As stated in the replies to questions 1 and 8 of the questionnaire sent to the Polish Vice-Minister of Foreign Trade by the Executive Secretary (MGT/81/58/Add.1) translations of the most important legislation relating to foreign trade were being transmitted to the secretariat.

Texts of the following have now been received and are annexed hereto:

- Annex 1: Abstract from the Constitution
- Annex 2: Functions of the Minister of Foreign Trade
- Annex 3: Transfer of Customs Matters to Minister of Foreign Trade
- Annex 4: Import and Export Licensing
- Annex 5: Description of Foreign Trade Enterprises
- Annex 6: List of Foreign Trade Enterprises
- Annex 7: Agreement on Multilateral Clearing
ANNEX 1

ABSTRACT FROM THE CONSTITUTION

(Journal of Laws No. 33, Item 232, 23 July 1952)

2. The State holds the monopoly of foreign trade.

(Chapter 2, Article 7, Paragraph 2)

ANNEX 2

ORDINANCE OF THE COUNCIL OF MINISTERS

of 8 March 1949

in the matter of the functions of the Minister of Foreign Trade

(Journal of Laws of the Republic of Poland, No. 15, Item 96, Warsaw, 29 March 1949)

On the basis of Articles 23 and 26 of the Law of 10 February 1949 regarding the change in the organization of the supreme authorities of national economy (Journal of Laws of the Republic of Poland, No. 7, Item 43) it is ordained as follows:

Paragraph 1. The Minister of Foreign Trade shall begin to perform his functions on 9 March 1949.

Paragraph 2. The functions of the Minister of Foreign Trade shall be concerned with any matters relating to foreign trade, his particular functions being:

(1) to prepare economic and financial plans relating to foreign trade;

(2) to conduct negotiations and to prepare inter-governmental agreements regarding trade exchange with foreign countries as well as to supervise their discharge - in agreement with the Minister of Foreign Affairs and in co-operation with other authorities concerned;

(3) to regulate trade exchange with foreign countries and to settle accounts thereof;
(4) to govern the enterprises of foreign trade: State, State-co-operative, and other enterprises under State administration, as well as to govern and control the activities of other enterprises within the field of foreign trade;

(5) to supervise and establish the directions of activities of co-operative central organizations, co-operative-State central organizations and co-operatives within the field of foreign trade;

(6) to supervise the activities of merchant organizations and institutions within the field of foreign trade;

(7) to bring into effect the State policy toward private enterprises within the field of foreign trade;

(8) to organize and supervise foreign trade posts abroad and to appoint commercial counsellors, commercial attachés and other representatives in all matters of foreign trade, in agreement with the Minister of Foreign Affairs;

(9) to grant authorizations regarding the performance of foreign trade business;

(10) to deal with any matters relating to the techniques of, and standardization and norms in, foreign trade;

(11) to deal with any matters relating to exhibitions and fairs within the field of foreign trade, in agreement with the competent authorities;

(12) to arbitrate in property matters between the enterprises and institutions subject to the Minister of Foreign Trade;

(13) to deal with any matters relating to the foreign trade staff and to co-operate with the competent authorities in any matters relating to employment in foreign trade;

(14) to organize scientific research, to issue publications and to supervise scientific research institutions provided for the competence of the Minister of Foreign Trade;

(15) to deal with any other foreign trade matters assigned to the Minister of Foreign Trade.

Paragraph 3. As from the date specified under Paragraph 1, the foreign trade matters mentioned under Paragraph 2, hitherto assigned to the Minister of Industry and Trade, shall be transferred to be the functions of the Minister of Foreign Trade.

Paragraph 4. The functions of the Minister of Foreign Trade as specified under Paragraph 2 shall be fulfilled with the observance of the competence of the State Commission of Economic Planning and the Central Office of Vocational Training in pursuance of the Law of 10 February 1949 relating to the change in the organization of the supreme authorities of national economy. (Journal of Laws of the Republic of Poland, No. 7, Item 43.)
Paragraph 5. Lists of commercial enterprises within the field of foreign trade: State, State-co-operative, those under State administration and other enterprises as well as co-operative-State central organizations and co-operative central organizations subject to the Minister of Foreign Trade shall be established by decisions of the Council of Ministers and published in the Official Gazette.

Paragraph 6. The Minister of Foreign Trade shall be charged with the execution of the present ordinance.

Paragraph 7. The present ordinance comes into force on the date of publication being valid from 9 March 1949.

ANNEX 3

ORDINANCE OF THE COUNCIL OF MINISTERS
of 28 April 1951

in the matter of transferring the functions concerning customs matters to the Minister of Foreign Trade

(Journal of Laws of the Republic of Poland, No. 25, Item 185, Warsaw, 10 May 1951)

On the basis of Article 3, Paragraph 1, Point 1 of the Law of 7 March 1950 relating to the transformation of the office of the Minister of Treasury into the office of the Minister of Finance (Journal of Laws of the Republic of Poland, No. 10, Item 101) and on the basis of Article 23 of the Law of 10 February 1949 on the change in the organization of the supreme authorities of national economy (Journal of Laws of the Republic of Poland, No. 7, Item 43) it is ordained as follows:

Paragraph 1. The following amendments are introduced into the Ordinance of the Council of Ministers of 1 April 1950 in the matter of the functions of the State Commission of Economic Planning (Journal of Laws of the Republic of Poland, No. 22, Item 182):

(1) Under Paragraph 1, Section 1, Point 20, the semi-colon is crossed out and the following words are added "except fiscal offences consisting in the violation of customs regulations;"

(2) Point 23 under Paragraph 1, Section 1 is crossed out.
Paragraph 2. The following amendment is introduced into the Ordinance of the Council of Ministers of 8 March 1949 in the matter of the functions of the Minister of Foreign Trade (Journal of Laws of the Republic of Poland, No. 15, Item 96):

Under Paragraph 2, the following new Point 16 is added:

"16 - to deal with customs matters and criminal-fiscal matters regarding the violation of customs duties."

Paragraph 3. The organization and functions of customs authorities shall be established by the Minister of Foreign Trade in agreement with the Minister of Finance, Minister of Public Security and other ministers concerned.

Paragraph 4. Customs officers employed till now under the administration of the Ministry of Finance shall be transferred into the administration of the Ministry of Foreign Trade.

Paragraph 5. The Minister of Foreign Trade and the Minister of Finance shall be charged with the execution of the present ordinance.

Paragraph 6. The ordinance comes into force on 1 July 1951.

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ANNEX 4

ORDER NO. 36
of the Minister of Foreign Trade
dated 16 August 1958
Re: Import and Export Licences in the Planned Foreign Trade Exchange

In pursuance of Paragraph 2, Point 3 of the Ordinance of the Council of Ministers of 8 March 1949 in the matter of the functions of the Minister of Foreign Trade (Journal of Laws, No. 15, Item 96) and in connexion with the regulations of Paragraph 9 and Paragraph 22, Section 1, of Order No. 42 of the Minister of Foreign Trade, dated 30 June 1956 in the matter of the execution of foreign exchange regulations within the scope of foreign trade exchange and services connected with this exchange, it is ordered as follows:
Part I - General

Paragraph 1

The planned foreign trade exchange may be conducted only on the basis of licences issued by the Ministry of Foreign Trade.

Paragraph 2

The term "planned foreign trade exchange" includes goods imported and exported by the executors of national economic plans within the foreign trade exchange in fulfilment of any foreign trade exchange contracts signed by the executors.

Paragraph 3

The following bodies are the executors of national economic plans within the foreign trade exchange:

1. import and export central enterprises subject to the Minister of Foreign Trade; and
2. other enterprises entitled by the Minister of Foreign Trade to sign contracts under the foreign trade exchange hereinafter referred to under the common name of "enterprises of foreign trade".

Paragraph 4

Contracts under the foreign trade exchange referred to in Paragraph 2 include:

1. purchases and sales, not excluding the commodity credit contracts as well as compensation and barter transactions by means of:
   a. importing, exporting and re-exporting goods irrespective of the fact whether such goods pass through the Polish customs frontier or not;
   b. supplying foreign sea-going vessels (by ship-chandlers), and inland-water vessels and air-ships;
2. passive and active refinement or restoration (repairing) trade, etc.;
3. supplying electric power, coal and natural gas and water for industrial purposes;
4. purchases, sales or utilization of inventions or industrial specimens (patents and licences);
5. purchases or sales of technical documentation.
Paragraph 5

The planned foreign trade exchange also includes free specimens, samples and advertising materials exported or imported by the foreign trade enterprises.

Part II - Import and Export Licences

Paragraph 6

(1) In fulfilment of foreign trade exchange contracts signed by the foreign trade enterprises, the goods mentioned under Paragraph 4 may be imported or exported only on the basis of "import licences" and "export licences" granted by the relative departments of the Ministry of Foreign Trade against the signed contracts.

(2) In exceptional cases, an import or export licence may be granted before the respective contract is signed by the foreign trade enterprise concerned.

Paragraph 7

(1) In order to effect any additional imports or exports caused by improper fulfilment of a contract, a separate import or export licence is required to cover any claim.

(2) Re-importation or re-exportation of goods caused by improper fulfilment of a contract is arranged on application of the foreign trade enterprise without any additional licences.

Paragraph 8

(1) The foreign trade enterprises are bound to include in their contracts a clause to the effect that the validity of such contracts is subject to the import or export licence being granted. In case the relative inter-governmental agreement excludes in advance the inclusion of such a clause into a contract, the foregoing does not apply.

(2) The relative department of the Ministry of Foreign Trade may exempt the foreign trade enterprise from the duty mentioned in the foregoing section.

Paragraph 9

The relative departments grant import and export licences in pursuance of the plan of foreign trade and payment exchange.
Paragraph 10

(1) In the case of an alteration to be made in the direction of purchase or sale as against the direction provided for in the plan, as well as in case of imports and exports of any quantity of goods exceeding the planned quantity, the relative departments grant import and export licences in agreement with the relative department of treaties.

(2) Import and export licences covering credit, compensation, barter, re-export and switch contracts (transactions) are granted in agreement with the Department of Finance.

Paragraph 11

(1) The grant of an import or export licence is tantamount to the approval of the contract for the purpose of exchange regulations.

(2) The import licence automatically includes provision of the necessary exchange permit for payments for goods purchased, up to 5 per cent over the licence sum if such excess arises out of the fact that a correspondingly bigger quantity of goods has been delivered.

Paragraph 12

(1) One import or export licence is issued against one contract.

(2) The director of the relative department at the Ministry of Foreign Trade may agree that one licence should cover two or more contracts, or that one contract should be covered by two or more licences; in exceptional cases properly founded, a framework licence may cover several contracts.

Paragraph 13

Individual employees of the foreign trade enterprises subject to the Ministry of Foreign Trade may be authorized by the director of the relative department at the Ministry of Foreign Trade to decide and grant import and export licences and to sign such licences on behalf of the Ministry of Foreign Trade.

Paragraph 14

In well-founded cases, the foreign trade enterprises may be granted conditional promissory documents (assurances) as to the granting of the respective import or export licences.
Paragraph 15

A detailed procedure concerning the granting of import and export licences is regulated by the instruction attached.

Part III - Import and Export Licences to be Granted by the Central Board of Customs Duties at the Ministry of Foreign Trade

Paragraph 16

Importation and exportation of free specimens, samples and advertising materials (Paragraph 5) is performed on the basis of the import and export licences granted by the Central Board of Customs Duties at the Ministry of Foreign Trade.

Paragraph 17

The Director of the Central Board of Customs Duties may authorize custom houses to clear free specimens, samples and advertising materials without any import and export licences (Paragraph 16) as established in his authorization.

Part IV - Final Provisions

Paragraph 18

Order No. 35 of the Minister of Foreign Trade dated 4 June 1956 in the matter of the instruction on the procedure regarding the granting of import and export licences as well as the granting of forwarding agents' orders, as changed by Order No. 53 dated 31 December 1957, is cancelled by the present.

Paragraph 19

The present order comes into force on 15 August 1958.
ANNEX 5
FOREIGN TRADE ENTERPRISES

The foreign trade enterprises in Poland act in the form of State enterprises and co-operative enterprises as well as in the form of joint-stock companies or limited liability companies with State or mixed capital.

State enterprises are established and act by virtue of the Decree of 26 October 1950 on State Enterprises (Journal of Laws, No. 49, Item 439 of 1950).

The decree ordains that State enterprises are artificial persons and are subject to entry in the register of State enterprises.

State enterprises (except those comprised by the State budget - to which enterprises acting within the scope of foreign trade do not belong) are conducted according to the principles of economic calculation.

Each State enterprise is liable only for its own obligations; its liability does not extend over the obligations of the Treasury or over the obligations of other State enterprises.

Neither does the Treasury answer for the obligations of State enterprises conducted in accordance with the principles of economic calculation.

Joint-stock companies and limited liability companies are formed and act by virtue of the provisions of the Commercial Code of 27 June 1934. Article 308 of the Commercial Code provides that:

"The articles of a joint-stock company shall be drawn up in the form of a notarial act otherwise being void. The persons signing the articles are the founders of the company. There must be at least three founders, save for the case the founder is the State or a body of local government."
## Annex 6

### List of Foreign Trade Enterprises

<table>
<thead>
<tr>
<th>No.</th>
<th>Enterprise</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ANIMEX, State Enterprise</td>
<td>Importers and exporters of animal products and by-products, and processed animal by-products, animals for slaughter, breeding animals, fish products and processed fish products, other products of animal origin.</td>
</tr>
<tr>
<td>2.</td>
<td>ARS POLONA, State Enterprise</td>
<td>Importers and exporters of periodicals, books, music scores, postage stamps, works of art, educational supplies, gramophone records, lantern slides.</td>
</tr>
<tr>
<td>3.</td>
<td>BALTONA, State Enterprise</td>
<td>Ship-chandlers.</td>
</tr>
<tr>
<td>4.</td>
<td>CEKOP, State Enterprise</td>
<td>Foreign transactions regarding complete industrial plant and equipment, plant projects and designs, licences, patent rights, blueprints and other technical documentation.</td>
</tr>
<tr>
<td>5.</td>
<td>CENTROMOR, State Enterprise</td>
<td>Importers and exporters of ships.</td>
</tr>
<tr>
<td>6.</td>
<td>CENTROZAP, State Enterprise</td>
<td>Importers and exporters of mining and metallurgical machinery and equipment, gas welding equipment, hoisting and transport installations, metallurgical raw materials and products.</td>
</tr>
<tr>
<td>7.</td>
<td>CETEEE, State Enterprise</td>
<td>Importers and exporters of textiles and ready-made clothes.</td>
</tr>
<tr>
<td>8.</td>
<td>CIECH LTD.</td>
<td>Importers and exporters of chemicals and pharmaceuticals.</td>
</tr>
<tr>
<td>9.</td>
<td>COOPEXIM, Co-operative Society for Foreign Trade</td>
<td>Exports of co-operative products.</td>
</tr>
<tr>
<td>11.</td>
<td>ELEKTRIM LTD.</td>
<td>Importers and exporters of power station and electrical machinery and equipment.</td>
</tr>
<tr>
<td>No.</td>
<td>Company Name</td>
<td>Principal Products/Activities</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>12</td>
<td>IMPEXMETAL State Enterprise</td>
<td>Importers and exporters of ball and roller bearings, non-ferrous metals and non-ferrous metal products.</td>
</tr>
<tr>
<td>13</td>
<td>MICALIMPORT State Enterprise</td>
<td>Importers and exporters of rolling stock, machinery and metal products.</td>
</tr>
<tr>
<td>14</td>
<td>MINEX State Enterprise</td>
<td>Importers and exporters of glass, ceramics, cement and minerals.</td>
</tr>
<tr>
<td>15</td>
<td>MOTOIMPORT State Enterprise</td>
<td>Importers and exporters of motor vehicles, machinery, agricultural machines and equipment and spares.</td>
</tr>
<tr>
<td>16</td>
<td>PAGED State Enterprise</td>
<td>Importers and exporters of timber and timber products.</td>
</tr>
<tr>
<td>17</td>
<td>FOLIMEX LTD.</td>
<td>Importers of machinery, plant and equipment.</td>
</tr>
<tr>
<td>18</td>
<td>PRODIMEX LTD, Joint Stock Company</td>
<td>Exporters of handicraft and private industry products.</td>
</tr>
<tr>
<td>19</td>
<td>ROLIMPEX State Enterprise</td>
<td>Importers and exporters of vegetables and seeds, fruit and vegetable preserves, and groceries.</td>
</tr>
<tr>
<td>20</td>
<td>SKORMPEX State Enterprise</td>
<td>Importers and exporters of hides, fur skins, leather, tannins, leather industry and rubber industry goods.</td>
</tr>
<tr>
<td>21</td>
<td>TEXTILIMPORT State Enterprise</td>
<td>Importers and exporters of textile raw materials.</td>
</tr>
<tr>
<td>22</td>
<td>VARIMEX LTD.</td>
<td>Importers and exporters of scientific and laboratory apparatus and equipment, measuring instruments, office machines, sports equipment and toys.</td>
</tr>
<tr>
<td>23</td>
<td>WEGLOKOKS State Enterprise</td>
<td>Exporters and importers of coal and coke, importers of briquettes and anthracite.</td>
</tr>
<tr>
<td>24</td>
<td>FILM DISTRIBUTION CENTRAL OFFICE State Enterprise</td>
<td>Film import and export, and film distribution.</td>
</tr>
<tr>
<td>25</td>
<td>HORTEX Central Office of Horticultural Co-operative Societies</td>
<td>Exporters of agricultural products, fruit, vegetables and food preserves.</td>
</tr>
<tr>
<td>26</td>
<td>POLCOOP Co-operative Society</td>
<td>Exporters of agricultural products.</td>
</tr>
<tr>
<td>27</td>
<td>Central Office of Co-operative Societies</td>
<td>Exporters and importers of groceries, Transact business with foreign co-operatives only.</td>
</tr>
</tbody>
</table>
ANNEX 7

AGREEMENT ON MULTILATERAL CLEARING
of 20 June 1957

The Governments of the People's Republic of Albania, the People's Republic of Bulgaria, the Czechoslovak Republic, the German Democratic Republic, the Hungarian People's Republic, the Polish People's Republic, the Rumanian People's Republic and the Union of Soviet Socialist Republics, considering that the introduction of multilateral clearing accounts between their respective countries will promote a further increase in trade among them and also an expansion of their trade with other countries, have agreed as follows:

Article 1

Additional trade shall be carried out on a multilateral basis among the countries concluding the present Agreement which are already trading in pursuance of bilateral agreements between them so as to enable any country party to the Agreement to purchase goods in any other such country no matter in which such country party it may sell such goods.

Deliveries of goods pursuant to this Agreement shall be made in accordance with the general conditions of delivery in force between the countries parties to the Agreement.

Article 2

The following operations shall be carried out in pursuance of the present Agreement:

(a) transfers of the amounts, as determined by mutual agreement, by which the yearly bilateral trade agreements between countries parties to the Agreement fail to balance;

(b) transfers of individual amounts from the bilateral accounts to the multilateral clearing account, by agreement between the interested parties.

Each country may propose to other countries parties to the present Agreement any goods for clearance through the multilateral clearing.

Article 3

The total amount of payments made through the multilateral clearing by each of the countries parties to the present Agreement in any calendar year shall be equal to the total amount of such country's receipts from other countries parties to the Agreement over the same period.
**Article 4**

For the purposes of accounting through the multilateral clearing, the Central Banks shall reciprocally open special interest-free rouble accounts. The Central Bank of the delivering country shall collect payment for goods delivered under the present Agreement, in accordance with the rules of the general conditions of delivery between the various countries, by debiting the account of the Central Bank of the purchasing country in the multilateral clearing.

**Article 5**

The Contracting Parties shall establish a Clearing Agency as a central institution for carrying out all accounting operations pursuant to the present Agreement. The Clearing Agency shall open a rouble account in favour of each of the Central Banks of the countries parties to this Agreement.

The Central Banks of the countries parties to the Agreement shall similarly open a rouble account in the name of the Clearing Agency.

The Central Banks of the countries parties to the Agreement shall inform the Clearing Agency each month of the balance in their multilateral clearing accounts. The Clearing Agency shall determine, on the basis of this return, the over-all balance in the account of each Central Bank and apply such balance to its account, notifying the Bank concerned accordingly. Upon receipt of such notification, the Central Banks shall make the corresponding entries in their multilateral clearing accounts.

The countries parties to the Agreement shall entrust the operation of the Clearing Agency to the State Bank of the Union of Soviet Socialist Republics.

Expenditure incurred in operating the Clearing Agency shall be borne by the countries parties to the Agreement proportionately to the turnover in their accounts with the Clearing Agency.

**Article 6**

The amount which any country party to the Agreement may owe to the Clearing Agency, or the amount which it may receive from the Agency in the form of credits, shall be limited to 3 per cent of the value of such country's total exports during the previous year under bilateral agreements relating to reciprocal deliveries of goods among the countries parties to the Agreement.
Article 7

The Clearing Agency shall charge interest on all debit balances of countries parties to this Agreement in excess of 25 per cent of the limit laid down above. Interest shall be charged at the rate of 2 per cent per annum for debit balances amounting to between 25 and 50 per cent of the limit and at 3 per cent per annum for debit balances exceeding 50 per cent of the limit.

Article 8

The Clearing Agency shall ensure that no country party to this Agreement receives credits in excess of the limit established for such country. Where such limit is reached, the Clearing Agency shall notify all countries parties to the present Agreement thereof and the debtor country shall cease purchasing goods under this Agreement until such time as the state of its account allows it to make new purchases.

Article 9

Where the prescribed limit of indebtedness is exceeded, the debtor country undertakes to pay off the amount of such excess by deliveries of goods within a period of three months reckoned from the end of the month in which the excess indebtedness was incurred. Should such excess indebtedness not be liquidated within the prescribed period, the debtor country concerned undertakes to pay off the outstanding excess indebtedness within one month, by deliveries of the goods specified in the schedule annexed to the present Agreement.

Article 10

Where at the end of any calendar year the indebtedness of any country exceeds 25 per cent of the limit prescribed for it, the country concerned shall pay off the excess indebtedness within three months, upon which it may again avail itself of credits within the prescribed limit.

Article 11

The total amount of interest charged by the Clearing Agency in any year shall be distributed among creditor countries proportionately to the total amount and duration of their credit balances with the Clearing Agency.

Article 12

A commission consisting of representatives of the Ministries of Foreign Trade of the countries parties to the present Agreement shall be set up to agree all operations connected with the multilateral clearing,
to consider proposals made or questions raised by individual countries, to consider the reports rendered by the Clearing Agency and to draw up recommendations for the further development of multilateral clearing.

The commission shall meet as required, but not less frequently than once a quarter. The commission shall draw up its own rules of procedure.

Article 13

The Central Banks of countries parties to the present Agreement shall agree the procedures for mutual accounting under the present Agreement.

Article 14

Other countries may accede to the present Agreement subject to the unanimous assent of all the Contracting Parties.

Article 15

The present Agreement shall come into force on the day on which it is signed and shall remain in force until such time as not less than two-thirds of the countries parties to it shall denounce it.

Any country party to this Agreement may withdraw therefrom by giving three months' notice of its intention.

Any debtor country shall, on withdrawal from the Agreement, pay off its indebtedness. Should such indebtedness not be paid off, the debtor country concerned undertakes to liquidate it within three months by deliveries of goods specified in the schedule annexed to this Agreement, or by payment in gold or in free currency.

ANNEX TO THE AGREEMENT ON MULTILATERAL CLEARING OF 20 JUNE 1957

Goods by deliveries of which indebtedness to the multilateral clearing can be settled

<table>
<thead>
<tr>
<th>Hard coal</th>
<th>Aluminium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Synthetic rubber</td>
<td>Zinc concentrates</td>
</tr>
<tr>
<td>Motor-vehicle tyres</td>
<td>Potassium salts</td>
</tr>
<tr>
<td>Sawn timber</td>
<td>Grain</td>
</tr>
<tr>
<td>Diesel fuel</td>
<td>Sugar</td>
</tr>
<tr>
<td>Fuel oil</td>
<td>Meat</td>
</tr>
<tr>
<td>Rolling mill products</td>
<td>Tobacco</td>
</tr>
</tbody>
</table>