



ANNEX 8

POSTAL AND COURIER SERVICES

PREAMBLE

The State Parties;

PURSUANT to Article 26 of the Protocol on Trade in Services allowing State Parties to develop Annexes for the implementation of the said Protocol;

RECOGNISING the importance of building a common approach and shared understanding in the sector of communications services, particularly in the area of postal and courier services;

RECOGNISING the importance of the postal and courier services in the global communication infrastructure;

SEEKING to elaborate upon the provisions of their commitments to liberalisation in trade in services with respect to measures affecting access to and use of postal and courier services;

HEREBY AGREE as follows:

ARTICLE 1

DEFINITIONS

- "Individual licence" means an authorisation, granted to an individual supplier by a regulatory authority of a State Party, which is required before supplying a given service.
- "Universal service" means the permanent provision of a postal service of specified quality at all points in the territory of a State Party, at affordable prices for all users.

ARTICLE 2

General Principles

For purposes of this Annex, the following principles shall apply:

1. State Parties shall maintain or introduce appropriate measures for the purpose of preventing suppliers who, alone or together, have the ability to affect materially the terms of participation (having regard to price and supply) in the relevant market for postal and courier services as a result of use of their position in the market, from engaging in or continuing anti-competitive practices.
2. A State Party shall have the right to define the kind of universal service obligations it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the State Party.
3. An individual licence may only be required for services which are within the scope of the universal service. Where an individual licence is required, the following will be made publicly available:
 - (a) All the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
 - b) The terms and conditions of individual licences.
4. The reasons for the denial of an individual licence will be made known to the applicant upon request and an appeal procedure through an independent body will be established at the State Party's level. Such a procedure will be transparent, non-discriminatory, and based on objective criteria.
5. Regulatory bodies are legally separate from, and not accountable to any supplier of postal and courier services. The decisions of, and the procedures used by, any regulatory body will be impartial with respect to all market participants.