

**GENERAL AGREEMENT  
ON TRADE IN SERVICES**

---

GATS/EL/71  
15 April 1994  
(94-1139)

**POLAND**

**Final List of Article II (MFN) Exemptions**

(This is authentic in English only)

---



**POLAND - FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS**

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
All sectors	Commercial presence notions contained in: <ul style="list-style-type: none"> <li>- commerce and navigation treaties;</li> <li>- business and economic relation treaties;</li> <li>- promotion and protection of foreign investment agreement;</li> </ul> that go beyond limitations embodied in Poland's schedule of specific commitments	All countries	Indeterminate	Reciprocal provisions of existing and future agreements
All sectors	Poland accepts compulsory arbitration of investor/state investment disputes brought by or in respect of service suppliers of countries with which Poland has or may have agreements providing for such procedure	All countries	Indeterminate	Promotion and protection of foreign investment
All passenger and freight transport services excluding maritime transport	Reciprocity requirement concerning supply of transport services by suppliers of countries concerned - in, into and across the territory of such countries	All countries	Indefinite	System of reciprocal agreements - existing and future - on transport cooperation (or of similar character) and promotion and protection of foreign investments, implementing - among others - transportation quotas resulting from bilaterally agreed system of permits

**POLAND** (continued)

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Sale and marketing of air transport services and Computer Reservation Systems	Preferential market access resulting from bilateral air transport agreements	All countries	Indeterminate	Reciprocal provisions concerning supply of air transport services embodied in bilateral air transport agreements
Audiovisual services - motion picture and video tape production and distribution services	Preferential treatment of audiovisual works, including preferential access to funding	All countries	Indefinite	The aim of such agreements is to promote cultural links between countries concerned on the basis of co-production agreements
Audiovisual services - production and distribution of cinematography works and television programmes	Preferential treatment that is adopted for the implementation of benefits, in conformity with support programmes and suppliers of these programmes, meeting specific European origin criteria	All European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned

**POLAND** (continued)

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services - transmission of audiovisual works to the public	Preferential measures that are applied for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (No 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programmes meeting specific criteria	Parties to the Council of Europe Convention on Transfrontier Television or other European countries with which an agreement may be concluded	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain cultural policy objectives
Fishing and fishing-related services	Preferential treatment - in the area of fisheries jurisdiction of countries involved - in relation to the services and service providers from countries with which Poland has favourable fishery relations based on compliance to the international conservation practices and policies or agreements on fisheries, particularly in the Baltic Sea basin	All countries	Indeterminate	Cooperation concerning the conservation of fisheries and fishing based on the practice as well as existing and future agreements, particularly in the Baltic Sea basin