

ANNEX 8A

EXPRESS DELIVERY SERVICES

Article 1 Definitions

For the purposes of this Annex:

“express delivery services” means the collection, sorting, transport and delivery of documents, printed matter, parcels, goods or other items, on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service. Express delivery services do not include air transport services, services supplied in the exercise of governmental authority, or maritime transport services;¹

“postal monopoly” means a measure maintained by a Party making a postal operator within the Party’s territory the exclusive supplier of specified collection, transport and delivery services; and

“universal service” means the permanent supply of a delivery service of specified quality at all points in the territory of a Party, for all customers, at affordable prices.

Article 2 Scope

1. A Party that maintains a postal monopoly shall define the scope of the monopoly on the basis of objective criteria, including quantitative criteria such as price or weight thresholds.
2. Each Party has the right to define the kind of universal service obligation it wishes to adopt or maintain. A Party that maintains a universal service obligation shall administer it in a transparent, non-discriminatory, and impartial manner with regard to all service suppliers subject to the obligation.

¹ For greater certainty, express delivery services does not include: (a) for Australia, services reserved for exclusive supply by Australia Post as set out in the *Australian Postal Corporation Act 1989* (Cth) and regulations, or services subject to a universal service obligation; (b) for the United Kingdom, services subject to a universal service obligation.

Article 3 Obligations

1. Neither Party shall allow a supplier of services covered by a postal monopoly to cross-subsidise its own or any other competitive supplier's express delivery services with revenues derived from monopoly postal services.
2. Each Party shall ensure that any supplier of services covered by a postal monopoly does not abuse its monopoly position to act in the Party's territory in a manner inconsistent with the Party's commitments under Article 8.3 (National Treatment), Article 8.5 (Market Access), Article 13.4 (Investment – Market Access), or Article 13.5 (Investment – National Treatment) with respect to the supply of express delivery services.²
3. Neither Party shall:
 - (a) require an express delivery service supplier of the other Party, as a condition of authorisation or licensing, to supply a universal service; or
 - (b) assess fees or other charges exclusively on express delivery service suppliers for the purpose of funding the supply of another delivery service.³
4. Each Party shall ensure that any authority responsible for regulating express delivery services is not accountable to any supplier of express delivery services, and that the decisions and procedures that the authority adopts are impartial, non-discriminatory and transparent with respect to all express delivery service suppliers in its territory.

² For greater certainty, a Party shall be deemed to satisfy this paragraph if any supplier of services in its territory covered by a postal monopoly is subject to national competition law.

³ This paragraph shall not be construed to prevent a Party from imposing non-discriminatory fees on delivery service suppliers on the basis of objective and reasonable criteria, or from assessing fees or other charges on the express delivery services of its own supplier of services covered by a postal monopoly.