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COMMUNICATION FROM POLAND

Initial services offer

The following initial offer has been received from the delegation of Poland on 22 April with the request that it be circulated to Members of the Council for Trade in Services.

This text is conditional.

Poland reserves the right to modify or withdraw it in whole or in part at any time during the services negotiations.

POLAND – LIST OF SPECIFIC COMMITMENTS

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
I. HORIZONTAL COMMITMENTS ¹			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>1) Unbound in relation to subsidies and other form of public assistance</p> <p>2) Unbound in relation to subsidies and other form of public assistance</p> <p>3) All sectors except for legal services: The establishment by foreign service suppliers may only take the form of limited partnership, limited liability company or joint stock company. The same legal form is required in the case of joint venture of Polish and foreign companies.</p> <p>All sectors except for insurance and banking services: Unbound with respect to branches and representative offices.</p>	<p>1) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons (a natural or legal person) requires permission</p> <p>2) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons (a natural or legal person) requires permission</p> <p>3) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons (a natural or legal person) requires permission</p> <p>Treatment accorded to subsidiaries (of third country companies) formed in accordance with the law of Poland and having their registered office, central administration or principal place of business within Poland is not extended to branches established in Poland by a third-country company.</p>	

¹ There is 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.

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>Foreign services suppliers may set up representative offices with their seat in the Republic of Poland. The scope of action of a representative office may only encompass conducting activity to advertise and promote the foreign services suppliers.</p> <p>Unbound in relation to acquisition of state-owned property, i.e. the regulations governing the privatization process.</p> <p>Authorization of the establishment of a company with foreign equity is required in the case of:</p> <ul style="list-style-type: none"> — establishment of company, purchase or acquiring of shares or stocks in an 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. 		

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>— establishment of a joint-venture company with a foreign equity in which the Polish party is a state legal person and is contributing non-pecuniary assets as initial capital;</p> <p>— arranging a contract, that includes right to use of state property for more than 6 months or decides on acquiring of such property.</p> <p>Unbound in relation to subsidies and other form of public assistance.</p> <p>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 qualifications or knowledge necessary for the functioning of the enterprise under the condition that such persons must have been employed by this enterprise at least one year.</p> <p>All measures listed below also limit national treatment:</p> <p>Unbound except for measures concerning the entry into and temporary stay within Poland of the following categories of natural persons providing services:</p>	<p>4) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons (a natural or legal person) requires permission</p>	

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>i) the temporary presence, as intra-corporate transferee, defined as a natural person working within a legal person, other than a non-profit making organization, established in the territory of a WTO Member, and being temporarily transferred in the context of the provision of a service through commercial presence in the territory of Poland. The legal persons concerned must have their principal place of business in the territory of a WTO Member other than Poland and the transfer must be to an establishment (office, branch or subsidiary) of that legal person, effectively providing like services in the territory of Poland.</p> <p>Work permits are issued exclusively for the definite period - up to one year, with a possibility of extension - to a given foreigner working at a specified employer. Market test requirement.</p> <p>Such temporary presence is allowed in the following categories, provided that the service supplier is a legal person and that the persons concerned have been employed by it or have been partners in it (other than as majority shareholders) for at least one year immediately preceding such movement:</p> <p>a) persons working in a senior position within a legal person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including:</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> - directing the establishment or a department or sub-division of the establishment; - supervising and controlling the work of other supervisory, professional or managerial employees; - having the authority personally to hire and fire or recommend hiring, firing or other personnel actions. b) persons working within a legal persons who possess uncommon knowledge essential to the establishment's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment but also of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession. ii) No restrictions on business visits, up to three months, related to negotiating or concluding transactions if it does not involve direct provision of services. <p>Unbound in relation to subsidies and other form of public assistance.</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services (CPC 861+ arbitration and conciliation services ²)	<p>1) None <i>Unbound for legal professionals entrusted with public functions. This measure also limits national treatment.</i></p> <p>2) None <i>Unbound for legal professionals entrusted with public functions. This measure also limits national treatment.</i></p> <p>3) Establishment subject to authorization in the form of registered partnership (spółka jawna) and limited partnership (spółka komandytowa). Nationality requirement. <i>Unbound for legal professionals entrusted with public functions. The latter measure also limits national treatment.</i></p> <p>4) Unbound except for horizontal measures. Nationality requirement. <i>Unbound for legal professionals entrusted with public functions. The latter measure also limits national treatment.</i></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

² Provision of legal services is only authorised in the scope of giving legal advice and preparing legal opinions in respect of public international law and the law of any jurisdiction where the service supplier is qualified to practice as a lawyer, and is subject to licensing requirements and procedures applicable in Poland. For lawyers providing legal services in respect of public international law and foreign law, these may take *inter alia* the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained), insurance requirements and simple registration with advocates' or legal advisors' self-government authorities in Poland. Legal services in respect of Polish law shall be carried out by a lawyer fully qualified in Poland and admitted to the profession of advocate or legal advisor, acting personally. Full admission to the professions of advocate or legal advisor in Poland might therefore be necessary for representation before courts and other competent authorities in Poland since it involves practice of Polish procedural law. However, foreign lawyer is authorised to represent in civil proceedings a party being a national or belonging to the state in which the lawyer is entitled to practice.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications. 4) Unbound except for horizontal measures. Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.	1) None 2) None 3) None 4) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
h) Private medical and dental services (CPC 9312 excluding services provided by the public sector)	1) Public medical insurance programmes do not cover cost of medicare supplied abroad 2) Public medical insurance programmes do not cover cost of medicare supplied abroad 3) 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.	1) None 2) None 3) None 4) Foreign medical doctors have limited election rights within the professional chambers	
i) Veterinary services (CPC 932)	1) None 2) None 3) 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.	1) None 2) None 3) None 4) None	

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
j) Services provided by midwives, nurses in private establishments (CPC 93191** excluding services provided within public sector)	1) Public insurance programmes do not cover cost of foreign medical services supplied abroad 2) Public insurance programmes do not cover cost of foreign medical services supplied abroad 3) Nationality requirement in the case of midwives and nurses 4) Unbound except for horizontal measures. Nationality requirement in the case of midwives and nurses.	1) None 2) None 3) None 4) None	
B. <u>Computer and Related Services</u> Computer and related services (CPC 841, 842, 843 and 844)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
F. <u>Other Business Services</u>			
a) Advertising (CPC 871 excluding advertising of tobacco products, alcoholic beverages, pharmaceuticals)	1) Unbound 2) None 3) None 4) Unbound except for horizontal measures	1) Unbound 2) None 3) None 4) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	

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
h) Services incidental to mining and oil-field (CPC 883 excluding exploitation of natural resources)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
p) Photographic services (CPC 875 excluding aerial photography)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) Nationality requirement for the editor-in-chief of newspapers and journals 4) Unbound except for horizontal measures. Nationality requirements for the editor-in-chief of newspapers and journals.	1) None 2) None 3) None 4) None	
t) Other - Translation services excluding services of sworn interpreters (CPC 87905**)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	

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>2. COMMUNICATION SERVICES</p> <p>B. <u>Courier Services</u></p> <p>- Courier services excluding written correspondence e.g. letters (CPC 7512)</p> <p>C. <u>Telecommunication Services</u> (excluding broadcasting)³ Other telecommunication services including value added services (CPC 7522**, 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p> <p>1) Use of the public network, or the network of other authorized operator, required in the case of cross-border provision of these services</p> <p>2) Use of the public network, or the network of other authorized operator, required in the case of cross-border consumption of these services</p> <p>3) Provision of VAN services within Poland requires the usage of authorised networks⁴. Foreign equity in inter-town lines not higher than 49 per cent. 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.</p> <p>4) Unbound except for horizontal measures</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p> <p>1) 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</p> <p>2) 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</p> <p>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</p> <p>4) None</p>	

³ Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of tv and radio programme signals to the general public, but does not cover contribution links between operators.

⁴ 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).

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
All sub-sectors	<p>Modes 1),2),3),4)</p> <p>The installation and usage of telecommunications equipment and networks and the provision of telecommunication services requires a licence or permission, with the exception of cases specified by the Minister of Communications in his/her ordinance.</p> <p>The licences and permissions are available only for the entities registered in Poland.</p> <p>The requirement to obtain licences and permission does not concern the national operator: Telekomunikacja Polska SA (TP SA).</p> <p>The entities with foreign participation in Poland must take the form of limited liability companies and joint stock companies established in Poland.</p> <p>Entities with foreign participation are not allowed to own international networks or to render international facilities based services until 31 Dec. 2002.</p> <p>With reference to international and domestic long-distance services and networks the limitation of foreign capital and voting rights is 49%.</p> <p>Number of licences and permissions can be subject to the publicly available licensing criteria.</p>	<p>Modes 1),2),3),4)</p> <p>When the limitations of foreign participation are applied, Polish citizens domiciliated in Poland must have majority in the board of directors and supervising body.</p>	As annexed

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2.C.:</p> <p>(a) Voice-telephone services;</p> <p>(b) Packet-switched data transmission services;</p> <p>(c) Circuit-switched data transmission services;</p> <p>(d) Telex services;</p> <p>(e) Telegraph services;</p> <p>(f) Facsimile services;</p> <p>(g) Private leased circuit services;</p> <p>International, long distance, local,</p> <ul style="list-style-type: none"> - public and non-public, - facilities-based and on resale-base, - wire-based and radio-based <p>(o) others</p> <ul style="list-style-type: none"> - cable television and radio networks services; 	<p>1) None</p> <p>2) None</p> <p>3) None except:</p> <p>(a) excluded from all commitments:</p> <ul style="list-style-type: none"> - international public voice telephone, telex and telegraph services until 31 Dec. 2002; - long distance domestic public voice telephone services and networks until 31 Dec. 2002; - domestic telex and telegraph services and networks until 31 Dec. 1999; <p>(b) territorial area of the licences and permissions for the local public voice telephone services and networks can be subject to the publicly available licensing criteria.</p> <p>4) Unbound except for horizontal measures</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) The limitation of foreign capital and voting rights is 49%</p> <p>4) Unbound except for horizontal measures.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures.</p>	

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
- public cellular mobile telephone services and networks,	1) None except: -only through use of the international network of TP S.A. until 31 Dec. 2002 2) None except: -only through use of the international network of TP SA until 31 Dec. 2002 and according to the international agreements. 3) None except: - the limitation of foreign capital and voting rights is 49%. -only through the use of TP S.A. infrastructure, except microwave connections in the case if TP S.A. is not able to establish such connections in the limited period of time until 31 Dec. 2002. 4) Unbound except for horizontal measures.	1) None 2) None 3) None 4) Unbound except for horizontal measures.	
- mobile satellite services and networks	1),2),3) None as of 1 January 2003. 4) Unbound except for horizontal measures	1),2),3) None 4) Unbound except for horizontal measures	
- paging	1), 2) Unbound except pan-European paging systems 3) None 4) Unbound except for horizontal measures.	1) None 2) None 3) None 4) Unbound except for horizontal measures.	

Note 1: ~~The operators authorised to take part in the activity in the scope of all public fixed telephone networks and other non-public telephone networks exceeding the geographic area (voivodship) are obliged to apply in their networks switching devices and interexchange teletransmission equipment belonging to three telecommunications systems selected by means of decision of the Polish Government. The above obligation concerns also other non-telephone telecommunication network exceeding the geographic area (voivodship) in the scope of interexchange teletransmission equipment. The above limitation will expire not later than in 1999.~~

Note 2: ~~The project of a new Telecommunications Act will be prepared by the end of year 1997.~~

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
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES Construction services (CPC 511, 512, 513, 514, 515, 516, 517, 518)	1) Unbound* 2) None 3) None 4) Unbound except for horizontal measures.	1) Unbound* 2) None 3) None 4) Unbound except for horizontal measures	
4. DISTRIBUTION SERVICES B. <u>Whole Trade Services</u>			
- Wholesale trade within Poland (CPC 622 excluding 62226, 62228, 62251, 62252)	1) None 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) None 2) None 3) None 4) None	
C. <u>Retail Services</u>			
- Retail trade within Poland (CPC 631, 632 excluding 63107, 63108, 63211)	1) Unbound 2) None 3) None 4) Unbound except for horizontal measures	1) Unbound 2) None 3) None 4) None	

* Unbound due to lack of technical feasibility.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL			
- Private educational services (CPC 921, 922, 923, 924)	1) Public system of education and of scholarships do not cover educational services supplied from abroad 2) Public system of education and of scholarships do not cover educational services supplied abroad 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
6. ENVIRONMENTAL SERVICES			
D. <u>Other</u>			
Monitoring of environment. Consultancy related to the environmental protection. Cleaning of exhaust gases. Noise abatement. (CPC 9404**, 9405**)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
7. FINANCIAL SERVICES ⁵			
A. <u>All insurance and insurance related services</u>	1) Unbound except for the reinsurance and the retrocession. In the reinsurance and the retrocession the minimum part of a premium to be retained in Poland may not be less than 20%. Unbound except for the reinsurance, the retrocession and insurance of goods in international trade.	1) Unbound except for the reinsurance and the retrocession. Unbound except for the reinsurance, the retrocession and insurance of goods in international trade.	

⁵ 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, paragraph 2 – Domestic Regulation, subparagraph 1.

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>- Insurance and related services:</p> <p>- Direct insurance (including coinsurance):</p> <ul style="list-style-type: none"> - life; - non-life. <p>- Reinsurance and retrocession</p> <p>- brokerage Insurance intermediation (CPC 812** except 81212, 81299; 81401**, 81402**)</p>	<p>2) Unbound except for the reinsurance and the retrocession. In the reinsurance and the retrocession the minimum part of a premium to be retained in Poland may not be less than 20%. Unbound except for the reinsurance, the retrocession and insurance of goods in international trade.</p> <p>3) Establishment only in a form of joint stock company except for brokerage and agency services where horizontal measures apply. Foreign participation in the insurance company cannot be lower than 50 per cent of the minimal guarantee fund. Establishment only in a form of joint stock company after obtaining a licence - except for insurance intermediation services where horizontal measures apply. After 1 January 1999 or the date of entry into force of the Fifth Protocol, whichever is later, market access through licensed branches will be allowed. A permit is required for the acquisition of shares or rights resulting from shares of any company which is shareholder of at least 15% of shares of insurance company - this requirement ceases to apply as of 1 January 1999 or the date of entry into force of the Fifth Protocol, whichever is later. 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. Residency requirement for insurance brokers and agents.</p>	<p>2) Unbound except for the reinsurance and the retrocession. Unbound except for the reinsurance, the retrocession and insurance of goods in international trade.</p> <p>3) None</p>	

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>B. <u>Banking and Other Financial Services</u></p> <p>Banking services:</p> <ul style="list-style-type: none"> - Acceptance of deposits and other repayable funds (CPC 81115-81119) -- Lending of all types (CPC 8113) - All payment and money transmission services (CPC 81339**) - Guarantees and commitments (excluding guarantees and commitments of the State Treasury) (CPC 81199**) 	<p>No more than 5% of insurance funds can be invested abroad. A person executing activities of the insurance intermediation must possess a licence. Local incorporation required for insurance intermediaries.</p> <ul style="list-style-type: none"> 4) Unbound except for horizontal measures. Residency requirement for insurance <i>brokers and agents intermediaries</i>. 1) Unbound 2) Unbound 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. After 1 January 1999 or the date of entry into force of the Fifth Protocol, whichever is later, market access through licensed branches will be allowed. Nationality requirement for some - at least one - of the bank executives. 4) Unbound except for horizontal measures. Nationality requirement for some - at least one - of the bank executives. 	<ul style="list-style-type: none"> 4) None 1) Unbound 2) Unbound 3) None 4) None 	

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>Other financial services:</p> <ul style="list-style-type: none"> - Participation in issues of all kinds of securities (excluding treasury bonds papers), including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues - In relation to transferable securities trading for own account or for account of customers, whether on an exchange, or in an over-the-counter market or otherwise (CPC 8132** except 81329) - Mutual funds services Asset management services (CPC 81323**) - Advisory and other auxiliary services to financial services included into this schedule (CPC 8133** except 81333, 81339) 	<ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) Establishment, after obtaining a licence, only in a form of joint stock company or a branch of foreign legal entity providing securities services. Residency requirement for brokers and securities advisors. 4) Unbound except for horizontal measures. Residency requirement for brokers and securities advisors. 	<ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) None 4) None 	

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
- Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services.	1) Requirement to use the public telecommunication network, or the network of other authorised operator, in the case of cross-border provision of these services. 2) Requirement to use the public telecommunication network, or the network of other authorised operator, in the case of consumption abroad of these services. 3) Requirement to use the public telecommunication network or the network of other authorised operator in the case of cross-border provision and/or consumption of these services. 4) Unbound except for horizontal measures.	1) None 2) None 3) None 4) None	
Note: Above commitments in a financial services sector are made in accordance with V Protocol to GATS which has already been ratified by the President of the Republic of Poland.			
8. HEALTH RELATED AND SOCIAL SERVICES A. <u>Hospital Services</u> Private hospital and sanatorium services (CPC 9311 excluding services provided by the public sector)	1) Unbound* 2) Public medical insurance programs do not cover cost of medicare supplied abroad 3) Head, or his deputy, of the health facility should meet qualifications of medical doctor. All the limitations pertaining to medical, and dental services, as well as services of midwives, nurses are applicable.	1) Unbound* 2) Service consumers may not be entitled to receive financial support from public resources 3) Foreign private establishment and their service consumers may not be entitled to receive financial support from public resources.	

* Unbound due to lack of technical feasibility.

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>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u> (CPC 641, 642)</p> <p>B. <u>Travel Agencies and Tour Operators</u> (CPC 7471)</p> <p>11. TRANSPORT SERVICES</p>	<p>4) Unbound except for horizontal measures. Head, or his deputy, of the health facility should meet qualifications of medical doctor. All the limitations pertaining to medical, and dental services, as well as services of midwives, nurses are applicable.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except for horizontal measures</p> <p>1) Commercial presence required 2) Commercial presence required 3) None 4) Unbound except for horizontal measures</p>	<p>4) None</p> <p>1) Unbound* 2) None 3) None 4) None</p> <p>1) Commercial presence required 2) Commercial presence required 3) None 4) None</p>	
<p>A. <u>Maritime Transport Services</u></p> <p>International Transport (freight and passenger) CPC 7211 and 7212 less cabotage transport (as defined below – 1)</p>	<p>1) (a) Liner Shipping: unbound (b) Bulk, tramp, and other international shipping, including passenger transportation: none</p>	<p>1) (a) None (b) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non discriminatory terms and conditions .</p> <p>1. Pilotage 2. Towing and tug assistance</p>

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>2) None</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of Poland: unbound</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none</p> <p>4) (a) Ships’ crews: unbound</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under mode 3b) above: unbound except as indicated in the horizontal section</p>	<p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound</p> <p>(b) Unbound except as indicated in the horizontal section</p>	<p>3. Provisioning, fuelling and watering</p> <p>4. Garbage collecting and ballast waste disposal</p> <p>5. Port Captain’s services</p> <p>6. Navigation aids</p> <p>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies</p> <p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services</p> <p>10. Storage and warehousing services</p>
<p>C. <u>Airline Transport Services</u></p>			
<p>c) Rental of aircraft with crew (CPC 734)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>d) Maintenance and repair of aircraft (CPC 8868**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for horizontal measures</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

ANNEX 1

The Republic of Poland

Additional Commitments Schedule on Basic Telecom Services

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are

administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated is not required.

ANNEX 2

The Republic of Poland

NOTES TO THE SECTION ON INTERNATIONAL MARITIME TRANSPORT SERVICES

DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as « cabotage » under the relevant national legislation, this schedule does not include « maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in Poland and another port located in Poland, and transportation of passengers or goods between a port located in Poland and installations or structures situated on the continental shelf of Poland.

2. « Other forms of commercial presence for the supply of international maritime transport services » means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inland transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

POLAND – LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All sectors	Commercial presence notions contained in: - commerce and navigation treaties; - business and economic relation treaties; - promotion and protection of foreign investment agreement; that go beyond limitations embodied in Poland's schedule of specific commitments	All countries	Indeterminate	Reciprocal provisions of existing and future agreements
All sectors	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 procedure	All countries	Indeterminate	Promotion and protection of foreign investment
All passenger and freight transport services excluding maritime transport	Reciprocity requirement concerning supply of transport services by suppliers of countries concerned - in, into and across the territory of such countries	All countries	Indefinite	System of reciprocal agreements - existing and future - on transport cooperation (or of similar character) and promotion and protection of foreign investments, implementing - among others - transportation quotas resulting from bilaterally agreed system of permits