



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 January 2012

5495/12

POSTES 1

NOTE

from:	Presidency
to:	Working Party on Postal Services
Subject:	Participation of the European Union in the work of the Congress of the Universal Postal Union (UPU) - Draft resolution to be presented to the 25th Congress of the Universal Postal Union (UPU)

1. Participation of the European Union in the work of the 25th Congress of the Universal Postal Union (UPU) and other organs of the UPU

The UPU is a specialised agency of the United Nations whose aim is to secure the organisation and improvement of postal services and to promote the development of international collaboration in the area of postal services. The 25th Congress of the UPU (the supreme body of this international organisation) will take place in Doha from 25 September till 15 October 2012. All Member States of the EU are members of the UPU.

In the past the European Commission has been de facto admitted as an observer to most of the meetings convened by the UPU organs e.g. meetings at the Congress, the Council of Administration (CA) and the Postal Operations Council (POC). However, contrary to, for example, the African Union and the Arab League, which are formally recognized as observers to the Congress of the Universal Postal Union (UPU) on their own right in accordance with Article 5 of the Rules of Procedures of Congresses, the European Union has until now not had such formal observer status.

It is therefore appropriate that Member States propose a resolution to the Congress that foresees granting the European Union formal ("*de iure*") observer status and to amend Article 5 of the Rules of Procedure of Congresses to that end.

It is the Presidency's intention to propose to draft short Council conclusions that would endorse the draft resolution in annex. The draft resolution would be presented by the 27 Member States on behalf of the EU to the 25th Congress of the UPU.

2. Preparation of the 25th Congress of the UPU

In advance of the preparation of the last Congress (24th UPU Congress, held in Geneva from 23 July-12 August 2008), the Commission prepared a non-paper for the Council Working Party on Postal Services of 10 July 2008, held under the French Presidency. The Working Party took note of the Commission's non paper. The substantive principles set out in the non-paper remain fully applicable as well those contained in the relevant Commission Communication to the Council in 2004¹ and the Council Resolution of 2004².

¹ Communication from the Commission to the Council – The Universal Postal Union Congress 2004; COM(2004) 398 final.

² Council Resolution on the Preparation of the Universal Postal Union Congress 2004, Council Document 11082/04, TELECOM 129, MI 209.

As in the case for previous Congresses, the Commission intends to prepare for the 25th UPU Congress in close cooperation with Member States. Member States and the Commission have already discussed the issue of preparation for and coordination during the Congress in the framework of the Postal Directive Committee (PDC) Plenary meetings on 12 April 2011 and 5 December 2011. There was a broad consensus that the coordination needs to be strengthened while following the same patterns as in previous Congresses. Therefore, the Commission intends to continue this preparation work within the PDC and together with the European Committee for Postal Regulation (CERP) and the European Association of Postal Operators (PostEurop). As the majority of the proposals for discussion at the 2012 Congress will only be known after 24 March 2012, (the first deadline for their submission) coordination on substance can only take place subsequently .

Coordination within the Council Working Party on Postal Services will aim at achieving similar agreement as was reached in 2004 and 2008. To that end, the Presidency is envisaging a further meeting of the Working Party later in the spring.

Draft Resolution to be presented to the 25th Congress of the Universal Postal Union (UPU)

By [Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, United Kingdom]

Participation of the European Union in the work of the Congress of the Universal Postal Union

The Congress,

Bearing in mind the role and authority of the Congress of the Universal Postal Union (UPU) as a principal organ of this specialized agency of the United Nations (UN) and the importance of its effectiveness and efficiency in fulfilling its functions under the Acts of the UPU, notably its Convention and Constitution,

Bearing in mind the importance of cooperation between the Universal Postal Union (UPU) and regional organizations as well as the advantages that this type of cooperation presents for the Universal Postal Union and its members,

Recalling that, pursuant to the Lisbon Treaty, the European Union has replaced the European Community, which has had long-standing relations with the Universal Postal Union and traditionally participated at its work as *de facto* observer to the Congress of the Universal Postal Union (UPU) and meetings of other organs of this specialized UN agency,

Mindful of the modalities for the participation of observer States and other organizations in the work of the Universal Postal Union (UPU), as set out in the respective rules of procedures of its different organs,

Decides to accept that the European Union participates, in the quality of *de iure* observer, at all meetings of the organs of the UPU, starting with its 25th Congress.

Rules of procedure of the Congress – Proposal

Article 5 – De iure observers

[Name of the countries]

Add the following 2nd paragraph:

"2. The European Union (EU) shall be admitted as observer to Congress and its Committees."

Reasons: The importance of cooperation between the Universal Postal Union (UPU) and regional integration organisations as well as the advantages that this type of cooperation presents for the Universal Postal Union is generally recognised and regional organisations have become *de jure* observers at Congresses of the UPU [by virtue of Decision C92 adopted by the Congress of Lausanne 1974), the UPU Congress decided to admit the Organisation of African Unity (OAU) to participate, as an observer, in the work of the XVII Universal Postal Congress and in all future meetings of the UPU bodies (Documents of the Lausanne Congress 1974-Book II : pages 931 to 933). With its resolution C7/Rio de Janeiro 1979, (Participation of the League of Arab States in the UPU meetings), the Congress also decided to accept that the League of Arab States participates, as an observer, to all meetings of the UPU bodies, starting with the XVIII Congress (Documents of the Congress of de Rio de Janeiro 1979- Book II: pages 1199, 1231, 1767).].

The European Community has had long-standing relations with the Universal Postal Union. It has on a regular basis been invited as [*de facto*] observer to Congresses of the Universal Postal Union and equally participated as [*de facto*] observer at other bodies of the UPU as well as at conferences organised under its auspices. In consistency with the applicable legal provisions, in particular the Lisbon Treaty which entered into force on 1 December 2009, the European Union has replaced the European Community.

Having in mind the related interests and objectives shared by the Universal Postal Union (UPU) and the EU, such as ensuring close cooperation to secure the organisation and improvement of international postal services and promoting the development of international collaboration, it is appropriate that the European Union is granted *de jure* observer status in accordance with previous similar decisions taken by the Congress.

In this regard reference should be made also to Resolution A/RES/65/276 adopted by the United General Assembly at its 88th plenary meeting on 3 May 2011 with 180 votes in favour and none against, which takes account of the institutional changes introduced by the Lisbon Treaty regarding the European Union and sets modalities for the latter's participation as an observer in the work of the United Nations.
