CONSIDERING that the Government of Poland wishes to establish closer relations with the CONTRACTING PARTIES to the General Agreement and, through such association, to contribute to an expansion of trade with the governments which are parties to the General Agreement;

CONSIDERING that a number of contracting parties feel that it would be premature at the present juncture to establish terms of accession which would enable Poland to accede to the General Agreement pursuant to Article XXIII; and

NOTING that a number of contracting parties desire meanwhile to establish closer trading relations with Poland on a reciprocal and mutually advantageous basis and have agreed on the text of a Declaration governing their commercial relations with that country and that those contracting parties have requested the CONTRACTING PARTIES to take the action referred to in Part B, Section 3 of the said Declaration;

The CONTRACTING PARTIES

DECIDE

1. To take note of the Declaration referred to in the Preamble to this Decision, and the terms of which they approve, and to open it for acceptance by Poland, by contracting parties to the General Agreement and by any governments which have acceded or may accede provisionally to the General Agreement;

2. To accept such functions as are necessary for the operation of the Declaration after it has entered into force; and

3. From the date of entry into force of the Declaration, to invite the Government of Poland to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES.

This Decision shall continue in effect subject to the provisions of Parts D and E of the Declaration.

1 On previous similar occasions, the CONTRACTING PARTIES have not specified in the Declaration that participation did not include voting rights, but at the time of taking the relevant decision they noted that, in the normal course of business, the fact that it was not possible, from a strictly legal point of view, to give full voting rights was not very important since the CONTRACTING PARTIES did not usually proceed to a formal vote in reaching decisions; generally, the Chairman took the sense of the meeting and the country concerned would have the same opportunity as contracting parties to express its opinion. On this occasion, the CONTRACTING PARTIES may wish to adopt a similar procedure.
DRAFT DECLARATION ON COMMERCIAL RELATIONS BETWEEN CERTAIN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND THE GOVERNMENT OF POLAND

-A-

THE GOVERNMENT OF POLAND HEREBY DECLARES:

1. That it will take as a basis for its commercial relations with the other parties to this Declaration the objectives of the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") and that, in particular, it will take into account, in the conduct of its commercial policy, the commercial interests of the said parties;

2. (a) That it will give sympathetic consideration to any representations which may be addressed to it by any other party to this Declaration concerning the implementation of the undertaking contained in paragraph 1 above and will be prepared to enter into consultations concerning such representations;

   (b) That, if such consultations do not result in a settlement satisfactory to such party, it agrees to the matter being referred to the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES") for their opinion and advice; and

   (c) That it will take part in any discussions which the CONTRACTING PARTIES may initiate when they are called upon by another party to give an opinion or advice on the grounds that bilateral consultations undertaken at the request of the said party have not resulted in a satisfactory settlement being reached.

-B-

THE PARTIES TO THIS DECLARATION, OTHER THAN POLAND, HEREBY DECLARE:

1. That they will take as a basis for their commercial relations with Poland the objectives of the General Agreement and that, in particular, they will take into account, in the conduct of their commercial policy, the commercial interests of Poland;

2. (a) That they will give sympathetic consideration to any representations which may be addressed to them by the Government of Poland concerning the implementation of the undertaking contained in paragraph 1 above and will be prepared to enter into consultations concerning such representations;

   (b) That, if such consultations do not result in a settlement satisfactory to Poland, they agree to the matter being referred to the CONTRACTING PARTIES for their opinion and advice;
(c) That they will take part in any discussions which the CONTRACTING PARTIES may initiate when called upon by Poland to give an opinion or advice on the grounds that bilateral consultations undertaken at the request of Poland have not resulted in a satisfactory settlement being reached;

3. That they will request the CONTRACTING PARTIES

(a) To take note of this Declaration;

(b) To invite the Government of Poland to take part in the work of the CONTRACTING PARTIES;

(c) To undertake the functions set out in paragraphs 2(b) and (c) of Part A, in paragraphs 2(b) and (c) above, and in Part C below.

- C -

The parties to this Declaration agree to request the CONTRACTING PARTIES to review each year the development of mutual commercial relations between Poland and the other parties to this Declaration.

- D -

1. This Declaration shall be opened for acceptance by signature or otherwise, by Poland, by contracting parties to the General Agreement, and by any governments which have acceded or may accede provisionally to the General Agreement.

2. This Declaration shall enter into force when it has been accepted by Poland and by two thirds of the contracting parties to the General Agreement.

3. In the course of the third annual review, pursuant to Part C above, the CONTRACTING PARTIES shall consider whether the arrangement shall be terminated, modified or continued.

- E -

The Government of Poland, or any other party to this Declaration shall be free to withdraw from this arrangement upon sixty days' written notice being given to the Executive Secretary of the CONTRACTING PARTIES:

(a) If Poland should withdraw from this arrangement, the Declaration shall lapse and any arrangements made by the CONTRACTING PARTIES shall cease to be valid.
(b) If a party to this Declaration other than Poland should withdraw from this arrangement, the sole effect of such withdrawal shall be to terminate the undertakings entered into by such party in respect of Poland and to terminate the undertakings entered into by Poland in respect of such party under this Declaration.

- F -

1. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES.

2. The Executive Secretary of the CONTRACTING PARTIES shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this Declaration is open for acceptance.

DONE at Geneva, this day of , one thousand nine hundred and , in a single copy, in the English and French languages, both texts authentic.