



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 April 2012

8962/12

POSTES 2

NOTE

from:	Presidency
to:	Working Party on Postal Services
Subject:	Draft Council conclusions on the participation of the European Union in the Universal Postal Union (UPU) <i>- Final version in view of submission to the Coreper</i>

On 27 January 2012, the Presidency presented the Working Party on Postal Services document 5495/12, comprising a draft resolution intended to be presented to the 25th Congress of the Universal Postal Union (UPU).

On 8 March 2012, the Council Secretariat launched an "informal silence procedure" on draft Council conclusions on the participation of the EU in the UPU, which had the above mentioned draft UPU resolution attached to it. The deadline for delegations to react to the draft Council conclusions and draft UPU resolution expired on 15 March 2012.

Three delegations provided minor comments during the "informal silence procedure", all of which have been accommodated in the attached final version of the draft conclusions and resolution and which the Presidency now intends to forward to the Coreper and the Council as an I/A-point.

**DRAFT COUNCIL CONCLUSIONS ON
THE PARTICIPATION OF THE EUROPEAN UNION
IN THE UNIVERSAL POSTAL UNION (UPU)**

THE COUNCIL OF THE EUROPEAN UNION

1. RECALLS

- a) that the Universal Postal Union (UPU) is a specialised agency of the United Nations, the aim of which is to secure the organisation and improvement of postal services in the international context and to promote the development of international collaboration in the area of postal services;
- b) that the 27 Member States of the European Union (EU) are also members of the UPU;
- c) the Council Resolution on the preparation of the Universal Postal Union Congress 2004¹.

2. NOTES

- a) that the 25th Congress of the UPU will take place from 24 September to 15 October 2012 in Doha in the State of Qatar;
- b) that, contrary to, for example, the African Union and the Arab League, the EU is not recognised in its own right as *de iure* observer to the UPU, according to article 5 of the Rules of Procedure of the UPU Congress, which is the supreme organ of the UPU;
- c) that, in the past, however, the European Commission has been *de facto* admitted as an observer in the UPU Congress, the UPU Council of Administration (CA) and the UPU Postal Operations Council (POC);

¹ Doc. 11082/04.

d) that the final coordination for the UPU Congress shall take place under the scrutiny of the Council whereas technical and operational preparations for the Congress will take place in other specialised fora of the EU under the auspices of the European Commission.

3. RECOGNISES

the importance of the EU becoming a formal *de iure* observer in the Congress of the UPU and its organs.

4. UNDERLINES

that 27 EU Member States should ensure, in association with the Commission, that they do not undertake commitments which would not be compliant with the applicable EU *acquis* and that they will apply the Acts adopted by the Congress in accordance with their obligations pursuant to the Treaty on the European Union and the Treaty on the Functioning of the European Union.

5. ENDORSES

the draft resolution in annex, requesting the 25th UPU Congress to grant the EU a formal ("*de iure*") observer status to the UPU and its organs.

6. INVITES MEMBER STATES

to further coordinate their positions in advance of and during the 25th UPU Congress.

7. INVITES THE COMMISSION

to submit, on behalf of the 27 EU Member States, the draft resolution in annex to the International Bureau of the UPU in view of its adoption at the 25th UPU Congress.

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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 Constitution and Convention ,

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

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

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 iure 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 iure* observer status in accordance with previous similar decisions taken by the Congress.
