

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/1037

9 September 1959

Limited Distribution

CONTRACTING PARTIES
Fifteenth Session

RELATIONS WITH POLAND

Report of the Working Party on Relations with Poland

1. Following the consideration by the CONTRACTING PARTIES at their fourteenth session of the application of the Government of Poland dated 31 March 1959 for accession to the General Agreement under Article XXXIII, the Working Party was appointed with the composition and terms of reference contained in document W.14/19. Meetings of the Working Party were held during the week beginning 31 August 1959.
2. In accordance with its terms of reference the Working Party consulted with representatives of the Government of Poland. It also took account of information supplied earlier by Poland (MGT/81/58/Add.1 and 2) in reply to questions submitted to it on behalf of contracting parties (MGT/81/58). Certain additional questions asked orally by the members of the Working Party, together with the replies given by the representative of the Government of Poland, will be circulated as an addendum to this report.
3. The Working Party's deliberations took place against the background of the discussion at the fourteenth session, when there was general support for a closer association between Poland and the CONTRACTING PARTIES; members of the Working Party reiterated their governments' desire for this closer association. A draft decision and a draft declaration, aimed at achieving a closer relationship and an expansion of trade between Poland and the CONTRACTING PARTIES, were drawn up by the Working Party for submission to governments and for their further consideration at the fifteenth session; these drafts are attached and should be considered an integral part of this report.
4. In an earlier draft of paragraph 1 of Part A of the declaration appeared the words "the objectives set out in paragraph 2 of the Preamble to the General Agreement". The Working Party decided to delete the specific reference to paragraph 2. This was done after the Executive Secretary had expressed the view that reference to paragraph 2 was likely to lead to ambiguity and was in any case unnecessary. The last paragraph of the Preamble referred to ways of contributing to the objectives; it did not describe the objectives as such.
5. In reply to a question concerning negotiations on global quotas with Poland, the representative of the Government of Poland referred to the possibility of Poland carrying out these negotiations at the 1960 Tariff Conference and asked what

procedures were likely to be followed if such negotiations were, in fact, to take place. After discussion, the Working Party expressed the view that this matter fell outside its terms of reference.

DRAFT DECISION ON RELATIONS BETWEEN
CONTRACTING PARTIES TO THE GENERAL AGREEMENT
ON TARIFFS AND TRADE AND THE GOVERNMENT OF POLAND

CONSIDERING that the Government of Poland wishes to establish closer relations with the CONTRACTING PARTIES to the General Agreement and, through such association, to contribute to an expansion of trade with the countries which are parties to the General Agreement; and

NOTING that a number of contracting parties desire to establish closer trading relations with Poland /on the basis of effective reciprocity and mutual advantage/ /on a reciprocal and mutually advantageous basis/ and have agreed on the text of a Declaration governing their commercial relations with that country and that those contracting parties have requested the CONTRACTING PARTIES to take the action referred to in Part B, Section 4 of the said Declaration;

The CONTRACTING PARTIES

DECIDE

1. To take note of the Declaration referred to in the preamble to this Decision, and to open it for acceptance by Poland, by contracting parties to the General Agreement and by any governments which have acceded or may accede provisionally to the General Agreement;
2. To accept such functions as are necessary for the operation of the Declaration after it has entered into force; and
3. From the date of entry into force of the Declaration, to invite the Government of Poland to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES.

This Decision shall continue in effect subject to the provisions of Part D of the Declaration.

DRAFT DECLARATION ON RELATIONS BETWEEN CONTRACTING
PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE
AND THE GOVERNMENT OF POLAND

- A -

THE GOVERNMENT OF POLAND HEREBY DECLARES:

1. That, being guided by the objectives set out in the Preamble to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement"), it desires to expand its trade with the other countries which are signatories to this Declaration on the basis of /effective reciprocity of/ /mutual advantage in/ trading conditions and opportunities.

2. That it will give sympathetic consideration to any representations which may be addressed to it by any other party to this Declaration concerning implementation of paragraph 1 above and will be prepared to enter into consultations with such party concerning its representations.

3. That, in line with the corresponding commitments accepted by the contracting parties in the General Agreement, it will make public promptly, in a manner as to enable governments and traders to become acquainted with them, laws, regulations, judicial decisions, administrative rulings and agreements of general application as well as statistics pertaining to trade. This provision shall not require the disclosure of confidential information which would impede law enforcement or otherwise be contrary to the public interest or prejudice the legitimate commercial interests of public or private enterprises.

4. That it will annually review with the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES") the implementation of the above paragraphs.

- B -

THE PARTIES TO THIS DECLARATION, OTHER THAN POLAND, HEREBY DECLARE:

1. That, being guided by the objectives set out in the Preamble to the General Agreement, they desire to expand their trade with Poland on the basis of effective reciprocity of mutual advantage in trading conditions and opportunities.

2. That they will give sympathetic consideration to any representations which may be addressed to them by Poland concerning implementation of paragraph 1 above and will be prepared to enter into consultations with Poland concerning such representations.

3. That they will annually review with Poland and the CONTRACTING PARTIES the implementation of the above paragraphs.

4. That they will request the CONTRACTING PARTIES:

(a) To take note of this Declaration;

(b) To invite the Government of Poland to take part in the work of the CONTRACTING PARTIES;

(c) To undertake the functions set out in paragraph 4 of Part A and paragraph 3 above.

- C -

1. This Declaration shall be opened for acceptance by signature or otherwise by Poland, by contracting parties to the General Agreement and by any governments which have acceded or may accede provisionally to the General Agreement.

2. This Declaration shall enter into force when it has been accepted by Poland and by two thirds of the contracting parties to the General Agreement.

- D -

The Government of Poland, or any other party to this Declaration shall be free to withdraw from this arrangement upon written notice being given to the Executive Secretary of the CONTRACTING PARTIES:

- (a) If Poland should withdraw from this arrangement, the Declaration shall lapse and any arrangements made by the CONTRACTING PARTIES shall cease to be valid.
- (b) If a party to this Declaration other than Poland should withdraw from this arrangement the sole effect of such withdrawal shall be to terminate the application of this Declaration as between Poland and the party concerned, as long as a majority of the CONTRACTING PARTIES remain parties to these arrangements.

- E -

1. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES.

2. The Executive Secretary of the CONTRACTING PARTIES shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this Declaration is open for acceptance.

DONE at _____, this _____ day of _____, one thousand nine hundred and _____, in a single copy, in the English and French languages, both texts authentic.

