

法規名稱：MEMORANDUM OF UNDERSTANDING CONCERNING THE EXCHANGE OF INTERNATIONAL EMS/SPEEDPOST SERVICE BETWEEN THE POSTAL ADMINISTRATIONS OF SULTANTE OF OMAN AND THE REPUBLIC OF CHINA (A.D.1987.2.23)

簽訂日期：民國 76 年 02 月 23 日

生效日期：民國 76 年 02 月 20 日

Article 1

Purpose of the Memorandum

This Memorandum regulates the reciprocal exchange of International EMS/SPEEDPOST between contracting administrations.

Article 2

Definitions

The terms used hereafter bear the following significance :

- 1 Programmed Service - The service which allows the sender to send items to an addressee in accordance with a previously fixed schedule, on the basis of a contract.
- 2 On--demand Service -- The service which allows the sender to send items to an addressee without a previously fixed schedule and upon a non--contractual basis.

Article 3

Programmed Service

- 1 Each administration offers a programmed service on a contractual basis to users who agree to use the service on a previously fixed level of frequency for sending their items to a designated addressee.
- 2 Each administration supplies the other administration with a list of localities to which the service is available and with an approximate table of delivery times for items in each locality, based on arriving timetable of air services.
- 3 When a contract for programmed service is concluded, the administration of origin shall provide the administration of destination the following information, at least 10 days before the service comes into operation :

- a) The contract number of the user concerned in each despatch ;
 - b) The names and addressees of the sender and the designated addressee;
 - c) The days on which items are to be despatched ;
 - d) Flights to be used;
 - e) Date and time of delivery of the item, determined during the preliminary enquiry ;
 - f) The date fixed for the despatch of the first item.
- 4 Similar notices shall also be given to the receiving administration before a service is altered or terminated.

Article 4

On-demand Service

- 1 Each administration offers an on-demand service, operated on a noncontractual basis.
- 2 Each administration supplies the other with a list of localities to which EMS items may be sent.
- 3 Each administration supplies the other with an approximate schedule of delivery times for each locality where on-demand service is admitted. This schedule shall be based on the arriving timetable of flights used for transporting of the said items.
- 4 Each administration informs the other of all the identifying marks or figures used for on-demand service.

Articles 5

Admissible Articles

- 1 From the Republic of China to Oman or from Oman to the Republic of China, the service will operate for business papers, samples and merchandise.
- 2 Items containing samples or merchandise should be accompanied by a C1 or C2 / CP3 form.

Article 6

Fees to be Paid by the Sender

Each administration determines the fees to be paid by senders for dispatch of their items and keeps the whole of the revenue obtained.

Article 7

Expenses and Fees to be Paid by the Addressee

Each administration is authorised to collect from the addressee the customs charges and any other non-postal fees.

Article 8

Postage

The items shall be franchised in accordance with the method admitted by the administration of origin.

Article 9

Prohibitions

The prohibitions of the Universal Postal Convention shall apply in all cases.

Article 10

Customs Inspection

- 1 All bags and packets subject to customs examination shall be resealed by the customs officers and indication of such inspection shall be evident by a customs seal or stamp.
- 2 The parties shall undertake to expedite customs clearance of incoming items, to ensure delivery to addressee within the shortest possible time.

Article 11

Size and Weight Limits

- 1 The limit of size of each item shall be 105cm for any one dimension and 200cm for the sum of the length and the girth.
- 2 The weight limit of each item shall not exceed 15kg.

Article 12

Treatment of Items wrongly Accepted

- 1 When an item containing an article prohibited under Article 9 has been wrongly admitted to the post, the prohibited article is dealt with according to the legislation of the administration establishing its presence.
- 2 When the weight or the dimension of an item exceed the limits established under Article 11, it is returned to the administration of origin as an EMS item, if the regulations of the administration of destination do not permit delivery.
- 3 When a wrongly admitted item is neither delivered to the addressee nor returned to origin, the administration of origin is informed how the item has been dealt with and of the reasons justifying such treatment.

Article 13

Undeliverable Items Return to Origin

- 1 After every reasonable effort to deliver an item has proved unsuccessful, the item is held at the disposal of the addressee for the period of retention provided for by the internal regulations at the administration of destination.
- 2 An item refused by the addressee or any other undeliverable item is returned, at no charge, to the administration of origin by international EMS service.

Article 14

Items or Bags Arriving out of Course and to be Redirected

Each item or bag arriving out of course is redirected at no charge to its proper destination by the most direct route used by the administration which has received the item or bag.

Article 15

Enquiries

- 1 Each administration is to reply as soon as possible to request

for information in respect of any item.

- 2 Regular requests for confirmation of delivery are not admitted as a rule.
- 3 Requests for information are accepted only within four months of the day following the date of posting.

Article 16

Remuneration in the Case of Imbalance

- 1 At the end of each year, the administration which has received a large quantity of EMS items than it has sent during that year shall have the right to collect from the other administration as compensation, an imbalance charge for the handling and delivery costs it has incurred for each additional item received.
- 2 Each administration shall establish an imbalance charge per item which shall correspond to the costs of services.
- 3 Modifications of the imbalance charge may be made as follows :
 - a) Each administration may increase its imbalance charge when such an increase is necessary due to an increase in the costs of services.
 - b) To be applicable, any such modification of the imbalance charge must :
 - (i) be communicated to the other administration at least three months in advance;
 - (ii) remain in force for at least one year.
- 4 No imbalance charge shall be collected if the difference in the number of items exchanged is less than one hundred.

Article 17

Internal Air Conveyance Dues

Each administration which provides air conveyance of items within its country shall be entitled to reimbursement of internal air conveyance dues at rates established in the provisions of the Convention which govern internal air conveyance dues.

Article 18

Transit Despatches

- 1 The administrations shall agree to provide transit by air for despatches sent via their respective services. They will advise one another of reforwarding and transit facilities.
- 2 In accordance with Paragraph 1 above, each administration shall undertake to provide transit for despatches addressed to or originating from another administration with which EMS items are exchanged, and advise the approximate time required for carrying out this service.

Article 19

Liability of Administrations

Each administration decides its own compensation policy in the case of loss, damage, theft or delay. Payment of compensation, if any, is to be the sole responsibility of the administration of origin. Neither administration may claim indemnification from the other administration.

Article 20

Temporary Suspension of Service

Where justified by extraordinary circumstances, either administration may temporarily suspend service. The other administration must be informed immediately of such suspension and of the resumption, if need be by telegram, telex or telephone.

Article 21

Application of the Convention

The Convention is applicable by analogy in all cases not expressly described in this Memorandum.

Article 22

Duration of Memorandum

The Memorandum will remain valid for six months after notice of termination is given by one or other of the contracting adminis-

trations. The administrations can agree to extend this period to one year.

Article 23

Effective Date

The present Memorandum becomes effective on February 20, 1987.

FOR THE POSTAL ADMINISTRATION OF SULTANATE OF OMAN

[Signed]

FOR THE POSTAL ADMINISTRATION OF THE REPUBLIC OF CHINA

[Signed]

Charles C. Y. Wang

Director General of Posts

Taipei

Date : February 23, 1987