shall extend to letters, post-cards, books, newspapers, and other printed papers, patterns of merchandise, and legal and commercial documents originating in one of the countries of the Union and intended for another of those countries. They shall also apply to the exchange by post of the articles above mentioned between the countries of the Union and countries foreign to the Union whenever such exchange takes place over the territory of two at least of the contracting parties.

ARTICLE 3

The general Union rate of postage is fixed at 25 centimes for a single prepaid letter.

Nevertheless, as a measure of conversion, the option is reserved to each country, in order to suit its monetary or other requirements, of levying a rate higher or lower than this charge, provided that it does not exceed 32 centimes or go below 20 centimes.

Every letter which does not exceed 15 grammes in weight shall be considered a single letter. The charge upon letters exceeding that weight shall be a single rate for every 15 grammes or fraction of 15 grammes.

The charge on unpaid letters shall be double the rate levied in the country of destination on prepaid letters.

The prepayment of post-cards is compulsory. The postage to be charged upon them is fixed at one-half of that on paid letters, with power to round off the fractions.

For all conveyance by sea of more than 300 nautical miles within the district of the Union, there may be added to the ordinary postage an additional charge which shall not exceed the half of the general Union rate fixed for a paid letter.

ARTICLE 4

The general Union rate for legal and commercial documents, patterns of merchandise, newspapers, stitched or bound books, pamphlets, music, visiting cards, catalogues, prospectuses, announcements and notices of various kinds, whether printed, engraved, lithographed, or autographed, as well as for photographs, is fixed at 7 centimes for each single packet.

Nevertheless, as a measure of conversion, the option is reserved to each country, in order to suit its monetary or other requirements, of levying a rate higher or lower than this charge, provided that it does not exceed 11 centimes or go below 5 centimes.

Every packet which does not exceed 50 grammes in weight shall be considered a single packet. The charge upon packets exceeding that weight shall be a single rate for every 50 grammes or fraction of 50 grammes.

For all conveyance by sea of more than 300 nautical miles within the district of the Union, there may be added to the ordinary postage an additional charge which shall not exceed the half of the general Union rate fixed for articles of this class.

The maximum weight of the articles mentioned above is fixed at 250 grammes for patterns of merchandise, and at 1000 grammes for all the others.

There is reserved to the Government of each country of the Union the right to refuse to convey over its territory or to deliver articles specified in the present Article with regard to which the laws, orders, and decrees which regulate the conditions of their publication and circulation have not been observed.

ARTICLE 5

The articles specified in Article 2 may be registered.

Every registered packet must be prepaid.

The postage payable on registered articles is the same as that on articles not registered.

The charge to be made for registration and for return receipts must not exceed that made in the interior service of the country of origin.

In case of the loss of a registered article, except in the case of vis major, there shall be paid an indemnity of 50 francs to the sender, or, at his request, to the addressee, by the Administration of the country in the territory or in the maritime service of which the loss has occurred-that is to say, where the trace of the article has been lost, unless, according to the legislation of such country, the Administration is not responsible for the loss of registered articles sent through its interior post.

The payment of this indemnity shall be effected with the least possible delay, and, at the latest, within a year from the date of application.
All claim for an indemnity is excluded if it be not made within one year, counting from the date on which the registered article was posted.

ARTICLE 6

Prepayment of postage on every description of article can be effected only by means of postage-stamps or stamped envelopes valid in the country of origin.

Newspapers and other printed papers unpaid or insufficiently paid shall not be forwarded. Other articles when unpaid or insufficiently paid shall be charged as unpaid letters, after deducting the value of the stamped envelopes or postage-stamps (if any) employed.

ARTICLE 7

No additional postage shall be charged for the re-transmission of postal articles within the interior of the Union.
But in case an article which has only passed through the interior service of one of the countries of the Union should, by being re-directed, enter into the service of another country of the Union, the Administration of the country of destination shall add its interior rate.

ARTICLE 8

Official correspondence relative to the postal service is exempt from postage. With this exception, no franking or reduction of postage is allowed.

ARTICLE 9

Each Administration shall keep the whole of the sums which it collects by virtue of the foregoing Articles 3, 4, 5, 6, and 7. Consequently, there will be no necessity on this head for any accounts between the several Administrations of the Union.
Neither the senders nor the addressees of letters and other postal packets shall be called upon to pay, either in the country of origin or in that of destination, any tax or postal duty other than those contemplated by the Articles above mentioned.

ARTICLE 10

The right of transit is guaranteed throughout the entire territory of the Union.
Consequently, there shall be full and entire liberty of exchange, the several Postal Administrations of the Union being able to send reciprocally, in transit through intermediate countries, closed mails as well as correspondence in open mails, according to the requirements of trade and the exigencies of the postal service.
Closed mails and correspondence sent in open mails must always be forwarded by the most rapid routes at the command of the Postal Administrations concerned.
When several routes offer the same advantages of speed, the despatching Administration shall have the right of choosing the route to be adopted.
It is obligatory to make up closed mails whenever the number of letters and other postal packets is of a nature to hinder the operations of the re-forwarding office, according to the declaration of the Administration interested.
The despatching Office shall pay to the Administration of the territory providing the transit, the sum of 2 francs per kilogramme for letters and 25 centimes per kilogramme for the several articles specified in Article 4, net weight, whether the transit takes place in closed mails or in open mails.
This payment may be increased to 4 francs for letters and to 50 centimes for the articles specified in Article 4, when a transit is provided of more than 750 kilometers in length over the territory of one Administration.
It is understood, however, that in any case in which the transit is already actually gratuitous or subject to lower rates, those conditions shall be maintained.
Whenever a transit shall take place by sea over a distance exceeding 300 nautical miles within the district of the Union, the Administration by or at the expense of which this sea-service is performed shall have the right to a payment of the expenses attending this transport.
The members of the Union engage to reduce those expenses as much as possible. The payment which the Office providing the sea-conveyance may claim on this account from the despatching Office shall not exceed 6 francs 50 centimes per kilogramme for letters, and 50 centimes per kilogramme for the articles specified in Article 4, (net weight.)
In no case shall these expenses be higher than these now paid. Consequently, no payment shall be made upon the postal sea routes on which nothing is paid at the present time.
In order to ascertain the weight of the correspondence forwarded in transit, whether in closed mails or in open mails, there shall be taken, at periods which shall be determined upon by common consent, the statistics of such correspondence during two weeks.
Until revised, the result of that labor shall serve as the basis of the accounts of the Administrations between themselves.
Each Office may demand a revision,-
1st. In case of any important modification in the direction of the correspondence;
2d. At the expiration of a year after the date of the last account.

The provisions of the present Article are not applicable to the Indian mail, nor to the mails conveyed across the territory of the United States of America by the railways between New York and San Francisco. Those services shall continue to form the object of special arrangements between the Administrations concerned.

ARTICLE 11

The relations of the countries of the Union with countries foreign to the Union shall be regulated by the separate conventions which now exist or which may be concluded between them.

The rates of postage chargeable for the conveyance beyond the limits of the Union shall be determined by those conventions; they shall be added, in such case, to the Union rate.

In conformity with the stipulations of Article 9, the Union rate shall be apportioned in the following manner:

1st. The despatching Office of the Union shall keep the whole of the Union rate for the prepaid correspondence addressed to foreign countries.

2d. The receiving Office of the Union shall keep the whole of the Union rate for the unpaid correspondence originating in foreign countries.

3d. The Office of the Union which exchanges closed mails with foreign countries shall keep the whole of the Union rate for the paid correspondence originating in foreign countries and for the unpaid correspondence addressed to foreign countries.

In the cases mentioned under the Nos. 1, 2, and 3, the Office which exchanges the mails is not entitled to any payment for transit.

In all the other cases the transit rates shall be paid according to the stipulations of Article 10.

ARTICLE 12

The exchange of letters with value declared and of Post Office money orders shall form the subject of ulterior arrangements between the various countries or groups of countries composing the Union.

ARTICLE 13

The Postal Administrations of the various countries composing the Union are competent to draw up, by common consent, in the form of detailed regulations, all the measures of order and detail necessary with a view of the execution of the present treaty. It is understood that the stipulations of these detailed regulations may always be modified by the common consent of the Administrations of the Union.

The several Administrations may make amongst themselves the necessary arrangements on the subject of questions which do not concern the Union generally; such as the regulations of exchange at the frontier, the determination of radii in adjacent countries within which a lower rate of postage may be taken, the conditions of the exchange of Post Office money orders and of letters with declared value, etc., etc.

ARTICLE 14

The stipulations of the present treaty do not involve any alteration in the interior postal legislation of any country, nor any restriction of the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted unions with a view to a progressive improvement of postal relations.

ARTICLE 15

There shall be organized, under the name of the International Office of the General Postal Union, a central office, which shall be conducted under the surveillance of a Postal Administration to be chosen by the Congress, and the expenses of which shall be borne by all the Administrations of the contracting States.

This office shall be charged with the duty of collecting, publishing, and distributing information of every kind which concerns the international postal service; of giving, at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the detailed regulations; of giving notice of alterations adopted; of facilitating operations relating to international accounts, especially in the cases referred to in Article 10 foregoing; and in general of considering and working out all questions in the interest of the Postal Union.

ARTICLE 16

In case of disagreement between two or more members of the Union as to the interpretation of the present treaty, the question in dispute shall be decided by arbitration. To that end, each of the Administrations concerned shall choose another member of the Union not interested in the affair.

The decision of the arbitrators shall be given by an absolute majority of votes.

In case of an equality of votes the arbitrators shall choose, with the view of settling the difference, another Administration equally disinterested in the question in dispute.

ARTICLE 17

The entry into the Union of countries beyond sea not yet forming part of it, shall be effected on the following conditions:-

- 1st. They shall make their application to the Administration charged with the management of the International Office of the Union.
- 2d. They shall submit to the stipulations of the treaty of the Union, subject to an ulterior understanding on the subject of the cost of sea conveyance.
- 3d. Their adhesion to the Union must be preceded by an understanding between the Administrations having postal conventions or direct relations with them.
- 4th. In order to bring about this understanding, the managing Administration shall convene, if there be occasion, a meeting of the Administrations interested, and of the Administration desiring admission.
- 5th. When the understanding has been arrived at, the managing Administration shall give notice of the same to all the members of the General Postal Union.
- 6th. If in a period of six weeks, counting from the date of that communication, no objections are presented, the adhesion shall be considered as accomplished, and notice thereof shall be given by the managing Administration to the Administration joining the Union. The definitive adhesion shall be completed by a diplomatic act between the Government of the managing Administration and the Government of the Administration admitted into the Union.

ARTICLE 18

Every three years at least, a Congress of plenipotentiaries of the countries participating in the treaty shall be held with a view of perfecting the system of the Union, of introducing into it improvements found necessary, and of discussing common affairs. Each country has one vote. Each country may be represented either by one or several delegates, or by the delegation of another country. Nevertheless, it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the one they represent. The next meeting shall take place at Paris, in 1877. Nevertheless, this meeting may be held sooner, if a request to that effect be made by one-third at least of the members of the Union.

ARTICLE 19

The present treaty shall come into force on the 1st of July, 1875. It is concluded for three years from that date. When that term shall have passed, it shall be considered as indefinitely prolonged, but each contracting party shall have the right to withdraw from the Union on giving notice one year in advance.

ARTICLE 20

After the date on which the present treaty comes into effect, all the stipulations of the special treaties concluded between the various countries and Administrations, in so far as they may be at variance with the terms of the present treaty, and without prejudice to the stipulations of Article 14, are abrogated. The present treaty shall be ratified as soon as possible, and, at the latest, three months previous to the date on which it is to come into force. The acts of ratification shall be exchanged at Berne. In faith of which the plenipotentiaries of the Governments of the countries above enumerated have signed it at Berne, the 9th of October, 1874.

For the United States of America: JOSEPH H. BEACKFAN
For Germany: STEPHAN GUNTHER
For Austria: LE BARON DE KOLBENSTEINER PILHAL
For Hungary: M. GERVAY & P. HEIM
For Belgium: FAS SIAUX VINCHENT & J. GIFE
For Denmark: FENGER
For Egypt: MUZZI BEY
For Spain ANGEL MANSI & . EMILIO C. DE NAVASQUES
For France: (May 3, 1875,) B. D HARCOURT
For Great Britain: WM. JAS PAGE
For Greece: A. MANSOLAS & A. H. BETANT
For Italy: TANTESIO
For Luxemburg: VON ROEBE
For Norway: C. OPPEN
For the Netherlands: HOFSTEDDE & B. SWEERTS DE LANDAS-WYBORGH
For Portugal: EDUARDO LESSA
For Roumania: GEORGE F. LAHOVARI
For Russia: BARON VELHO & GEORGES POGGENPOHL
For Servia: MLADEN Z. RADOYCOVITCH
For Sweden: W. ROOS
For Switzerland: EUGENE BOREL & NAEFF & DR. J. HEER
For Turkey: YANCO MACRIDI

FINAL PROTOCOL

The undersigned plenipotentiaries of the Governments of the countries which have to-day signed the treaty concerning the formation of a General Postal Union, have agreed as follows:

In case the French Government, which has reserved to itself the open protocol, and which appears in consequence in the number of the contracting parties to the treaty without having yet given to it its adherence, should decide not to sign it, this treaty shall be no less definitive and obligatory for all the other contracting parties whose representatives have signed it to-day.^[1]

In faith of which the undersigned plenipotentiaries have prepared the present final protocol, which shall have the same force and value as if the provisions it contains were inserted in the treaty itself, and they have signed one copy of it, which shall remain in the archives of the Government of the Swiss Confederation, and a copy of which shall be given to each party.

BERNE, October 9, 1874

For Germany: STEPHAN GUNTHER

For Austria: LE BARON DE KOLBENSTEINER PILHAL

For Hungary: M. GERVAY & P. HEIM

For Belgium: FAS SIAUX VINCHENT & J. GIFE

For Denmark: FENGER

For Egypt: MUZZI BEY

For Spain: ANGEL MANSI & EMILIO C. DE NAVASQUES

For the United States of America: JOSEPH H. BLACKFAN

For Great Britain : w. J. PAGE

For Greece: A. MANSOLAS & A. H. BETANT

For Italy : TANTESIO

For Luxemburg: V. DE ROEBE

For Norway: C. OPPEN

For the Netherlands: HOFSTEDE & B. SWEERTS DE LANDAS-WYBORGH

For Portugal: EDUARDO LESSA

For Roumania: GEORGE F. LAHOVARI

For Russia: BARON VELHO & GEORGES POGGENPOHL

For Servia: MEADEN Z. RADOYCOVITCH

For Sweden: W. Roos

For Switzerland: EUGENE BOREL & NAEFF & DR. J. HEER

For Turkey: YANCO MACRIDI

[For text of regulations for execution of the treaty, see 19 Stat. 592.]

Notes

1. [↑] The convention was signed for France on May 3, 1875, subject to conditions and reservations assented to by the other contracting parties. These conditions and reservations, recorded in the proces-verbal of exchange of ratifications of May 3, 1875 (19 Stat. 590), read, in translation, as follows:
"France gives its adhesion to the Treaty, subject to the approval of the National Assembly
"1st. This convention may enter into effect, so far as France is concerned, as late as the 1st of January, 1876;
"2d. The compensation to be paid for territorial transit shall be adjusted according to the actual route traversed, but at the same rates as those established by the Treaty constituting the General Postal Union.
"3d. There shall be no modification made in relation to the tariffs established in the Treaty of the 9th October, 1874, except by the unanimous vote of the countries of the Union represented at the Congress."