

**GENERAL AGREEMENT**

GATS/SC/71

15 April 1994

**ON TRADE IN SERVICES**

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(94-1068)

**POLAND**

**Schedule of Specific Commitments**

(This is authentic in English only)

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**POLAND - SCHEDULE OF SPECIFIC COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS<sup>1</sup></b>			
<b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b>	1) Unbound in relation to subsidies and other form of public assistance  2) Unbound in relation to subsidies and other form of public assistance  3) The establishment by foreign service suppliers may only take the form of limited liability company or joint stock company. The same legal form is required in the case of joint-venture of Polish and foreign companies.	1) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission  2) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission  3) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission	

1 There is non-discriminatory system of foreign exchange controls relating to limitations in foreign exchange turnover and to system of foreign exchange permits (general and individual) among others limitations of capital flows and currency payments. The following foreign exchange transactions require authorization:

- transfer of foreign exchange out of the country;
- transfer of Polish currency into the country;
- ownership transfer of the right to monetary assets between domestic and foreign persons;
- granting and drawing of loans and credits by domestic persons in foreign exchange transactions;
- fixing or executing payments in foreign currencies within Poland for acquired goods, real estate, property rights, services or labour;
- opening and possessing of a banking account in a bank situated abroad;
- acquiring and holding foreign securities and acquiring real estate abroad,
- undertaking other obligations abroad of similar effect.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Unbound with respect to branches and representative offices</p> <p>Unbound in relation to acquisition of state-owned property, i.e. the regulations governing the privatization process</p> <p>Authorization of the establishment of a company with foreign equity is required in the case of:</p> <ul style="list-style-type: none"> <li>- establishment of company, purchase or acquiring of shares or stocks in an existing company; extending of the activity of the company when the scope of activity embraces at least one of the following areas:               <ul style="list-style-type: none"> <li>- management of seaports and airports;</li> <li>- dealing in real estate or acting as intermediary in real estate transactions;</li> <li>- supply to defence industry that is not covered by other licensing requirements;</li> <li>- wholesale trade in imported consumer goods;</li> <li>- provision of legal advisory services.</li> </ul> </li> </ul>		

**POLAND (continued)**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>- establishment of a joint-venture company with a foreign equity in which the Polish party is a state legal person and is contributing non-pecuniary assets as initial capital;</p> <p>- arranging a contract, that includes right to use of state property for more than 6 months or decides on acquiring of such property</p> <p>Unbound in relation to subsidies and other form of public assistance</p> <p>4) Unbound except for enabling foreign service suppliers acting in areas covered by this schedule and established in Poland to temporary employment of key personnel in conformity with the Polish law meaning managers or specialists, possessing high or uncommon qualifications or knowledge necessary for the functioning of the enterprise under the condition that such persons must have been employed by this enterprise at least one year. Work permits are issued exclusively for the definite period - up to one year, with a possibility of extension - to a given foreigner working at a specified employer. Market test requirement.</p>	<p>4) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission</p>	

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>					
<b>1. BUSINESS SERVICES</b>					
<b>A. <u>Professional Services</u></b>					
a) Legal services (CPC 861)	<p>1) None</p> <p>2) None</p> <p>3) Establishment subject to authorization. Nationality requirement.</p> <p>4) Unbound except for horizontal measures. Nationality requirement.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>			

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access	Limitations on national treatment	Limitations on national treatment	Additional commitments
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None	1) None	1) None		
	2) None	2) None	2) None		
	3) Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.	3) Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.	3) None		
	4) Unbound except for horizontal measures. Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.	4) Unbound except for horizontal measures. Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.	4) None		
e) Engineering services (CPC 8672)	1) None	1) None	1) None		
	2) None	2) None	2) None		
	3) None	3) None	3) None		
	4) Unbound except for horizontal measures	4) Unbound except for horizontal measures	4) None		

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on national treatment			
		Limitations on market access		Additional commitments	
h) Private medical and dental services (CPC 9312 excluding services provided by the public sector)	1) Public medical insurance programmes do not cover cost of medicare supplied abroad	1) None			
	2) Public medical insurance programmes do not cover cost of medicare supplied abroad	2) None			
	3) Nationality requirement. Practice of medical profession by foreigners requires the permission.	3) None			
	4) Unbound except for horizontal measures. Nationality requirement. Practice of medical profession by foreigners requires the permission.	4) Foreign medical doctors have limited election rights within the professional chambers			
i) Veterinary services (CPC 932)	1) None	1) None			
	2) None	2) None			
	3) Nationality requirement. Foreign persons may apply for permission to practice.	3) None			
	4) Unbound except for horizontal measures. Nationality requirement. Foreign persons may apply for permission to practice.	4) None			

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	1)	Limitations on market access	Limitations on national treatment	Additional commitments	
j) Services provided by midwives, nurses in private establishments (CPC 93191** excluding services provided within public sector)	1) Public insurance programmes do not cover cost of foreign medical services supplied abroad	1) None			
	2) Public insurance programmes do not cover cost of foreign medical services supplied abroad	2) None			
	3) Nationality requirement in the case of midwives and nurses	3) None			
	4) Unbound except for horizontal measures. Nationality requirement in the case of midwives and nurses.	4) None			
B. <u>Computer and Related Services</u>					
Computer and related services (CPC 841, 842, 843, and 844)	1) None	1) None			
	2) None	2) None			
	3) None	3) None			
	4) Unbound except for horizontal measures	4) None			



POLAND (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access		Limitations on national treatment	Additional commitments
F. <u>Other Business Services</u>					
a) Advertising (CPC 871 excluding advertising of tobacco products, alcoholic beverages, pharmaceuticals)		1) Unbound 2) None 3) None 4) Unbound except for horizontal measures		1) Unbound 2) None 3) None 4) None	
c) Management consulting services (CPC 865)		1) None 2) None 3) None 4) Unbound except for horizontal measures		1) None 2) None 3) None 4) None	
f) Services incidental to agriculture, hunting and forestry (CPC 88:)		1) None 2) None 3) None 4) Unbound except for horizontal measures		1) None 2) None 3) None 4) None	

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access	Limitations on national treatment		Additional commitments
h) Services incidental to mining and oil-field (CPC 883 excluding exploitation of natural resources)	1) None	1) None	1) None	1) None	
	2) None	2) None	2) None	2) None	
	3) None	3) None	3) None	3) None	
	4) Unbound except for horizontal measures	4) Unbound except for horizontal measures	4) None	4) None	
p) Photographic services (CPC 875 excluding aerial photography)	1) None	1) None	1) None	1) None	
	2) None	2) None	2) None	2) None	
	3) None	3) None	3) None	3) None	
	4) Unbound except for horizontal measures	4) Unbound except for horizontal measures	4) None	4) None	
r) Printing, publishing (CPC 8842)	1) None	1) None	1) None	1) None	
	2) None	2) None	2) None	2) None	
	3) Nationality requirement for the editor-in-chief of newspapers and journals	3) Nationality requirement for the editor-in-chief of newspapers and journals	3) None	3) None	
	4) Unbound except for horizontal measures. Nationality requirements for the editor-in-chief of newspapers and journals.	4) Unbound except for horizontal measures. Nationality requirements for the editor-in-chief of newspapers and journals.	4) None	4) None	

POLAND (continued)

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Sector or subsector		Limitations on market access		Limitations on national treatment	Additional commitments
t)	Other	1) None		1) None	
-	Translation services excluding services of sworn interpreters (CPC 87905**)	2) None		2) None	
		3) None		3) None	
2.	COMMUNICATION SERVICES	4) Unbound except for horizontal measures		4) None	
B.	<u>Courier Services</u>				
-	Courier services excluding written correspondence e.g. letters (CPC 7512)	1) None		1) None	
		2) None		2) None	
		3) None		3) None	
C.	<u>Telecommunication Services</u>	4) Unbound except for horizontal measures		4) None	
g)	Other telecommunication services including value added services (CPC 7522**, 7523**)	1) Use of the public network, or the network of other authorized operator, required in the case of cross-border provision of these services		1) Only Polish companies with no foreign equity may be permitted to use equipment, lines, and networks directly linked to equipment, lines and networks located abroad	

**POLAND (continued)**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
2)	Use of the public network, or the network of other authorized operator, required in the case of cross-border consumption of these services	Only Polish companies with no foreign equity may be permitted to use equipment, lines, and networks directly linked to equipment, lines and networks located abroad	
3)	Provision of VAN services within Poland requires the usage of authorised networks <sup>2</sup> . Foreign equity in inter-town lines not higher than 49 per cent. No equity threshold for local operators. Use of the public network, or the network of other authorized operator, required in the case of cross-border provision of these services by the service providers established in Poland.	Only Polish companies with no foreign equity may be permitted to use equipment, lines, and networks directly linked to equipment, lines and networks located abroad	
4)	Unbound except for horizontal measures	None	

2 Only three technically different telecommunication systems - based on equipment mostly produced in Poland - can be applied within public telecommunication network (or other networks larger than voievodsh: ps).

POLAND (continued)

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Sector or subsector		Limitations on market access		Limitations on national treatment	Additional commitments
3.	CONSTRUCTION AND RELATED ENGINEERING SERVICES				
	Construction services (CPC 511, 512, 513, 514, 515, 516, 517, 518)	1) Unbound* 2) None 3) None 4) Unbound except for horizontal measures		1) Unbound* 2) None 3) None 4) None	
4.	DISTRIBUTION SERVICES				
B.	<u>Wholesale Trade Services</u>				
	Wholesale trade within Poland (CPC 622 excluding 62226, 62228, 62251, 62252)	1) None 2) None 3) Licensing of establishment of companies in the area of wholesale trade in imported consumer goods 4) Unbound except for horizontal measures		1) None 2) None 3) None 4) None	

\* Unbound due to lack of technical feasibility.

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment			Additional commitments
<p>C. <u>Retail Services</u></p> <p>- Retail trade within Poland (CPC 631. 632 excluding 63107, 63108, 63211)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>			
<p>5. EDUCATIONAL SERVICES</p> <p>- Private educational services (CPC 921, 922, 923, 924)</p>	<p>1) Public system of education and of scholarships do not cover educational services supplied from abroad</p> <p>2) Public system of education and of scholarships do not cover educational services supplied abroad</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>			

POLAND (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	Additional commitments
	Limitations on market access	Limitations on national treatment			
6. ENVIRONMENTAL SERVICES					
D. <u>Other</u>					
Monitoring of environment.	1) None		1) None		
Consultancy related to the environmental protection. Cleaning of exhaust gases. Noise abatement. (CPC 9404**, 9405**)	2) None		2) None		
	3) None		3) None		
	4) Unbound except for horizontal measures		4) None		
7. FINANCIAL SERVICES*					
A. <u>All insurance and insurance related services</u>					
- Insurance and related services (CPC 812** except 81212, 81293):	1) Unbound		1) Unbound		
	2) Unbound		2) Unbound		

\* Prudential regulations in the financial sector are being elaborated in Poland. They may require alteration of the presently existing rules as well as preparation of the new laws. Their application will be done in accordance with the provisions of the Annex on Financial Services, paragraph 2 - Domestic Regulation sub-paragraph 1.

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access	Limitations on national treatment	Additional commitments	
- direct insurance (including coinsurance): - life, - non-life; - reinsurance and retrocession; - brokerage (CPC 81401, 81402**)		3) Establishment only in a form of joint stock company or mutual insurance society except for brokerage where horizontal measures apply. Foreign participation in the insurance company cannot be lower than 50 per cent of the minimal guarantee fund. Insurance funds and company own assets have to be invested in Poland and cannot be transferred abroad. Head of a brokerage company should meet qualifications of insurance broker. Nationality requirement for insurance brokers.	3) None		
		4) Unbound except for horizontal measures. Nationality requirement for insurance brokers.	4) None		



**POLAND (continued)**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><b>B. <u>Banking and Other Financial Services</u></b></p> <p>Banking services:</p> <p>a) Acceptance of deposits and other repayable funds (CPC 81115-81119)</p> <p>b) Lending of all types (CPC 8113)</p> <p>d) All payment and money transmission services (CPC 81339**)</p> <p>e) Guarantees and commitments (excluding guarantees and commitments of the State Treasury) (CPC 81199**)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Establishment of a bank only in a form of joint stock company. System of permits in relation to establishment of all banks based on prudential grounds. Nationality requirement for some - at least one - of the bank executives.</p> <p>4) Unbound except for horizontal measures. Nationality requirement for some - at least one - of the bank executives.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) None</p>	

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
g) Other financial services: Participation in issues of all kinds of securities (excluding treasury bonds), including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 8132)	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Establishment only in a form of joint stock company. Nationality requirement for brokers and securities advisors.</p> <p>4) Unbound except for horizontal measures. Nationality requirement for brokers and securities advisors.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) None</p>			
i) Mutual funds services (CPC 81323**)					
k) Advisory and other auxiliary services to banking activities included into this schedule (CPC 8133)					

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access		Limitations on national treatment	
1)	Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services (CPC 8131)	<p>1) Requirement to use the public telecommunication network, or the network of other authorized operator, in the case of cross-border provision of these services</p> <p>2) Requirement to use the public telecommunication network, or the network of other authorized operator, in the case of cross-border consumption of these services</p> <p>3) Requirement to use the public telecommunication network or the network of other authorized operator in the case of cross-border provision and/or consumption of these services</p> <p>4) Unbound except for horizontal measures</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>		Additional commitments

**POLAND (continued)**

Modes of supply:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sector or subsector	Limitations on market access		Limitations on national treatment		Additional commitments
<p><b>8. HEALTH RELATED AND SOCIAL SERVICES</b></p> <p><b>A. Hospital Services</b></p> <p>Private hospital and sanatorium services (CPC 9311 excluding services provided by the public sector)</p>	<p>1) Unbound*</p> <p>2) Public medical insurance programs do not cover cost of medicare supplied abroad</p> <p>3) Head, or his deputy, of the health facility should meet qualifications of medical doctor. All the limitations pertaining to medical, and dental services, as well as services of midwives, nurses are applicable.</p> <p>4) Unbound except for horizontal measures. Head, or his deputy, of the health facility should meet qualifications of medical doctor. All the limitations pertaining to medical, and dental services, as well as services of midwives, nurses are applicable.</p>		<p>1) Unbound*</p> <p>2) Service consumers may not be entitled to receive financial support from public resources</p> <p>3) Foreign private establishment and their service consumers may not be entitled to receive financial support from public resources</p> <p>4) None</p>		

\* Unbound due to lack of technical feasibility.

**POLAND (continued)**

Modes of supply:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access		Limitations on national treatment	
	1)	2)	3)	Additional commitments
9. TOURISM AND TRAVEL RELATED SERVICES				
A. <u>Hotels and Restaurants</u> (CPC 641, 642)	1) Unbound*	2) None	1) Unbound*	
	2) None	3) None	2) None	
	3) None	4) Unbound except for horizontal measures	3) None	
	4) Unbound except for horizontal measures	1) Commercial presence required	4) None	
B. <u>Travel Agencies and Tour Operators</u> (CPC 7471)	1) Commercial presence required	2) Commercial presence required	1) Commercial presence required	
	2) Commercial presence required	3) None	2) Commercial presence required	
	3) None	4) Unbound except for horizontal measures	3) None	
	4) Unbound except for horizontal measures		4) None	

\* Unbound due to lack of technical feasibility.

**POLAND (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	Additional commitments
	Limitations on market access	Limitations on national treatment			
11. TRANSPORT SERVICES					
C. <u>Airline Transport Services</u>					
c) Rental of aircraft with crew (CPC 734)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None		
d) Maintenance and repair of aircraft (CPC 8868**)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None		