

EEC–Poland agreement on trade and commercial and economic cooperation (Warsaw, 19 September 1989)

Caption: On 19 September 1989, in Warsaw, the European Economic Community (EEC) and the Polish People's Republic sign an agreement concerning trade and commercial and economic cooperation, anticipating the establishment of a free-trade area between the EEC and Poland.

Source: Official Journal of the European Union (OJEU). 22.11.1989, No L 339. [s.l.]. "Agreement between the European Economic Community and the Polish People's Republic on trade and commercial and economic cooperation", p. p.2, url:[http://eur-lex.europa.eu/Notice.do?val=148898%3Acs&lang=fr&list=148900%3Acs%2C148899%3Acs%2C148898%3Acs%2C&pos=3&page=1&nbl=3&pgs=10&hwords=&checktexte=checkbox&visu=.](http://eur-lex.europa.eu/Notice.do?val=148898%3Acs&lang=fr&list=148900%3Acs%2C148899%3Acs%2C148898%3Acs%2C&pos=3&page=1&nbl=3&pgs=10&hwords=&checktexte=checkbox&visu=)

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Agreement between the European Economic Community and the Polish People's Republic on trade and commercial and economic cooperation

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The European Economic Community, hereinafter called 'the Community', of the one part, and

The Polish People's Republic, hereinafter called 'Poland', of the other part,

CONSIDERING the importance in the European context of the traditional links between the Community and Poland,

TAKING INTO ACCOUNT the favourable implications for trade and economic relations between the Contracting Parties of their respective economic situations and policies,

DESIROUS of creating favourable conditions for the harmonious development and diversification of trade and the promotion of commercial and economic cooperation on the basis of equality, non-discrimination, mutual benefit and reciprocity,

HAVING regard to the particular importance of foreign trade and other forms of international economic cooperation as factors of economic and social development and as sources of appropriate financial resources,

HAVING REGARD to the importance of giving full effect to the Final Act of the Conference on Security and Cooperation in Europe, the Concluding Document of the Madrid meeting and in particular the Concluding Document of the Vienna meeting,

REAFFIRMING the commitment of the Contracting Parties to the General Agreement on Tariffs and Trade and the undertakings they have given in this context,

RECALLING the status of Poland at the International Monetary Fund and the World Bank,

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Poland,

RECOGNIZING that the Community and Poland desire to establish wider-ranging and closer contractual links that permit further development at a later stage,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE EUROPEAN ECONOMIC COMMUNITY:

Roland DUMAS,

Ministre d'État, Minister for Foreign Affairs of the French Republic,

President-in-Office of the Council of the European Communities

Frans ANDRIESEN,

Vice-President of the Commission of the European Communities

THE POLISH PEOPLE'S REPUBLIC:

Krzysztof SKUBISZEWSKI,

Minister for Foreign Affairs

Marcin SWIEÇICKI,

Minister for External Economic Cooperation

WHO, having exchanged their full powers, found in good and due form,
HAVE AGREED AS FOLLOWS:

Article 1

The two Parties undertake to facilitate and promote trade and economic cooperation with each other.

TITLE I

Trade and commercial cooperation

Article 2

The Contracting Parties reaffirm their commitment to accord each other most-favoured nation treatment in accordance with the General Agreement on Tariffs and Trade (GATT) and the Protocol for the accession of Poland thereto.

Article 3

1. This Agreement shall apply to trade in all products originating in the Community or in Poland with the exception of the products covered by the Treaty establishing the European Coal and Steel Community.

2. Unless otherwise specified in this Agreement, trade and other commercial cooperation between the Contracting Parties shall be conducted in accordance with their respective regulations.

Article 4

1. This Agreement shall not affect the provisions of the existing Agreements concerning trade in textile products between the Community and Poland, nor of any agreements subsequently concluded in the same field.

Furthermore, should the Community invoke paragraph 24 of the Protocol extending the Arrangement regarding International Trade in Textiles of 31 July 1986, the provisions of the said Arrangement shall apply to the products in question.

Not later than six months before the expiry of the Agreements concerning trade in textile products referred to above, the Contracting Parties shall consult each other with a view to determining the arrangements to be applied to trade in textile products after the expiry of the said Agreements.

2. This Agreement shall not affect specific agreements or arrangements covering agricultural products in force between the Contracting Parties, or any successor agreements or arrangements.

Article 5

1. In the framework of their respective laws and regulations, the Contracting Parties shall adopt appropriate measures to attain the objectives of this Agreement.

2. To that end, they confirm their resolve to consider favourably, each for its own part, suggestions made by the other party with a view to attaining the said objectives.

Article 6

Each Contracting Party shall accord the highest degree of liberalization which they generally apply to third countries to imports of the other's products taking into account the provisions of the GATT and of the Protocol for the accession of Poland thereto; to this end the Community undertakes to phase out over the initial period of application of this Agreement referred to in Article 23 the quantitative restrictions referred to in Article 3 (a) of the Protocol for the accession of Poland to the GATT in accordance with the provisions and in respect of the products referred to in Articles 7 to 9 of this Agreement.

Article 7

The Community undertakes to eliminate by the end of the first year following the entry into force of this Agreement at the latest the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex I.

Article 8

1. The Community undertakes to eliminate by 31 December 1992 at the latest the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex II in accordance with the procedure specified therein. The list of quantitative restrictions covered by this Article may be amended by agreement between the Parties following consultations within the joint committee referred to in Article 20.

2. For 1990 and each subsequent calendar year, the Community shall open import quotas for the products listed in Annex II.

Article 9

The Community:

- shall open, for 1990 and each subsequent calendar year, import quotas for products subject to the quantitative restrictions listed in Annex III,
- shall, subject to exceptions, progressively and regularly increase these quotas with a view to the elimination of the quantitative restrictions in question by 31 December 1994 at the latest.

Article 10

The joint committee set up pursuant to Article 20 shall, during its meeting in 1994, draw up the arrangements which shall apply for a prescribed period after 31 December 1994 to imports of the products subject to the exceptions referred to in Article 9.

Article 11

1. Import quotas shall be opened in good time in order not to hinder normal trade flows.

2. Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in the preceding Articles if they are declared as being intended for re-export and are re-exported from the Community either in the unaltered state or after inward processing under the administrative control arrangements in force in the Community.

Article 12

1. The two Parties shall accord each other the agricultural trade concessions referred to in Annex IV and Annex V in accordance with the provisions laid down in the said Annexes.

2. Taking into account the importance of their trade in agricultural products and the implications of multilateral negotiations in the GATT framework, the Contracting Parties shall examine in the joint committee referred to in Article 20 the possibility of granting each other, on the basis of Article 2, new concessions, product-by-product, on a reciprocal and harmonious basis.

Article 13

The Parties shall inform each other of any changes in their tariff or statistical nomenclature or of any decision taken in accordance with the procedures in force concerning the classification of products covered by this Agreement.

Article 14

Goods shall be traded between the Contracting Parties at market-related prices.

Article 15

1. The Contracting Parties shall consult each other if any product is being imported in trade between the Community and Poland in such increased quantities or under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products.

2. The Contracting Party requesting the consultations shall supply the other Party with all the information required for a detailed examination of the situation.

3. The consultations requested pursuant to paragraph 1 shall be held with due regard for the fundamental aims of the Agreement and shall be completed not later than 30 days from the date of notification of the request by the Party concerned, unless the Parties agree otherwise.

4. If, following such consultations, the Contracting Parties recognize that the situation referred to in paragraph 1 exists, exports shall be limited or other action, which may include measures relating to the price at which the exports are sold, shall be taken to prevent or repair the injury.

5. If, following action under paragraphs 1 to 4, the Contracting Parties do not reach Agreement, the Party which requested the consultations shall be free to restrict imports of the products concerned to the extent and for such time as is necessary to prevent or repair the injury. The other Contracting Party shall then be free to deviate from its obligations towards the first Party in respect of substantially equivalent trade.

6. In critical circumstances, where delay would cause damage difficult to repair, interim protective measures may be adopted, without prior consultation, provided consultations are held immediately thereafter.

7. In the selection of measures under this Article, the Contracting Parties shall give priority to those which cause the least disturbance to the functioning of this Agreement.

8. Where necessary, the Contracting Parties may hold consultations to determine when the measures adopted pursuant to paragraphs 4, 5 and 6 shall cease to apply.

9. If, after the procedures provided for in this Article have been exhausted, the Contracting Parties still disagree about measures adopted pursuant to this Article, the Community and Poland may refer the disagreement to the Contracting Parties of the GATT in accordance with Article XIX of the GATT and Article 4 of the Protocol for the accession of Poland to the GATT.

Article 16

1. The Contracting Parties shall make every effort to promote, expand and diversify their trade on a basis of non-discrimination and reciprocity. The joint committee set up by Article 20 of this Agreement shall attach special importance to ways of encouraging the reciprocal and harmonious expansion of trade.

2. To this end the Contracting Parties agree to ensure the publication of comprehensive data on commercial and financial issues including production, consumption and foreign trade statistics, and information in accordance with Article X of the GATT.

3. The Contracting Parties agree to cooperate with a view to simplifying customs procedures and customs

documents.

4. In furtherance of the aims of this Article, the Contracting Parties agree to maintain and improve favourable business regulations, facilities and practices for each other's firms or companies on their respective markets, *inter alia* as indicated in Annex VI.

Article 17

Within the limits of their respective powers, the Contracting Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and cooperation transactions concluded by firms, enterprises and economic organizations of the Community and those of Poland,
- agree that where a dispute is submitted to arbitration, each party to the dispute may freely choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third State,
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

TITLE II

Economic cooperation

Article 18

1. In the light of their respective economic policies and objectives, the Contracting Parties shall foster economic cooperation on as broad a base as possible in all fields deemed to be in their mutual interest.

The objective of such cooperation shall be, *inter alia*:

- to reinforce and diversify economic links between the Contracting Parties,
- to contribute to the development of their respective economies and standards of living,
- to open up new sources of supply and new markets,
- to encourage cooperation between firms, with a view to promoting joint ventures, licensing agreements and other forms of industrial cooperation to develop their respective industries,
- to encourage scientific and technological progress,
- to support structural changes in the Polish economy in order to increase and diversify trade in goods and services with the Community.

2. In order to achieve these objectives, the Contracting Parties shall make efforts to encourage and promote economic cooperation, in particular in the following sectors:

- industry, including petrochemicals and shipbuilding and ship repair,
- agriculture, including agro-industries and agricultural machinery,
- mining,
- energy,
- transport, tourism and other services,
- telecommunications,
- environmental protection and the management of natural resources,
- health, including medical equipment,
- scientific research in designated sectors in which the Contracting Parties are, or may be, engaged,
- vocational training and management training, *inter alia* in banking and insurance,

- standards,
- statistics.

3. To give effect to the objectives of economic cooperation and within the limits of their respective powers, the Contracting Parties shall encourage the adoption of measures aimed at creating favourable conditions for economic and industrial cooperation, inter alia by:

- facilitating the exchange of commercial and economic information,
- developing a favourable climate for investment, joint ventures and licensing arrangements, notably by Agreements between the Member States of the Community and Poland on investment promotion and protection, including the transfer of profits and repatriation of capital, on the basis of the principles of non-discrimination and reciprocity,
- facilitating exchanges and contacts between persons and delegations representing commercial or other relevant organizations, and encouraging business contacts, notably by setting up appropriate infrastructure,
- organizing seminars, fairs or exhibitions, symposia and business weeks,
- promoting activities involving the provision of technical expertise in appropriate areas,
- encouraging, in accordance with the respective laws and policies of the Contracting Parties, joint research and development activities, the exchange of information and contacts between scientists, research and educational establishments and businesses,
- facilitating cooperation between businesses on the markets of third countries.

Article 19

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, this Agreement and any action taken under it shall in no way affect the powers of the Member States of the Community to undertake bilateral activities with Poland in the field of economic cooperation and to conclude, where appropriate, new economic cooperation agreements with Poland.

TITLE III

Joint committee

Article 20

1. (a) A joint committee shall be set up comprising representatives of the Community, on the one hand, and representatives of Poland, on the other.
(b) The joint committee shall formulate recommendations by mutual Agreement between the Contracting Parties.
(c) The joint committee shall, as necessary, adopt its own rules of procedure and programme of work.
(d) The joint committee shall meet once a year in Brussels and Warsaw alternately. Special meetings may be convened by mutual agreement, at the request of either Contracting Party. The office of chairman of the joint committee shall be held alternately by each of the Contracting Parties. Wherever possible, the agenda for meetings of the joint committee shall be agreed beforehand.
(e) The joint committee may set up specialized sub-committees to assist it in the performance of its tasks.
2. (a) The joint committee shall ensure the proper functioning of this Agreement and shall devise and recommend measures for achieving its objectives, keeping in view the economic and social policies of the Contracting Parties.
(b) The joint committee shall endeavour to find ways of encouraging the development of trade and commercial and economic cooperation between the Contracting Parties. In particular, it shall:

- examine the various aspects of trade between the Parties, notably its overall pattern, rate of growth, structure and diversification, the trade balance and the various forms of trade and trade promotion,
- make recommendations on any commercial or economic cooperation problem of mutual concern,
- seek appropriate means of avoiding possible difficulties in the fields of trade and cooperation and encourage various forms of commercial and economic cooperation in areas of mutual interest,
- consider measures likely to develop and diversify trade and economic cooperation, notably by improving import opportunities in the Community and in Poland,
- exchange information on macro-economic plans and forecasts for the economies of the two Parties which have an impact on trade and cooperation and, by extension, on the scope for developing complementarity between their respective economies and also on proposed economic development programmes,
- seek methods of arranging and encouraging the exchange of information and contacts in matters relating to cooperation in the economic field between the Contracting Parties on a mutually advantageous basis, and work towards the creation of favourable conditions for such cooperation,
- examine favourably ways of improving conditions for the development of direct contacts between firms established in the Community and those established in Poland,
- formulate and submit to the authorities of both Contracting Parties recommendations for solving any problems that arise, where appropriate by concluding arrangements or agreements.

TITLE IV

General and final provisions

Article 21

1. This Agreement shall not affect or impair the rights and obligations of the parties under the GATT and the Protocol for the accession of Poland to the GATT.

2. Subject to the provisions concerning economic cooperation in Article 19, the provisions of this Agreement shall replace the provisions of the Agreements concluded between the Member States of the Community and Poland to the extent to which the latter provisions are either incompatible with, or identical to, the former.

Article 22

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Polish People's Republic.

Article 23

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have notified each other that the legal procedures necessary to this end have been completed. The Agreement shall be concluded for an initial period of five years. The Agreement shall be automatically renewed year by year provided that neither Contracting Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

However, the Contracting Parties may amend this Agreement by mutual consent in order to take account of new developments.

The Annexes, the Exchange of Letters concerning the combined nomenclature and the Exchange of Letters concerning new experimental import arrangements (*Testausschreibung*) attached to this Agreement shall form an integral part thereof.

Article 24

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Polish languages, and each text being equally authentic.

Zu Urkunde dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

(...)

Geschehen zu Warschau am neunzehnten September neunzehnhundertneunundachtzig.

Done at Warsaw on the nineteenth day of September in the year one thousand nine hundred and eighty-nine.

Fait à Varsovie, le dix-neuf septembre mil neuf cent quatre-vingt-neuf.

(...)

Für den Rat der Europäeischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

(...)

Für die Volksrepublik Polen

For the Polish People's Republic

Pour la république populaire de Pologne

(...)