

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM POLAND

Final List of MFN Exemptions

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

In accordance with Article II:2 and the Annex on the Article II Exemptions of the General Agreement on Trade in Services, Poland submits the list of measures which constitute MFN exemptions. This list represents a revision and modification of the preliminary list of derogation submitted by Poland at earlier stage of negotiations.

Sector or Sub-sector	Description of Measure Indicating its Inconsistency with Article II	Countries to which the Measure Applies	Intended Duration	Conditions Creating the Need for the Exemption
<i>All sectors.</i>	Commercial presence notions contained in: -commerce and navigation treaties, -business and economic relation treaties, -promotion and protection of foreign investment agreements, that go beyond the scope of the GATS and limitations embodied in Poland's list of commitments.	Any country.	Indeterminate.	Reciprocal provisions of existing and future agreements.
<i>All sectors.</i>	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 a procedure, particularly promotion and protection of foreign investment and commerce and navigation treaties.	Any country.	Indeterminate.	Promotion and protection of foreign investment .
<i>All passenger and freight transport services sector (on-land, inland, air) excluding maritime transport.</i>	Reciprocity requirements concerning supply of transport services by suppliers of countries concerned - in, into and across the territory of such countries.	Agreements concern mainly European countries (inland transport) and other countries (air transport).	Indefinite.	System of reciprocal agreements - existing and future - on transportation co-operation (or of similar character) and promotion and protection of investments, implementing - among others - transportation quotas resulting from bilaterally agreed system of permits.

<i>Sale and marketing of air transport services and CRS</i>	Preferential market access resulting from bilateral air transport agreements.	Any country.	Indeterminate.	Reciprocal provisions concerning supply of air transport services embodied in bilateral air transport agreement.
<i>Audio-visual services - motion picture and video tape production and distribution services.</i>	Preferential treatment of audio-visual works, including preferential access to funding.	Any country.	Indefinite	The aim of such agreements is to promote cultural links between countries concerned on the basis of co-production agreements
<i>Audio-visual services - production and distribution of cinematography works and television programmes.</i>	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.	Any European country.	Indefinite.	Preservation and promotion of the regional identity of the countries concerned.
<i>Audio-visual services - transmission of audio-visual programmes to the public.</i>	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 audio-visual programmes meeting specific criteria.	Parties to the Council of Europe convention on Transfrontier Convention television or other European countries 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.
<i>Fishing and fishing related services.</i>	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.	Any country.	Indeterminate.	Cooperation concerning the conservation of fisheries and fishing based on the practice and existing and future agreements, particularly in the Baltic Sea basin..