Postal Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of ensuring universal postal service, strengthening the supervision and administration of postal markets, maintaining the safety and smooth flow of postal communications, protecting the freedom and confidentiality of correspondence, protecting the lawful rights and interests of users, and promoting the healthy development of the postal industry to meet the needs of economic and social development and people's livelihood.

Article 2 — The State guarantees universal postal service for all citizens within the territory of the People's Republic of China. The postal enterprises shall provide universal postal services such as delivery of letters, single-piece printed matter of a weight not exceeding 5 kg, single-piece parcels of a weight not exceeding 10 kg, and postal remittance in accordance with the regulations of the State. The State Council and its relevant departments and the local people's governments at all levels shall take measures to support postal enterprises in providing universal postal services. The term "universal postal service" as used in this Law means the postal services that are available continuously to all users within the territory of the PRC at affordable prices as prescribed by the State.

Article 3 — The freedom and confidentiality of correspondence of citizens shall be protected by law. No organization or individual may infringe upon the freedom and confidentiality of correspondence of citizens for any reason, except when public security authorities, state security authorities, or procuratorial authorities inspect correspondence in accordance with the procedures prescribed by law for the needs of state security or criminal investigation. Except as otherwise provided by law, no organization or individual may inspect or detain mail or remittances.

Article 4 — The postal administrative department under the State Council shall be responsible for the supervision and administration of universal postal service and postal markets nationwide in accordance with this Law. The postal administrative departments established by the provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for the supervision and administration of universal postal service and postal markets within their respective administrative regions. The postal administrative departments shall supervise and administer the postal markets in accordance with the provisions of this Law, the Postal Administrative Department Law, and other relevant laws and administrative regulations.

Article 5 — The State Council shall formulate the postal development plan to meet the needs of the national economic and social development. The local people's governments at or above the county level shall incorporate the construction of postal facilities and the development of postal services into their urban and rural plans.

Article 6 — Postal enterprises shall strengthen the construction of service quality, improve the rules and regulations on production safety, and ensure the quality of postal services.

Article 7 — Postal enterprises, express delivery enterprises, and other organizations and individuals operating postal businesses shall comply with the relevant laws and regulations, abide by business ethics, and adhere to the principles of good faith, fair competition, and quality service.

Article 8 — The supervision and administration of postal services shall follow the principles of openness, fairness, and impartiality, and the principle of combining government supervision with social supervision. The postal administrative department shall timely announce to the public the supervision and administration information in accordance with the law.

Chapter II — Postal Facilities

Article 9 — Postal facilities shall be reasonably planned and arranged in accordance with the State's overall urban and rural layout planning. The construction of postal facilities shall comply with the construction

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standards for postal facilities. Postal service premises shall be set up in larger stations, airports, ports, and institutions of higher education. Postal service facilities shall be set up in urban residential areas and rural areas in accordance with the construction standards for postal facilities.

Article 10 — The local people's governments at or above the county level shall incorporate the layout and construction of postal facilities into their urban and rural plans, and provide guarantees for the construction of postal facilities within their financial budgets. Postal enterprises shall, in accordance with the requirements of the postal development plan and the construction standards for postal facilities, set up postal business premises, postal processing centers, postal material storage and distribution centers, and other postal facilities.

Article 11 — When constructing new urban areas, independent industrial and mining areas, or residential areas, or when renovating old urban areas, the postal service premises and postal service facilities that must be constructed simultaneously shall be designed, constructed, and accepted for use simultaneously with the main project. For large residential areas that meet the prescribed conditions, the postal enterprise may not provide postal services if postal service facilities are not constructed simultaneously.

Article 12 — Where postal service premises need to be relocated due to urban construction, the construction unit shall arrange suitable sites in accordance with the construction standards for postal facilities and ensure that the relocation expenses are not less than the cost of rebuilding the postal service premises on a new site. The relocated postal service premises shall be put into use before the original postal service premises are demolished.

Article 13 — Postal enterprises shall, in accordance with the needs of users and the requirements of the construction standards for postal facilities, set up post boxes (mailboxes) and carry out regular maintenance. The post boxes (mailboxes) set up shall be clearly marked, and no entity or individual may damage them.

Article 14 — Postal facilities shall be protected by law. No entity or individual may damage or occupy postal facilities, obstruct the normal use of postal facilities, or endanger the safety of postal facilities. Postal enterprises shall regularly inspect and maintain postal facilities to ensure their normal use.

Chapter III — Postal Services

Article 15 — Postal enterprises shall provide universal postal services in accordance with the law. Without approval in accordance with the law, no entity or individual may operate postal universal service business or special postal service business. The scope of special postal service business shall be prescribed by the State Council.

Article 16 — Postal enterprises shall, in accordance with the standards for universal postal service prescribed by the State, provide universal postal services such as delivery of letters, single-piece printed matter, single-piece parcels, and postal remittance. Postal enterprises shall provide universal postal services in accordance with the prescribed service standards, operational procedures, and terms of service, and shall be responsible for the quality of universal postal services.

Article 17 — Postal enterprises shall set up postal business premises, post boxes (mailboxes), or mobile service points in rural areas to provide postal services. Postal enterprises shall ensure that all rural residents within their service scope enjoy postal services.

Article 18 — Postal enterprises shall clearly mark their names on postal business premises, post boxes (mailboxes), postal vehicles, and uniforms of postal staff. Postal vehicles shall be painted with the special postal mark, and postal staff shall wear uniforms with the postal mark.

Article 19 — Postal enterprises shall set up complaint telephones and mailboxes at their business premises, publish their service scope, service standards, tariff rates, business hours, and loss compensation measures, and accept complaints and supervision from users. Postal enterprises shall investigate and

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handle complaints from users within 30 days from the date of receipt and reply to the users with the results.

Article 20 — Postal enterprises shall establish and improve the rules and regulations on production safety, strengthen safety management, and strictly prevent safety accidents. Where security inspection is required by the State, postal enterprises shall conduct security inspection of mail in accordance with the provisions.

Article 21 — Postal enterprises shall properly protect users' information and shall not sell, illegally provide, or disclose users' personal information obtained in the course of providing services to any organization or individual.

Article 22 — Postal enterprises shall adopt measures such as transporting mail on schedule and setting up mobile service points to protect users' rights and interests in accordance with the law. Postal enterprises shall promptly deliver mail to users in accordance with the prescribed time limits and methods. Postal enterprises shall return undeliverable mail to the senders in accordance with the provisions. Where mail cannot be delivered to the addressees and cannot be returned to the senders, postal enterprises shall handle them in accordance with the provisions of the State.

Article 23 — Postal enterprises shall accept, transport, and deliver mail in accordance with the provisions of the law, and shall not refuse to accept mail that should be accepted without justifiable reasons. Postal enterprises shall not restrict users' use of postal services without justifiable reasons.

Article 24 — Users who hand in mail shall comply with the provisions on prohibited and restricted articles. Users shall not include in the mail articles prohibited from delivery or delivery beyond the prescribed limit. Users shall not send or attempt to send articles prohibited from delivery by law or administrative regulations in the mail, nor shall they infringe upon the lawful rights and interests of others in the mail.

Article 25 — Postal enterprises shall not send articles prohibited from delivery as stipulated by laws and administrative regulations, nor shall they deliver articles restricted from delivery in violation of the restrictions. Postal enterprises shall establish and implement a system for the inspection of accepted mail to prevent the inclusion of prohibited or restricted articles. Postal enterprises shall install safety inspection equipment in accordance with the provisions and conduct safety inspections of mail.

Chapter IV — Postal Rates

Article 26 — Postal enterprises shall determine the rates for postal services in accordance with the law. Postal enterprises shall publicize the rates for postal services. The basic rates for universal postal services and the rates for special postal services shall be subject to government pricing or government-guided pricing. The specific pricing items, standards, and scope shall be formulated by the price administrative department under the State Council in conjunction with the postal administrative department under the State Council and the financial department under the State Council and published for implementation.

Article 27 — Postal enterprises shall set charges for competitive postal services based on market conditions, but shall not operate at a loss for competitive postal services by relying on the government's support policies for universal postal services.

Article 28 — Postal enterprises shall not engage in the following acts in respect of postal rates: (1) implementing monopoly pricing, dumping at below cost, or implementing price discrimination; (2) fabricating or spreading information on price increases, driving up prices, or promoting excessive price increases of goods; or (3) other pricing violations as prescribed by laws and administrative regulations.

Chapter V — Loss Compensation

Article 29 — Postal enterprises shall bear liability for compensation for loss caused to users in the course of providing postal services. The liability for compensation shall be limited to direct losses, unless otherwise agreed by the parties. Where loss is caused by any of the following circumstances, the postal enterprise

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shall not bear liability for compensation: (1) force majeure, except for loss of postal remittances; (2) the natural attributes or reasonable wear and tear of the mail; (3) the fault of the sender or addressee; or (4) other circumstances prescribed by laws and administrative regulations.

Article 30 — Where ordinary mail is lost, damaged, or its contents are missing, the postal enterprise shall not bear liability for compensation, unless the postal enterprise has committed an intentional act or gross negligence. Where registered mail is lost, damaged, or its contents are missing, the postal enterprise shall compensate in accordance with the following provisions: (1) for registered letters, compensation shall be made in accordance with the prescribed standard; (2) for registered printed matter, ordinary parcels, and other registered mail, compensation shall be made according to the actual loss, but the maximum amount of compensation shall not exceed the amount prescribed by the postal administrative department under the State Council; (3) for insured mail, compensation shall be made according to the insured amount if the mail is lost or totally damaged, or in proportion to the actual loss if the mail is partially damaged or its contents are missing, unless it is proved that the damage to or loss of the mail is caused by the postal enterprise's intentional act or gross negligence.

Article 31 — Where postal remittance is lost, the postal enterprise shall refund the remittance fee and the principal of the remittance. For loss caused to users due to loss of postal remittance, the postal enterprise shall bear liability for compensation in accordance with the provisions on loss of registered mail.

Article 32 — Postal enterprises shall handle users' claims for compensation against loss in accordance with the provisions. Users who have objections to the result of the handling may file a complaint with the postal administrative department. Users may also bring a lawsuit directly to the people's court in accordance with the law.

Chapter VI — Express Delivery Services

Article 33 — An express delivery enterprise that operates express delivery services shall obtain an express delivery business operation permit in accordance with the provisions of this Law. Without permission, no organization or individual may operate express delivery services. The administrative measures for express delivery services shall be formulated by the postal administrative department under the State Council.

Article 34 — To apply for an express delivery business operation permit, the applicant shall meet the following conditions: (1) it is a legally established enterprise legal person; (2) it has service capacity suitable for the applied-for business within the region, such as appropriate service premises, facilities, and equipment; (3) it has a strict service quality management system and business operation norms, including service standards, operational procedures, service commitments, and a user complaint handling system; (4) it has a sound safety assurance system and measures, including a security system for production safety, measures for ensuring the security of information on the express delivery service network, emergency response plans for unexpected incidents, and the capacity to ensure the safety of express mail; (5) it has professionals and managerial personnel suitable for the applied-for business, who meet the requirements for employment qualifications; and (6) other conditions prescribed by laws and administrative regulations.

Article 35 — The express delivery enterprise shall, within 20 days from obtaining the express delivery business operation permit, apply for registration with the administrative department for industry and commerce in accordance with the law. Only after completing the registration formalities may the express delivery enterprise operate express delivery services. Where an express delivery enterprise establishes branches or merges or splits, it shall file with the postal administrative department and go through the formalities for alteration or cancellation of registration with the administrative department for industry and commerce in accordance with the law.

Article 36 — Express delivery enterprises shall provide express delivery services in accordance with the prescribed service standards. Express delivery enterprises shall publicize their service items, service time

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limits, service standards, tariff rates, and loss compensation measures at their business premises and on the express delivery service network. Express delivery enterprises shall establish and improve the service quality management system and accept social supervision.

Article 37 — Express delivery enterprises shall establish and improve the safety management system for express delivery services and strictly implement the acceptance and inspection system, the real-name registration system for sending and receiving mail, and the safety inspection system for express delivery to prevent the entry of prohibited articles into the delivery channels. Express delivery enterprises shall equip their business premises and processing sites with safety monitoring facilities and equipment in accordance with the provisions and keep the monitoring data for no less than 30 days. Express delivery enterprises shall ensure the integrity of the data on the express delivery service network and properly keep user information in accordance with the provisions of laws and administrative regulations.

Article 38 — Where express mail is delayed, lost, damaged, or its contents are missing, the express delivery enterprise shall bear liability for compensation in accordance with the provisions of the civil laws. If the parties have agreed on the amount of compensation, such agreement shall apply; if the parties have not agreed on the amount but have insured the express mail, compensation shall be made according to the insured amount; if the parties have neither agreed on the amount nor insured the express mail, compensation shall be made in accordance with the relevant provisions of the civil laws.

Article 39 — Express delivery enterprises shall not engage in the following acts: (1) operating express delivery services without obtaining a permit in accordance with the law, or beyond the permitted scope of business; (2) selling, illegally providing, or disclosing users' information to others in violation of the provisions; (3) altering, transferring, renting, or lending the express delivery business operation permit; (4) sending articles prohibited or restricted from delivery by the State in express delivery in violation of the provisions; or (5) other acts in violation of the provisions of laws and administrative regulations.

Article 40 — Where the express delivery enterprise ceases operation, it shall notify the postal administrative department in writing, return the express delivery business operation permit, properly handle the express mail that has not been delivered in accordance with the provisions of the postal administrative department under the State Council, and make an announcement to the public.

Chapter VII — Supervision and Inspection

Article 41 — The postal administrative department shall perform the following supervision and inspection functions in accordance with the law: (1) supervising and inspecting the quality of universal postal services provided by postal enterprises and express delivery services provided by express delivery enterprises; (2) supervising and inspecting the implementation of postage rates; (3) supervising and inspecting the implementation of the universal postal service standards and the express delivery service standards; (4) conducting statistical surveys and analysis on postal markets and promptly announcing relevant information to the public; (5) accepting and handling complaints and reports from users on postal services; and (6) investigating and penalizing illegal acts in postal markets in accordance with the law.

Article 42 — When performing their duties in accordance with the law, postal administrative law enforcement personnel shall have the right to take the following measures: (1) entering postal enterprises, express delivery enterprises, or other organizations and individuals operating postal businesses for on-site inspection; (2) consulting and copying documents, materials, and vouchers related to the inspected matters; (3) questioning the parties and relevant personnel to understand the situation; and (4) sealing up or seizing property related to illegal acts upon approval by the responsible person of the postal administrative department. When taking the measures specified in (4) of the preceding paragraph, postal administrative law enforcement personnel shall obtain the approval of the responsible person of the postal administrative department.

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Article 43 — Postal administrative law enforcement personnel shall show their law enforcement certificates when performing their duties and shall keep confidential the commercial secrets they have access to.

Article 44 — Postal enterprises and express delivery enterprises shall cooperate with the supervision and inspection conducted by the postal administrative department in accordance with the law and shall not refuse or obstruct such supervision and inspection. Postal enterprises and express delivery enterprises shall truthfully provide relevant documents, materials, and vouchers and shall not conceal, destroy, or alter them.

Chapter VIII — Legal Liability

Article 45 — Where a postal enterprise fails to provide universal postal services in accordance with the standards for universal postal services, the postal administrative department shall order it to make corrections and may impose a fine of not more than 50,000 yuan; if the circumstances are serious, it shall order the postal enterprise to cease business for rectification and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; the directly responsible person in charge and other directly responsible persons shall be given sanctions.

Article 46 — Where a postal enterprise commits any of the following acts, the postal administrative department shall order it to make corrections and impose a fine of not more than 10,000 yuan; if the circumstances are serious, it shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan: (1) refusing to accept mail that should be accepted without justifiable reasons; (2) failing to publicize service matters as required; (3) failing to handle user complaints within the prescribed time limit; or (4) failing to report as required.

Article 47 — Where a postal enterprise fails to provide special postal services in accordance with the relevant provisions of the State, the postal administrative department shall order it to make corrections and may impose a fine of not more than 10,000 yuan; if the circumstances are serious, it shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; the directly responsible person in charge and other directly responsible persons shall be given sanctions.

Article 48 — Where any entity or individual operates postal universal service business or special postal service business without authorization, the postal administrative department shall order it to cease operation and confiscate the illegal gains and may impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; if the circumstances are serious, it shall impose a fine of not less than 200,000 yuan but not more than 500,000 yuan.

Article 49 — Where an express delivery enterprise operates express delivery services without obtaining a permit in accordance with the law, the postal administrative department shall order it to cease the illegal operation, confiscate the illegal gains, and impose a fine of not less than 50,000 yuan but not more than 100,000 yuan; if the circumstances are serious, it shall impose a fine of not less than 100,000 yuan but not more than 200,000 yuan.

Article 50 — Where an express delivery enterprise commits any of the following acts, the postal administrative department shall order it to make corrections and impose a fine of not less than 5,000 yuan but not more than 10,000 yuan; if the circumstances are serious, it shall impose a fine of not less than 10,000 yuan but not more than 30,000 yuan: (1) failing to publicize service matters as required; (2) failing to handle user complaints within the prescribed time limit; (3) failing to implement the acceptance and inspection system as required; (4) failing to install safety monitoring facilities and equipment as required; or (5) failing to properly handle undelivered express mail after ceasing operation.

Article 51 — Where postal enterprises or express delivery enterprises sell, illegally provide, or disclose users' personal information obtained in the course of providing services to others, the postal administrative department shall order them to make corrections, confiscate the illegal gains, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; if the circumstances are serious, it shall impose a fine of

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not less than 50,000 yuan but not more than 100,000 yuan and may order them to cease business for rectification or revoke their permits.

Article 52 — Where postal enterprises or express delivery enterprises send articles prohibited or restricted from delivery in violation of the provisions, the postal administrative department shall impose a fine of not less than 100,000 yuan but not more than 500,000 yuan on the postal enterprise or express delivery enterprise, and impose a fine of not more than 100,000 yuan on the directly responsible person in charge and other directly responsible persons; if the circumstances are serious, it shall order them to cease business for rectification or revoke their permits.

Article 53 — Where anyone violates the provisions of this Law by damaging postal facilities and thereby causing property damage to another person, the violator shall bear liability for compensation in accordance with the law. Where the act constitutes an act against public security administration, the public security authority shall impose a public security administrative penalty in accordance with the law; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 54 — Where a staff member of the postal administrative department engages in any of the following acts, the relevant authority shall impose sanctions in accordance with the law; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law: (1) issuing a permit in violation of the provisions; (2) failing to perform the supervision and inspection functions in accordance with the law; (3) failing to investigate and penalize illegal acts in accordance with the law; or (4) other acts of dereliction of duty, abuse of power, or engaging in malpractice for personal gain.

Chapter IX — Supplementary Provisions

Article 55 — For the purposes of this Law, the meanings of the following terms are: (1) "mail" means letters, printed matter, parcels, postal remittances, newspapers and periodicals distributed through the post, and other articles delivered by postal enterprises; (2) "letters" means correspondence, postcards, and the like; (3) "printed matter" means publications such as books, newspapers, and periodicals; (4) "express mail" means articles that are delivered within the promised time limit through express delivery services such as letters, documents, printed matter, parcels, and other articles; (5) "postal facilities" means postal service premises, postal processing centers, postal material storage and distribution centers, post boxes (mailboxes), and other facilities used for providing postal services; (6) "express delivery service network" means an information network system that collects, processes, transmits, and applies express delivery service information.

Article 56 — The provisions on the postal rates of competitive postal services in this Law shall apply to express delivery services.

Article 57 — This Law shall apply to international postal services within the territory of the People's Republic of China, unless the international postal treaties to which the PRC is a party or has acceded provide otherwise.

Article 58 — This Law shall come into effect on October 1, 2009.

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