

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

L/2851

19 September 1967

Limited Distribution

ACCESSION OF POLAND

On 4 September 1967 the CONTRACTING PARTIES adopted a Decision (L/2843) to the effect that Poland may accede to the General Agreement on the terms set out in the Protocol for the Accession of Poland, the text of which was approved by the CONTRACTING PARTIES at the forty-first meeting of the Council (C/M/41). The text of the Protocol is annexed hereto.

The Protocol was signed by Poland on 18 September 1967. In accordance with paragraph 11 of the Protocol, the Protocol will enter into force on 18 October 1967 and, in terms of paragraph 1 thereof, Poland will become a contracting party to the General Agreement on that day.

The Protocol may be signed by contracting parties if they wish to do so.

PROTOCOL FOR THE ACCESSION OF POLAND TO THE
GENERAL AGREEMENT ON TARIFFS AND TRADE

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the European Economic Community, and the Government of the Polish People's Republic (hereinafter referred to as "Poland"),

HAVING regard to the results of the negotiations directed towards the accession of Poland to the General Agreement,

TAKING NOTE of the requests of Poland for accession dated 31 March 1959 and 15 December 1966 and of the Declaration on Relations between Contracting Parties and Poland dated 9 November 1959,

HAVE through their representatives agreed as follows:

Part I - General

1. Poland shall, upon entry into force of this Protocol pursuant to paragraph 11, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply to contracting parties provisionally and subject to this Protocol:

- (a) Parts I, III and IV of the General Agreement, and
- (b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

The obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2(b) of Article II by reference to Article VI of the General Agreement shall be considered as falling within Part II for the purpose of this paragraph.

- 2. (a) The provisions of the General Agreement to be applied to contracting parties by Poland shall, except as otherwise provided in this Protocol, be the provisions contained in the text annexed to the Final Act of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as rectified, amended, or otherwise modified by such instruments as may have become at least partially effective on the day on which Poland becomes a contracting party; provided that this does not mean that Poland undertakes to apply a provision of any such instrument prior to the effectiveness of such provision pursuant to the terms of the instrument.

- (b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII, and sub-paragraph 3(c) of Article I of the General Agreement refer to the date of that Agreement, the applicable date in respect of Poland shall be the date of this Protocol.
3. (a) Contracting parties which on the date of this Protocol apply to imports from Poland prohibitions or quantitative restrictions which are inconsistent with Article XIII of the General Agreement may, notwithstanding these provisions, continue to apply such prohibitions or restrictions to their imports from Poland provided that the discriminatory element in these restrictions is (a) not increased and (b) progressively relaxed as far as the quantities or values of permitted imports of Polish origin are concerned so that at the expiry of the transitional period the length of which will be determined in accordance with (c) below, any inconsistency with the provisions of Article XIII has thus been eliminated.
- (b) The CONTRACTING PARTIES shall in the course of the annual consultations provided for in paragraph 5 below review measures taken by contracting parties pursuant to the provisions of this paragraph, and make such recommendations as they consider appropriate.
- (c) During the course of the third annual consultation provided for in paragraph 5 below, the CONTRACTING PARTIES shall, in the light of all relevant circumstances, consider the establishment of a date for the termination of the transitional period referred to in (a) above. If no such date is fixed during the course of such consultation, this question shall be re-examined at each subsequent annual consultation until a date is fixed.
4. (a) If any product is being imported into the territory of a contracting party from the territory of Poland in such increased quantities or under such conditions as to cause or threaten serious injury to domestic producers in the former territory of like or directly competitive products, the provisions of (b) to (e) of this paragraph shall apply.
- (b) The contracting party concerned may request Poland to enter into consultation with it. Any such request shall be notified to the CONTRACTING PARTIES. If, as a result of this consultation, Poland agrees that the situation referred to in (a) above exists, it shall limit exports or take such other action, which may include action with respect to the price at which the exports are sold, as will prevent or remedy the injury.

- (c) Should it not be possible to reach agreement between Poland and the contracting party concerned as a result of consultation under (b), the matter may be referred to the CONTRACTING PARTIES who shall promptly investigate the matter and who may make recommendations to Poland or to the contracting party which initially raised the matter.
- (d) If following action under (b) and (c) above, agreement is still not reached between Poland and the contracting party concerned, the contracting party shall be free to restrict imports from the territory of Poland of the product concerned to the extent and for such time as is necessary to prevent or remedy the injury. Poland shall then be free to deviate from its obligations to the contracting party concerned in respect of substantially equivalent trade.
- (e) In critical circumstances, where delay would cause damage difficult to repair the contracting party affected may take action provisionally without prior consultation, on the condition that consultation shall be affected immediately after taking such action.

5. Nine months after the date of this Protocol and annually thereafter the Polish Government shall consult with the CONTRACTING PARTIES with a view to reaching agreement on Polish targets for imports from the territories of the contracting parties as a whole in the following year. These consultations on Polish trade with contracting parties would follow the lines laid down in Annex A to this Protocol.

6. During the course of each consultation provided for in paragraph 5 above, there shall be a review of trade in the preceding twelve-month period between contracting parties and Poland. If it is established in such a review that Polish imports from the territories of contracting parties in this period have, for reasons other than an unexpected decline in Polish exports to the territories of contracting parties, fallen short of the quantities or values provided for, in the relevant annual consultation, the CONTRACTING PARTIES shall consider the situation, and make such recommendations as they consider appropriate.

7. Pursuant to the procedures outlined in paragraph 6, or not less than three months before an annual consultation provided for in paragraph 5, a contracting party may request Poland or Poland may request a contracting party to enter into consultation with it. Any such requests shall be notified to the CONTRACTING PARTIES. Should such consultation not lead to a result satisfactory to the contracting party or to Poland, that contracting party or Poland may suspend the application to Poland or to the contracting party concerned of such concessions or other obligations under the General Agreement as it considers necessary and shall immediately inform

the CONTRACTING PARTIES of any such action. At the request of the contracting party, Poland or any other contracting party having a substantial interest in the subject of the consultation, the CONTRACTING PARTIES shall consult with that contracting party and Poland. Should such consultation not lead to an agreement between the contracting party and Poland, and should the contracting party or Poland continue to take action under this paragraph, Poland or the contracting party shall be free, while such action is taken, to suspend to an equivalent extent the application to that contracting party or to Poland of such concessions or other obligations under this Protocol as it may consider necessary.

8. Poland reserves its position with respect to the provisions of paragraph 6 of Article XV of the General Agreement, but undertakes that, so long as Poland is not a member of the International Monetary Fund, it will act in exchange matters in accordance with the intent of the General Agreement and in a manner fully consistent with the principles laid down in the text of the special exchange agreement as adopted by the CONTRACTING PARTIES in their Resolution of 20 June 1949. Poland shall report to the CONTRACTING PARTIES promptly on any action taken by it which would have been required to be reported to the CONTRACTING PARTIES had Poland signed the special exchange agreement. Poland shall consult with the CONTRACTING PARTIES at any time, subject to thirty days' notice, upon request of any contracting party which considers that Poland has taken exchange action which may have a significant effect on the application of the provisions of the General Agreement or is inconsistent with the principles and objectives of the special exchange agreement. If, as a result of such consultation, the CONTRACTING PARTIES find that Poland has taken exchange action contrary to the intent of the General Agreement, they may determine that the present reservation shall cease to apply and Poland shall thereafter be bound by the provisions of paragraph 6 of Article XV of the General Agreement.

Part II - Schedule

9. The schedule in Annex B shall, upon the entry into force of this Protocol, become a Schedule to the General Agreement relating to Poland.

Part III - Final Provisions

10. This Protocol shall be deposited with the Director-General to the CONTRACTING PARTIES. It shall be open for signature by Poland until 1 July 1968. It shall also be open for signature by contracting parties and by the European Economic Community.

11. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been signed by Poland.

12. Signature of this Protocol by Poland shall constitute final action to become a party to each of the following instruments:

- (i) Protocol Amending Part I and Articles XXIX and XXX, Geneva, 10 March 1955;
- (ii) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;
- (iii) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;
- (iv) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;
- (v) Protocol Relating to the Negotiations for the Establishment of New Schedule III - Brazil, Geneva, 31 December 1958;
- (vi) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and
- (vii) Ninth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 17 August 1959.

13. Poland, having become a contracting party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession, with the Director-General. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI or on the thirtieth day following the day of the deposit of the instrument of accession, whichever is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

14. Poland may withdraw its provisional application of the General Agreement prior to its accession thereto pursuant to paragraph 13 and such withdrawal shall take effect on the sixtieth day following the day on which written notice thereof is received by the Director-General.

15. The Director-General shall promptly furnish a certified copy of this Protocol and a notification of each signature thereto, pursuant to paragraph 10, to each contracting party, to the European Economic Community, to Poland and to each government which shall have acceded provisionally to the General Agreement.

16. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

DONE at Geneva this thirtieth day of June one thousand nine hundred and sixty-seven, in a single copy, in the English and French languages, both texts being authentic.

ANNEX A

Plan for Annual Review

The review referred to in paragraph 5 of the Protocol shall cover the following points, among others:

- (i) Polish exports to the territories of contracting parties.
 - (a) The general trend and geographical distribution of Polish exports to the territories of contracting parties. Has there been an unexpected decline or increase in Polish exports?
 - (b) Development of Polish exports of different categories of goods, e.g. agricultural goods, raw materials, semi-manufactured goods, machinery and consumer goods.
 - (c) Action taken by contracting parties under paragraph 3 of the Protocol to remove remaining quantitative restrictions on imports from Poland.
 - (d) Other questions relating to the exports of Poland to the territories of contracting parties in the period under review, including any problems arising of the sort provided for by, or any action taken under paragraph 4 of the Protocol.
- (ii) Polish imports from the territories of contracting parties.
 - (a) The general trend and geographical distribution of Polish imports from the territories of other contracting parties. Did actual Polish imports reach the quantities or values provided for in the period under review? If not, what was the reason for the shortfall in Polish imports?
 - (b) Development of Polish imports of various categories of goods (e.g. agricultural goods, raw materials, semi-manufactured goods, machinery and consumer goods) from the territories of contracting parties in relation to development of Polish imports from other countries.
 - (c) Development of Polish imports from the territories of contracting parties in relation to development of the Polish market.
 - (d) Provision made by Poland pursuant to paragraph 1 of the Schedule of Concessions of Poland to ensure an annual increase in the total value of its imports from the territories of contracting parties.

(e) Other questions relating to imports of Poland from the territories of contracting parties.

(iii) Polish balance of payments with contracting parties.

Balance-of-payments situation including situation of Poland's trade and capital transactions.

ANNEX B

Schedule LXV - Poland

1. Subject to paragraph 2 below, Poland shall, with effect from the date of this Protocol, undertake to increase the total value of its imports from the territories of contracting parties by not less than 7 per cent per annum.
2. On 1 January 1971 and thereafter on the date specified in paragraph 1 of Article XXVIII of the General Agreement Poland may, by negotiation and agreement with the CONTRACTING PARTIES, modify its commitments under paragraph 1 above. Should this negotiation not lead to agreement between Poland and the CONTRACTING PARTIES, Poland, shall, nevertheless, be free to modify this commitment. Contracting parties shall then be free to modify equivalent commitments.