Postal Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding the universal postal service, regulating the postal market, protecting the freedom of correspondence and the right to secrecy of correspondence and other rights and interests of users, promoting the sound development of the postal industry, and meeting the needs of economic and social development and people's daily lives.

Article 2 — The state safeguards the universal postal service within the territory of the People's Republic of China. Citizens' freedom and secrecy of correspondence shall be protected by law. Except where the public security authorities, state security authorities, or procuratorial authorities conduct inspections of correspondence in accordance with the procedures prescribed by law for the purpose of safeguarding national security or investigating criminal offenses, no organization or individual may infringe upon the freedom and secrecy of correspondence of others for any reason.

Article 3 — Citizens' postal materials of correspondence shall be protected by law. No organization or individual may inspect or detain the same, except as provided by law.

Article 4 — The administrative department of the State Council for postal services shall be responsible for the supervision and administration of the universal postal service and the postal market nationwide. The administrative departments for postal services established by the administrative department of the State Council for postal services in provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for the supervision and administration of the universal postal service and the postal market within their respective administrative areas.

Article 5 — The postal enterprises designated by the State Council shall provide the universal postal service. For the purposes of this Law, "universal postal service" means a postal service for which the state imposes service standards and scope, establishes postage rates, provides fiscal support, and which is available to all users at reasonable and uniform rates, mainly covering the delivery of correspondence, printed matter in single pieces not exceeding five kilograms, and parcels in single pieces not exceeding ten kilograms, as well as postal remittance services as provided for by the state.

Article 6 — Postal enterprises shall strengthen the construction of service facilities, improve service conditions, enhance service quality, and raise service levels.

Article 7 — Postal enterprises shall establish and improve a mechanism for responding to emergencies, and make emergency plans to ensure the security of postal communication and the universal postal service.

Article 8 — The construction of postal facilities shall be incorporated into urban and rural planning, and supportive policies shall be provided to encourage postal enterprises to provide universal postal service in impoverished and remote areas.

Article 9 — The state supports the application of modern science and technology in postal services and encourages the research, development and use of advanced postal technologies.

Chapter II — Postal Service Facilities

Article 10 — Postal business premises shall be set up in accordance with the standards for universal postal service facilities. In urban areas, postal service facilities shall be established for each community; in rural areas, postal service outlets shall be set up gradually in townships and villages to provide postal services.

Article 11 — When constructing, renovating or expanding urban residential areas, independent industrial and mining areas, commercial areas, development zones, educational institutions, transportation hubs, and large-scale integrated markets, construction entities shall simultaneously construct postal service facilities to support such projects in accordance with the standards for universal postal service facilities.

Article 12 — No unit or individual may occupy, damage, dismantle or relocate postal service facilities without authorization. Where it is necessary to dismantle or relocate postal service facilities due to urban construction or other reasons, the construction entity shall negotiate with the postal enterprise, provide equivalent replacement facilities, and bear the necessary costs of dismantling, relocation and reconstruction.

Article 13 — Postal enterprises shall install mailboxes (boxes) at their postal outlets, and residents' buildings shall be equipped with letter boxes. Newly constructed residential buildings shall be designed and constructed with letter boxes that comply with national standards.

Article 14 — Postal service vehicles with exclusive postal signs or marks shall, when passing toll roads and bridges, be given preferential treatment or be exempted from tolls in accordance with relevant provisions.

Chapter III — Postal Services

Article 15 — Postal enterprises shall provide universal postal services in accordance with the scope and standards of universal postal service prescribed by the state. Postal enterprises shall not refuse to provide universal postal service without valid reason.

Article 16 — Postal enterprises shall publicize their service items, business hours, service standards, postage rates, and compensation measures at their business premises or through other means.

Article 17 — Postal enterprises and their employees shall not disclose information about users' use of postal services to any organization or individual, except as otherwise provided by law.

Article 18 — Postal enterprises shall ensure that mail is delivered accurately, safely and in a timely manner. No organization or individual may privately destroy, conceal, discard, open or steal mail. Postal enterprises shall take effective measures to prevent the use of postal services for smuggling, trafficking in drugs or other illegal activities.

Article 19 — Postal materials that cannot be delivered or returned shall be handled in accordance with the provisions of the administrative department of the State Council for postal services.

Article 20 — Postal enterprises producing, reproducing or distributing philatelic products shall abide by the relevant provisions of the state and may not harm the interests of the state, the public, or others.

Chapter IV — Postage Rates and Postage Certificates

Article 21 — The basic postage rates for universal postal service shall be set by the price administrative department of the State Council in conjunction with the administrative department for postal services of the State Council, on the principle of cost compensation, and shall be subject to a hearing in accordance with law. Postage rates for non-basic postal services shall be set by postal enterprises themselves and published.

Article 22 — Ordinary postage stamps and other postage certificates shall be issued by the postal enterprises designated by the State Council. No other unit or individual may forge or imitate postage certificates. Postage stamps shall not be traded below their face value or at a discount, except as used for mailing purposes.

Article 23 — Postage certificates sold by postal enterprises are non-refundable once sold, save as otherwise agreed.

Article 24 — Postage certificates shall not be forged, altered, or misappropriated. Illegally copied stamp patterns and forged postmarks and postal date stamps are prohibited.

Chapter V — Loss Compensation

Article 25 — Postal enterprises shall be liable for compensation for loss of postal materials caused by their fault. Postal enterprises shall, in accordance with provisions, compensate for loss, damage, or delay in the

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delivery of postal materials caused by their fault.

Article 26 — Where a user makes a claim against a postal enterprise for loss of postal materials, the postal enterprise shall investigate and process the claim and make a reply within 30 days for domestic mail and 60 days for international mail.

Article 27 — For insured mail that is lost or completely destroyed, compensation shall be made according to the insured value; for partial damage or loss of contents, compensation shall be made pro rata based on the insured value and the actual loss. The standard compensation for ordinary mail shall be prescribed by the administrative department of the State Council for postal services.

Article 28 — Postal enterprises shall not be liable for loss in the following circumstances:

(1) — Loss caused by force majeure, provided that this does not apply to insured mail and postal remittances;

(2) — Where the nature of the item itself or reasonable wear and tear causes damage to the postal material;

(3) — Where the loss is caused by the fault of the sender or recipient;

(4) — Where the postal material has been properly delivered in accordance with the address indicated.

Chapter VI — Express Delivery Services

Article 29 — To engage in express delivery services, an enterprise shall obtain an express delivery business permit in accordance with the provisions of this Law. Without such a permit, no unit or individual may engage in express delivery services. Foreign investors may invest in the express delivery business within China in accordance with law, subject to compliance with relevant foreign investment access provisions.

Article 30 — An enterprise applying for an express delivery business permit shall meet the following conditions:

(1) — Having a legal person qualification;

(2) — Having service capacity suitable for the geographical scope of the express delivery services to be provided;

(3) — Having strict service quality management systems and operational procedures;

(4) — Having complete information security safeguard measures, including a security management system for correspondence and other information security;

(5) — Meeting other conditions as prescribed by laws and administrative regulations.

Article 31 — Express delivery enterprises shall comply with the relevant provisions on the scope of articles prohibited or restricted from delivery. Where items are prohibited or restricted from delivery, the express delivery enterprise shall not accept them for delivery and shall report to the relevant authorities.

Article 32 — Express delivery enterprises shall establish and implement a real-name receiving and delivery system. Users shall provide truthful identity information; express delivery enterprises shall verify user identity information.

Article 33 — Express delivery enterprises shall conduct security inspections of items they transport. Express delivery enterprises shall not transport articles prohibited from delivery, or articles whose delivery is restricted without meeting the prescribed conditions.

Article 34 — Express delivery enterprises shall properly keep and handle user information and shall not sell, disclose or illegally provide user information. Express waybills shall be subject to centralized destruction or other appropriate de-identification treatment to prevent the leakage of user information.

Chapter VII — Supervision and Inspection

Article 35 — The administrative department for postal services shall supervise and inspect the quality of the universal postal service and postal enterprises' performance of their universal postal service obligations, and make public the results of such supervision and inspection in a timely manner.

Article 36 — The administrative department for postal services shall establish and improve a complaint and reporting system to promptly accept users' complaints and reports and deal with the same in accordance with law.

Article 37 — When performing supervision and inspection duties, postal administration personnel shall produce their law enforcement credentials. Postal administration personnel shall have the right to access and copy relevant documents and materials, and to inquire of the relevant persons.

Article 38 — Postal administration personnel shall keep confidential the commercial secrets of the units under inspection and shall not disclose user information obtained during the course of supervision and inspection.

Chapter VIII — Legal Liability

Article 39 — Where a postal enterprise fails to provide universal postal service in accordance with the prescribed scope and standards, the administrative department for postal services shall order it to make corrections and may impose a fine of not less than RMB 5,000 but not more than RMB 50,000.

Article 40 — Where an entity engages in express delivery services without a permit, the administrative department for postal services shall order it to cease operations and confiscate its illegal gains, and impose a fine of not less than RMB 50,000 but not more than RMB 200,000.

Article 41 — Where a postal enterprise or an express delivery enterprise fails to conduct security inspections in accordance with the provisions, or accepts items prohibited from delivery, the administrative department for postal services shall order it to make corrections and impose a fine of not less than RMB 100,000 but not more than RMB 500,000 on the enterprise, and a fine of not more than RMB 100,000 on the directly responsible person in charge and other directly liable persons.

Article 42 — Where a postal enterprise or express delivery enterprise sells, discloses or illegally provides user information, the administrative department for postal services shall order it to make corrections, confiscate its illegal gains, and impose a fine of not less than RMB 10,000 but not more than RMB 100,000; where the circumstances are serious, a fine of not less than RMB 50,000 but not more than RMB 200,000 shall be imposed, and the express delivery business permit may be ordered to be suspended for rectification or revoked.

Article 43 — Where a postal enterprise, in the course of providing the universal postal service, loses, damages or delays the delivery of postal materials intentionally or with gross negligence, thus causing damage to users, it shall be liable for compensation in accordance with law. Where the case constitutes a crime, criminal liability shall be pursued.

Article 44 — Where staff members of the administrative department for postal services abuse their power, neglect their duties, or engage in malpractice for personal gain, and the case constitutes a crime, criminal liability shall be pursued in accordance with law; where the case is not serious enough to constitute a crime, disciplinary action shall be imposed in accordance with law.

Chapter IX — Supplementary Provisions

Article 45 — For the purposes of this Law, "postal materials" means mail, printed matter, parcels, postal remittances, newspapers and periodicals, and such posted or delivered through postal enterprises.

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Article 46 — The measures for the administration of international postal services shall be prescribed by the State Council in accordance with the provisions of international postal conventions to which the People's Republic of China is a party or of which it is a member.

Article 47 — This Law shall come into force on January 1, 1987.

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