

# WORLD TRADE ORGANIZATION

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**Negotiating Group on Maritime Transport Services**

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## COMMUNICATION FROM THE REPUBLIC OF POLAND

### Conditional Offer on Maritime Transport Services

The following communication is circulated at the request of the Republic of Poland to members of the Negotiating Group on Maritime Transport Services.

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Poland hereby submits its Conditional Offer on Maritime Transport Services which still requires respective government approval. This Conditional Offer may be withdrawn, modified or reduced at any time on or before the conclusion of the negotiations. It may also be subject to technical amendments and corrections.



# THE REPUBLIC OF POLAND - CONDITIONAL OFFER ON MARITIME TRANSPORT SERVICES

Modes of supply:							
1) Cross-border supply		2) Consumption abroad		3) Commercial presence		4) Presence of natural persons	
Sector or sub-sector		Limitations on market access		Limitations on national treatment		Additional commitments	
TRANSPORT SERVICES							
MARITIME TRANSPORT SERVICES							
International Transport (freight and passenger) CPC 7211 and 7212 <u>less</u> cabotage transport		1. a) Liner Shipping - unbound (Insofar as the Polish cargo is carried by liner conferences from and to Polish or foreign ports).  b) Bulk, tramp and passenger transportation - none		1. None		Use of the infrastructure facilities in ports as well as related fees and charges - applicable for domestic and foreign service suppliers on non discriminatory basis	
		2. None		2. None			
		3. Establishment of a company for the purpose of operating vessels must be in accordance with the provisions of the Polish Commercial Code (1934) and the Law on Companies with foreign participation (1991) (which require <u>i.a.</u>  - Statute of the company, - nomination of the management board)		3. None, except of ship registration			

**THE REPUBLIC OF POLAND** (continued)

Modes of supply:				
1) Cross-border supply      2) Consumption abroad      3) Commercial presence      4) Presence of natural persons				
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments	
	<p>A vessel may be registered in Poland and fly her flag if: respective provisions are met as contained in the Polish Maritime Code, (Law of 1961 as amended in 1995).</p> <p>4. Crews:</p> <p>a) Foreign vessels; None with regard to complementing crew members,</p> <p>b) Polish registered vessels; Unbound, according to the horizontal commitments<sup>*</sup>, except of the Master.</p>	<p>4. Crews:</p> <p>a) Foreign vessels; None with regard to complementing crew members,</p> <p>b) Polish registered vessels; Unbound, according to the horizontal commitments<sup>*</sup>, except of the Master.</p>		

<sup>\*</sup> Poland Schedule of Specific Commitments, 15 April 1994

# THE REPUBLIC OF POLAND (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or sub-sector	Limitations on market access		Limitations on national treatment		Additional commitments
Maritime Auxiliary Services the following:					The following services at the port are available to foreign shipping service suppliers on non discriminatory conditions.  1. Port Captain’s assistance, 2. Pilotage, 3. Towing and tug assistance, 4. Storage and warehousing services, 5. Provisioning, fuelling and watering, 6. Ship’s repair, 7. Navigation aids, 8. Anchorage, berth and berthing 9. Other shore based operational services essential to ship operation
Maritime Cargo Handling Services	1. Unbound  2. None  3. None, except as indicated in the horizontal commitments and subject to the acceptance of the port authority.  4. Unbound, except as indicated in the horizontal commitments	1. Unbound  2. None  3. None  4. Unbound, except as indicated in the horizontal commitments			

**THE REPUBLIC OF POLAND** (continued)

Modes of supply:				
1) Cross-border supply				
2) Consumption abroad				
3) Commercial presence				
4) Presence of natural persons				
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments	
Maritime Agency Services	1. None	1. None		
	2. None	2. None		
	3. None, except as indicated in the horizontal commitments.	3. None		
	4. Unbound, except as indicated in the horizontal commitments	4. Unbound, except as indicated in the horizontal commitments		
Maritime Freight Forwarding Services	1. None	1. None		
	2. None	2. None		
	3. None, except as indicated in the horizontal commitments	3. None		
	4. Unbound, except as indicated in the horizontal commitments	4. Unbound, except as indicated in the horizontal commitments		

*ANNEX I*

**NOTES TO THE SCHEDULE**

**A. Maritime Transport Services, International Transport**

Ad. 1 Market access.

Understanding on Common Shipping Principles adopted in 1993 by the countries of OECD and Central and Eastern Europe including Poland, contains a set of principles to be applied among them as parties to this Understanding, i.a. the principle concerning the non-discriminatory treatment with respect to access to ports open to international trade and the use of infrastructure and auxiliary maritime services of those ports.

Poland is not a party to the UN Convention on the Code of Conduct for Liner Conferences (1974) but the regulation of liner conferences or similar cartel arrangements carrying the Polish cargo shipped through Polish or foreign ports is under consideration in accordance with the Law on Monopoly Practices of 1990.

Ad. 3 Commercial presence of shipping service suppliers.

Liberalisation of the market access and of the commercial presence of the shipping service suppliers, can not be considered regardless of their standards and conditions which would ensure that the owner or operator is:

- capable of implementing the safety and marine pollution conventions, international standards as well as respective IMO recommendations;
- financially responsible and accountable;
- properly registered and his operations are transparent.

In order to enforce the above, the licensing of the shipping service suppliers in Poland under consideration.

**THE REPUBLIC OF POLAND** (continued)

According to the recently amended Maritime Code by the Polish Parliament a vessel may be registered in Poland and fly her flag if

- is owned by a Polish citizen resident in Poland, or a body corporate having its seat in Poland or the State Treasury;
- the operator has its seat in Poland and the vessel is partly owned by persons or entities mentioned above;

the operator who has its seat in Poland obtains temporary permission to fly the Polish flag and meets requirements prescribed by the Maritime Code.

**B. Maritime auxiliary services**

Establishment in Poland of the cargo handling company, maritime agency company and freight forwarding company may only take the form of limited liability or joint stock company see: Horizontal commitments in Poland - Schedule of specific Commitments (15 April 1994).

Maritime cargo handling

The problems related to the relationship between the shipper /merchant and the shipowner/ operator, including the cargo handling habits in ports, are dealt with by the Baltic and International Maritime Conference /BIMCO/ of which Polish owners and charterers are members.

Maritime Agency Services

UNCTAD Minimum Standards for Shipping Agents were recommended as guidelines for the establishment in Poland of the companies performing such functions.

Maritime Freight Forwarding Services

It has been recommended by the Union of Polish Freight Forwarders (member of FIATA) that the "Forwarding Standard Trading Conditions" be applied by the freight forwarding companies in Poland (with regard to land forwarding and transport see: Poland - list of Article II -MFN Exemptions).