

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## REPLIES TO THE QUESTIONNAIRE ON LICENSING

### Addendum

#### POLAND

With reference to the questionnaire on import licensing procedure (GATT/AIR/849 of 23 March 1971) I have the honour to submit the following information on the licensing system applied in Poland.

In Poland foreign trade operates under the State monopoly system and is conducted by various foreign trade enterprises, specially established to this aim. These enterprises act upon an authorization received from the Minister for Foreign Trade, to whom they are subordinated. The Minister for Foreign Trade may also authorize some other organizational units or enterprises to conduct foreign trade activities.

Only such legally authorized enterprises, a list of which is published, are entitled to enter in trade transactions with foreign partners.

By trade transactions it is understood here, in particular, agreements on buying from or selling goods to abroad, including compensation or barter agreements, active or passive turnover add-value, processing and co-operation agreements and other similar transactions.

Enterprises, carrying out such transactions within their sphere of competence, implement national economic plans in the part concerning the foreign trade.

This different organization of foreign trade in Poland, based on a State monopoly, renders most of the questions of the questionnaire irrelevant in case of Poland. It would, therefore, be of little use to try to answer all of them in turn.

The licensing procedure in Poland is regulated by the following laws and regulations:

- Paragraph 2, sub-paragraph 3, of the Council of Ministers' decree of 8 March 1949 concerning responsibilities of the Minister for Foreign Trade (Official Gazette No. 15 item 96).

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- Article 15, paragraph 1, sub-paragraph 1 and Article 16, paragraph 1, sub-paragraph 2 of the Foreign Exchange Law of 25 March 1952 (Official Gazette No. 21 item 133).
- Paragraphs 2 and 3 of the Council of Ministers' decree of 27 March 1962 concerning licences on importation or exportation of goods.

According to these regulations there are two kinds of export or import licences - general and individual ones.

A part of the national economic plan, which is assigned to a foreign trade enterprise for fulfilment in the given year, constitutes a general licence for this enterprise for export or import of goods. These goods may be either specified in the plan or agreed upon with domestic suppliers or consignees. Only some essential goods are specified in quantitative terms. Others are in value terms.

The general licence is granted automatically together with the annual plan and it may be amended according to an appropriate correction of the plan for this enterprise.

The general licence is issued by the Ministry of Foreign Trade.

Within the general licence an individual licence is issued separately for each export or import contract. It applies to all categories of goods, without regard to their origin or destination. It may be extended or amended according to the real amount or value of the goods imported or exported.

The individual licence is issued automatically by a foreign trade enterprise itself immediately upon concluding of a trade contract or upon receiving of documents certifying conclusion of such a contract.

These licences are of no restrictive character and are maintained simply for statistical and calculation purposes. They also enable the Polish customs authorities to control legality of goods exchange with abroad.

Granting the licence for an export or import transaction means also approval of such a contract in the light of foreign exchange regulations. The import licence constitutes thus an authorization for payments in a foreign currency for the imported goods.

The licensing system in Poland, as described above, is therefore non-restrictive and does not discriminate against any trade partners, since granting of an import licence depends entirely on whether the goods to be imported have been included in the annual plan and whether a contract with a foreign partner has been concluded.