

ANNEX 9B

EXPRESS DELIVERY SERVICES

Article 9B.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 of 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 at affordable prices for all users.

Article 9B.2 Scope

1. A Party that allows 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.

Article 9B.3 Obligations

1. Neither Party shall allow a supplier of services covered by a postal monopoly or a universal service obligation to cross-subsidise its own, or any other competitive supplier’s, express delivery services with revenues derived from the monopoly postal services or the universal service obligation.

¹ For greater certainty, express delivery services does not include:

- (a) for New Zealand, priority domestic mail services;
- (b) for the United Kingdom, services subject to a universal service obligation.

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 9.4 (Market Access – Cross-Border Trade in Services), Article 9.5 (National Treatment – Cross-Border Trade in Services), Article 14.5 (Market Access – Investment), or Article 14.6 (National Treatment – Investment), 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 supplier of services covered by a postal monopoly that exercises a right or privilege incidental to, or associated with, its monopoly position in a manner that is consistent with the Party's commitments listed in this paragraph, with respect to express delivery services, is not acting in a manner inconsistent with this paragraph.

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.