

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM POLAND

Final Schedule of Poland concerning
Initial Commitments on Trade in Services

The following communication is circulated at the request of Poland to members of the Group of Negotiations on Services.

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**FINAL SCHEDULE^a CONCERNING POLAND'S
INITIAL COMMITMENTS ON TRADE IN SERVICES**

PART I

1. Poland submits the attached final schedule of initial commitments relating to the liberalization of access to the domestic services market and to the elimination of restrictions to national treatment as a basis for participation in the General Agreement on Trade in Services. Final commitments of Poland reflect the development during concluding phase of negotiations on bilateral, plurilateral and multilateral level.
2. The classification of services trade is that contained in the MTN services sectoral classification list set out in MTN.GNS/W/120 with minor exceptions relating to some detailed service activities that are differently described in Poland's legal system. Double asterisk (**) attached to CPC codes indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.
3. Poland's commitments relate only to measures applied by Poland regarding particular services, subsectors or sectors as enlisted in this schedule. Moreover, Poland does not undertake commitments in areas which are not directly related to trade in services; *inter alia* the privatization process.
4. Within the enumerated services, subsectors - or even whole sectors - in the following schedule, in pertinent and indicated modes of delivery Poland binds a standstill on regulations affecting market access and national treatment defined by Articles XVI and XVII of the General Agreement on Trade in Services respectively, unless otherwise indicated.

^a Entries that are stricken through represent concessions withdrawn from the former draft final schedule submitted by Poland on December 9, 1993.

PART II

Following are the principal measures of a horizontal nature establishing conditions and restrictions of the market access and national treatment of services and service providers, thereafter referred to as horizontal measures *.

SECTOR/SUBSECTOR	MARKET ACCESS	NATIONAL TREATMENT
Applies to all sectors and indicated modes of delivery of services:	(1), (2), (3), (4) - Unbound in relation to subsidies and other form of public assistance	(1), (2), (3), (4) - Acquisition of real estate (direct and indirect) by foreigners and foreign legal persons requires permission of Ministry of Internal Affairs.
(1) cross-border provision;	(3) - The establishment by foreign service suppliers may only take the form of limited liability company or joint stock company. The same legal form is required in the case of joint venture of Polish and foreign companies.	(1), (2), (3), (4) - Foreign service suppliers (and consumers of their services) delivering public services (such as medical care, education, social services, culture) are not automatically entitled to public subsidies or assistance in different form.
(2) consumption abroad;		
(3) commercial presence;	(3) - Unbound with respect to branches and representative offices.	
(4) presence of natural persons supplying services.	(3) - Unbound in relation to acquisition of state-owned property, i.e. the regulations governing the privatization process.	

*There is a non-discriminatory system of foreign exchange controls relating to limitations in foreign exchange turnover and to system of foreign exchange permits (general and individual) among others limitations of capital flows and currency payments. The following foreign exchange transactions require authorization:

- transfer of foreign exchange out of the country;
- transfer of Polish currency into the country;
- ownership transfer of the right to monetary assets between domestic and foreign persons;
- granting and drawing of loans and credits by domestic persons in foreign exchange transactions;
- fixing or executing payments in foreign currencies within Poland for acquired goods, real estate, property rights, services or labour;
- opening and possessing of a banking account in a bank situated abroad;
- acquiring and holding foreign securities and acquiring real estate abroad;
- undertaking other obligations abroad of similar effect.

(3) - Authorization of the establishment of a company with foreign equity is required when:

- establishment of company, purchase or acquiring of shares or stocks in a existing company; extending of the activity of the company when the scope of activity embraces at least one of the following areas:
 - management of seaports and airports;
 - dealing in real estate or acting as intermediary in real estate transactions;
 - supply to defence industry that is not covered by other licensing requirements;
 - wholesale trade in imported consumer goods;
 - provision of legal advisory services.

- establishment of a joint venture companies with a foreign equity in which the Polish party is a state legal person and is contributing non-pecuniary assets as initial capital.
- arranging a contract, that includes right to use of state property for more than 6 month or decides on acquiring of such property.

(4) - Unbound except for enabling foreign service suppliers acting in areas covered by this schedule and established in Poland to temporary employment of key personnel (in conformity with the Polish law) meaning managers or specialists, possessing high or uncommon qualification or knowledge necessary for the functioning of the enterprise under the condition that such persons have been employed by this enterprise at least one year. Work permits are issued exclusively for the definitive period for a given foreigner working at specified employer. Market test requirement.

(4) - No restrictions on business visits (up to three months) related to negotiating or concluding transactions if it does not involve direct provision of services.

The following section specifies measures establishing conditions, qualifications and restrictions of the market access and national treatment of services and service providers, and modes of delivery⁷ within scheduled service sectors and subsectors.

• This Schedule specifies four modes of delivery as defined by the General Agreement on Trade in Services:
(1) cross border; (2) consumption abroad; (3) commercial presence; (4) presence of natural persons.

•• Central Product Classification number where available.

Private medical and dental services (9312 - excluding services provided by the public sector).

(1), (2) - Public medical insurance programs do not cover cost of medicare supplied abroad.
 (3) None. Nationality requirement. Practice of medical profession by foreigners requires the permission.
 (4) - Unbound except for horizontal measures. Nationality requirement. Practice of medical profession by foreigners requires the permission.

Veterinary services (932).

(1), (2), (3) - None. Nationality requirement. Foreign persons may apply for permission to practice.
 (4) - Unbound except for horizontal measures. Nationality requirement. Foreign persons may apply for permission to practice.

Services provided by midwives, nurses in private establishments (93191 ** excluding services provided within public sector).

(1), (2) - Public insurance programs do not cover cost of foreign medical services supplied abroad.
 (3) - None. Nationality requirement in the case of midwives and nurses.
 (4) - Unbound except for horizontal measures. Nationality requirement in the case of midwives and nurses.

Computer and related services (841, 842, 843, 844).

(1), (2), (3) - None.
 (4) - Unbound except for horizontal measures.

Advertising (871 excluding advertising of tobacco products, alcoholic beverages, pharmaceuticals).

(1) - Unbound.
 (2), (3) - None.
 (4) - Unbound except for horizontal measures.

Services incidental to agriculture, hunting and forestry (881).

(1), (2), (3) - None.
 (4) - Unbound except for horizontal measures.

(1), (2), (3) - None
 (4) - Foreign medical doctors have limited election rights within the professional chambers.

(1), (2), (3), (4) - None.

(1), (2), (3), (4) - None

(1), (2), (3), (4) - None.

(1) - Unbound.
 (2), (3), (4) - None.

(1), (2), (3), (4) - None.

Services incidental to mining and oil-field. (883 - excluding exploitation of natural resources).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Photographic services (875 - excluding aerial photography).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Translation services (excluding services of sworn interpreters).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Printing, publishing (88442).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures. Nationality requirement for the editor-in-chief of newspapers and journals.	(1), (2), (3), (4) - None.

Courier Services excluding written correspondence e.g. letters (7512).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Other telecommunication services including value added services 7522**, 7523**).	(1), (2) - Use of the public network (or the network of other authorized operator) required in the case of cross-border provision of these services. (3) - Provision of VAN services within Poland requires the usage of authorised networks. (Foreign equity in inter-town lines not higher than 49%. No equity threshold for local operators.) Use of the public network (or the network of other authorized operator) required in the case of cross-border provision of these services by the service providers established in Poland. (4) - Unbound except for horizontal measures.	(1), (2), (3) - Only Polish companies (with no foreign equity) may be permitted to use equipment, lines, and networks directly linked to equipment, lines and networks located abroad. (4) - None.
Radio and TV transmission services (7524).	(1), (2) - None. (3) - System of permits. Foreign equity not greater than 33%. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Sound recording (CPC R-0).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Construction services and activities (511, 512, 513, 514, 515, 516, 517, 518).	(1) - Unbound (Undertaking commitment is not technically feasible). (2), (3) - None. (4) - Unbound except for horizontal measures.	(1) - Unbound (Undertaking commitment is not technically feasible). (2) (3), (4) - None.

* Only three technically different telecommunication systems - based on equipment mostly produced in Poland - can be applied within public telecommunication network (or other networks larger than voievodships).

Wholesale trade within Poland (622 excluding 62226, 62228, 62251, 62252).	(1), (2) - None. (3) - Licensing of establishment of companies in the area of wholesale trade in imported consumer goods. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.
Retail trade within Poland (631, 632 excluding 63107, 63108, 63211).	(1) - Unbound. (2), (3) - None. (4) - Unbound except for horizontal measures.	(1) - Unbound. (2), (3), (4) - None.
Private educational services (921, 922, 923, 924).	(1), (2) - Public system of education and of scholarships do not cover educational services supplied abroad. (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (4) - None. (3) - Foreign establishments may not be entitled to subsidies from public resources.
Monitoring of environment. Consultancy related to the environmental protection. Cleaning of exhaust gases. Noise abatement (9404**, 9405**).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.

<p>• Insurance and related services(812** except 81212, 81293):</p> <ul style="list-style-type: none"> - direct insurance (including coinsurance): <ul style="list-style-type: none"> - life, - non-life; - reinsurance and retrocession; - brokerage (81401, 81402**) 	<p>(1), (2) - Unbound.</p> <p>(3) - Establishment only in a form of joint stock company or mutual insurance society except for brokerage where horizontal measures apply. Foreign participation in the insurance company can not be lower than 50% of the minimal guarantee fund. Insurance funds and company own assets have to be invested in Poland and cannot be transferred abroad. Head of a brokerage company should meet qualifications of insurance broker.</p> <p>(4) - Unbound except for horizontal measures. Nationality requirement for insurance brokers.</p>	<p>(1), (2) - Unbound.</p> <p>(3), (4) - None.</p>
<p>Banking services:</p> <ul style="list-style-type: none"> - acceptance of deposits and other repayable funds (81115-81119); - lending of all types (81113); - all payment and money transmission services (81339**); - guarantees and commitments (excluding guarantees and commitments of the State Treasury - 81199**). 	<p>(1), (2) - Unbound.</p> <p>(3) - Establishment of a bank only in a form of joint stock company. (System of permits in relation to establishment of all banks based on prudential grounds).</p> <p>(4) - Unbound except for horizontal measures. Nationality requirement for some of the bank executives.</p>	<p>(1), (2) - Unbound.</p> <p>(3), (4) None.</p>

* Prudential regulations in the financial sector are being elaborated in Poland. They may require alteration of the presently existing rules as well as preparation of the new laws. Their application will be done in accordance with the provisions of the Annex on Financial Services p.2 - Domestic Regulations sub-para.1.

Other financial services:
 - advisory and other auxiliary services to banking activities included into this schedule (8133);
 - participation in issues of all kinds of securities (excluding treasury bonds), including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (8132);
 - mutual funds services (81323**).

(1), (2) - Unbound.
 (3) - Establishment only in a form of joint stock company.
 (4) - Unbound except for horizontal measures. Nationality requirement for brokers and securities advisors.

(1), (2) - Unbound.
 (3), (4) - None.

Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services (8131).

(1), (2), (3) - None except for requirement to use the public network (or the network of other authorized operator) in the case of cross-border provision of these services. (See also entry on other telecommunication services).
 (4) - Unbound except for horizontal measures.

(1), (2), (3), (4) - None.

Private hospital and sanatorium services (9311 excluding services provided by the public sector).	<p>(1) - Unbound (undertaking commitment is not technically feasible).</p> <p>(2) - Public medical insurance programs do not cover cost of medicare supplied abroad.</p> <p>(3) - None. Head (or his deputy) of the health facility should meet qualifications of medical profession (medical doctor).</p> <p>(4) - Unbound except for horizontal measures. All the limitations pertaining to medical, and dental services, as well as services of midwives, nurses are applicable. (See earlier entry on medical services).</p>	<p>(1) - Unbound (undertaking commitment is not technically feasible).</p> <p>(2), (3) - Foreign private establishment and their clients may not be entitled to receive financial support from public resources.</p> <p>(4) - None.</p>
Hotels and restaurants (641, 642).	<p>(1) - Unbound (undertaking commitment is not technically feasible).</p> <p>(2), (3) - None.</p> <p>(4) - Unbound except for horizontal measures.</p>	<p>(1) - Unbound (undertaking commitment is not technically feasible).</p> <p>(2), (3), (4) - None.</p>
Travel agencies and tour operators (7471).	<p>(1), (2) - Commercial presence required.</p> <p>(3) - None.</p> <p>(4) - Unbound except for horizontal measures.</p>	<p>(1), (2) - Commercial presence required.</p> <p>(3), (4) - None.</p>

ADDITIONAL COMMITMENTS

Maritime transport services (7211, 7212, 7213, 7214 excluding cabotage).-	<div> <div>(1), (2) - None.</div> <div>(3) - Only Polish ships may operate under national flag.-</div> <div>(4) - Unbound in relation to crew members. In the case of pilots in sea ports, divers and dispatchers nationality requirement.-</div> </div>	<div> <div>(1), (2), (3), (4) - None.</div> </div>	<div> <div>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:-</div> <div>1. Pilotage.</div> <div>2. Towing and tug assistance.</div> <div>3. Provisioning, fuelling and watering.</div> <div>4. Garbage collection and ballast waste disposal.-</div> <div>5. Port Captain's services</div> <div>6. Navigation aids.-</div> <div>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies.</div> <div>8. Emergency repair services.-</div> <div>9. Anchorage, berth and berthing.-</div> </div>
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Maritime auxiliary services; maritime cargo handling services; storage and warehousing (742); custom clearance services; container station and depot services; maritime agency services; maritime freight forwarding services;	(1) Unbound (undertaking commitments is not technically feasible); (2) None; (3) None except requirement of establishment in Poland in the case of custom agency; (4) Unbound except for horizontal measures. Custom agent has to reside on the Polish territory.	(1) Unbound (undertaking commitments is not technically feasible); (2), (3), (4) - None;
Airline transport: - rental of aircraft with crew (734). - maintenance and repair of aircraft (8868**).	(1), (2), (3) - None. (4) - Unbound except for horizontal measures.	(1), (2), (3), (4) - None.

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