

# WORLD TRADE ORGANIZATION

S/C/N/97  
4 March 1999

(99-0835)

Council for Trade in Services

Original: English

## NOTIFICATION PURSUANT TO ARTICLE III.3 OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

The following notification has been received from the delegation of Poland.

1. **Member notifying:**

Poland

2. **Notification under:**

Article III, paragraph 3, of the General Agreement on Trade in Services.

3. **Date of entry into force:**

15 September 1997

**Duration**

Indefinite

4. **Agency responsible for implementation and enforcement of the measures:**

Ministry of Justice

5. **Description of the measures:**

Measure

- (i) mode of supply covered by the measure: (3) commercial presence, (4) presence of natural persons;
- (ii) effect on trade in services: liberalization measure;
- (iii) impact of the measure on commitments in the Member's schedule:

Act of 22 May 1997 on the amendment of the act - Law on the Bar, Act on Legal counsellors and some other acts, abolishes the nationality requirement for attorneys at law and legal counsellors.

According to that Act district attorneys' council may waive the requirement to undergo attorney's apprenticeship in respect of a citizen of the European Union

./.

member state if such person has graduated from a university law faculty recognized in Poland to be equivalent, is fluent in the Polish language in speaking and writing, has been entered into the list of attorneys in the European Union member state and has practised the profession of an attorney at law.

According to the Act of 22 May 1997 the National Council of Legal Counsellors may waiver, on the condition of reciprocity, the requirement to undergo legal counsellor's apprenticeship in respect of a citizen of the European Union member state if such person has graduated from a university law faculty recognized in Poland to be equivalent and is fluent in the Polish language in speaking and writing, has been entered into the list of attorneys at law in the European Union member state and has practised the profession of an attorney at law or a legal counsellor.

Companies with foreign participation may be formed pursuant to the Act of 14 June 1991 on companies with foreign participation (Journal of Laws - Dz. U. of 1997, No. 26, item 143) in order to provide legal assistance in the territory of the Republic of Poland, provided they meet the following conditions:

- (i) all foreign partners (shareholders) have the right, obtained abroad, to practice independently the profession of an attorney at law or a legal counsellor, or they form companies with the exclusive participation of such persons, and all the Polish partners are legal counsellors or attorney at law,
- (ii) foreign partners (shareholders) prove reciprocity on the part of the countries in which they have the right to practice independently the profession of an attorney at law or a legal counsellor, and in case of companies referred to in paragraph 1 above, on the part of the countries of their seat.

Attorneys at law and legal counsellors may provide legal assistance within the framework of the companies referred to in paragraph 1 above if they are partners or shareholders.

**6. Members specifically affected, if any:**

Non-EU members.

**7. The texts are available from:**

Dziennik Ustaw nr 75/1997 pozycja 471 z dnia 14 lipca 1997 (Polish Official Journal no. 75/1997 item 471 of 14 July 1997).

---