

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE POSTAL ADMINISTRATIONS OF LAOS AND OF TAIWAN, ROC CONCERNING EMS (AD.1994.10.07)

簽訂日期：民國 83 年 10 月 07 日

生效日期：民國 83 年 11 月 11 日

#### ARTICLE 1

Object of the Understanding and Definition

1.The service established by this Memorandum of Understanding between the contracting administrations is the International Expedited MailService (EMS). This corresponds to "Priority Courier International/Messageries Prioritaires Internationals" in LACS and "EMS/SPEEDPOST" in Taiwan, ROC.

The service as defined under this agreement will be for items destined for delivery in LACS and TAIWAN.

2.The EMS service shall be the quickest postal service by physical means. It shall consist of the collection, dispatch and delivery in a very short space of time of correspondence, documents of goods.

#### ARTICLE 2

International EMS within the Meaning of the Present Agreement Each administration agrees to accept the following types of EMS items from the administration of posting:

- programmed items;
- on-demand items.

#### ARTICLE 3

Programmed Items

1.Programmed items shall be accepted on the basis of contract between the administration of posting and the sender. This contract shall lay down the timetable for posting and conveying EMS items as well as their frequency.

2.Each administration shall provide the administration of origin with a schedule of approximate delivery times to each location services, based upon scheduled flight arrival times.

3.For each programmed service contract, the administration of origin will provide the other administration with the following information at least ten (10) days prior to commencing service pursuant to such contract.

- (I) the identification number of the customer contract, which number must be indicated on each item sent;
- (ii) the name and address of the sender and the addressee;
- (iii) the days designated for despatch of items;
- (iv) the time of day delivery is requested;
- (v) the airline(s) and flight number(s) to be used; and
- (vi) the starting date of the link.

4.Any amendments to the information provided in accordance with this paragraph is notified without delay, if need be by teleg-

ram , telex, telephone or facsimile.

#### ARTICLE 4

##### On-demand Items

1. On-demand items shall be accepted without any contractual arrangement and without any previously laid down frequency.
2. Each administration will provide the administration of origin with a schedule of approximate delivery times to each location to which on-demand service is available based upon the schedule of the international flights used to carry on-demand items.
3. Each administration is requested to inform the other administration of all identification marks of numbers which it uses for each on-demand item.
4. The administration of origin is not required to provide the other administration with notice prior to sending an on-demand item.

#### ARTICLE 5

##### Goods/Merchandise

Unless the contrary is specified, EMS items may contain goods/merchandise.

This service is for the conveyance of goods which may have commercial value and which may be subject to duty and other import regulation in the country of destination. The same restrictions apply as for International Mail.

#### ARTICLE 6

##### Customs Clearance

Each administration will make all arrangements necessary for the expeditious customs clearance of EMS items. In order to facilitate this, each administration will advise the other administration of which items, acceptable for transmission, are subject to customs examination. EPTL will collect from the addressees the customs duty and all other charges which may be due.

#### ARTICLE 7

##### Limits of Weight and Size

EMS items shall be admitted up to a maximum weight of 20kg. They may not exceed 1.05 meters for any one dimension or 2 meters for the sum of the length and the greatest circumference measured in a direction other than the length.

#### ARTICLE 8

##### Charges

The charges shall be set by the administration of posting of the EMS items.

#### ARTICLE 9

##### Prohibited Articles

The prohibitions provided for in the UPU Convention shall apply to EMS items as shall the restrictions on importation and transit given in the List of Prohibited Articles published by the International Bureau of the Universal Postal Union. Valuable articles as defined in the Universal Postal Convention shall not be

admitted.

## ARTICLE 10

### Forwarding

EMS items shall be sent by the fastest pre-arranged means of transport from the time of posting (or from the time they are collected from the sender) to delivery. Administrations shall consult one another on this.

## ARTICLE 11

### Compensation

1. Terminal dues as defined in the Universal Postal Convention shall not apply to EMS items.
2. At the end of each year of this MOU, the administration which has received a larger quantity of International EMS mail 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 allocated for each item received.
3. Each administration shall establish an imbalance charge per item which shall correspond to the costs of services.
4. 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, unless this MOU is terminated or annulled.

## ARTICLE 12

### Internal Air Conveyance Dues

Each administration, which provides air conveyance of received EMS items, is entitled to internal air conveyance dues in reimbursement of the cost of such conveyance.

## ARTICLE 13

### 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, who may not claim indemnification from the other administration.

## ARTICLE 14

### Undeliverable Items

An item refused by the addressee or an undeliverable item shall be returned to the sender by international EMS at no extra charge.

## ARTICLE 15

### Reforwarding of Missent Items or Bags

Every missent EMS item or bag shall be reforwarded to its proper destination by the most direct route with appropriate charges by the administration which has received the item or bag.

Each administration shall notify the other administration, by telex, telephone or facsimile, of the details concerning the arrival and redirection of each item or bags arriving out of course.

#### ARTICLE 16

##### Treatment of Item Wrongly Accepted

- (a) When an EMS despatch containing an item prohibited under Article 9 has been admitted into the mailstream in error, that item shall be dealt with according to the legislation of the administration establishing its presence.
- (b) When the weight; or the dimensions of an item exceed the limits established under Article 7, it is returned to the administration of origin as an international EMS item, if the administration's regulations do not permit delivery.
- (c) When an item is inadvertently sent to a location which is not serviced by EMS, each administration shall ensure the delivery of the item by the fastest postal means available.
- (d) 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 restriction or prohibition which caused such treatment to be required.
- (e) In all such cases, each administration shall notify the other administration, by telex, telephone, or facsimile of the details concerning the disposition of the EMS despatch.

#### ARTICLE 17

##### Inquiries

1. Each administration shall reply as soon as possible to request for information in respect of EMS items. This timeframe can be shortened by using the EMS unique 13 character identifier (Code 39) as approved by the CCPS. The reply shall normally be sent by the same means as that used for the corresponding request for information (i.e. by telex, telephone, facsimile, EMS or electronic mail, etc.)
2. Enquiries shall be accepted only within a period of three months from the day after that on which the item was posted.
3. This article does not authorize routine requests for confirmation of delivery.

#### ARTICLE 18

##### Temporary Suspension of Service

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

#### ARTICLE 19

Application of the Universal Postal Convention

The Universal Postal Convention and its Detailed Regulations shall be applicable by analogy in all cases not expressly governed by this Agreement and its Details of Implementation.

ARTICLE 20

Implementation of the Memorandum of Understanding

In order to give effect to this Memorandum of Understanding, Details of Implementation are drawn up and annexed thereto. In addition, each administration may adopt measures for the internal operation of its services not inconsistent with this Memorandum of Understanding or its Details of Implementation.

ARTICLE 21

Amendment

This Memorandum of Understanding and its Details of Implementation may be modified by mutual agreement on the basis of an exchange of letters, to which the text of the modified paragraph(s) is annexed.

ARTICLE 22

Effective Date and Duration of the Memorandum of Understanding

- (a) This Memorandum of Understanding takes effect on the date mutually agreed upon by the administrations.
- (b) This Memorandum of Understanding may be terminated by agreement or annulled at the instance of either administration, upon six months notice given to the other.

For the:  
Enterprise of Posts  
and Telecommunications Lao  
[Signed]  
Pho PHATHAPHONE  
Vice Director of EPTL  
Date: October 7, 1994

For the:  
Directorate General of Posts  
Taipei, Taiwan ROC  
[Signed]  
Chieh-kwei Hsu  
Director General of Posts  
Date: September 23 1994