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POLOGNE

Projet de version codifiée de la Liste d'engagements spécifiques¹

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques de la Pologne en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par la Pologne dans sa Liste d'engagements spécifiques (GATS/SC/71; GATS/SC/71/Suppl.1; GATS/SC/71/Suppl.2).

Est joint au projet de liste codifiée la Liste d'exemptions de l'article II (NPF) (GATS/EL/71) en format Word.

Le projet de version codifiée de la liste et la Liste d'exemptions de l'obligation NPF ont été établis par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

¹ Le présent document a été établi, en anglais seulement, par le Secrétariat sous sa propre responsabilité et sans préjudice des positions des Membres ni de leurs droits et obligations dans le cadre de l'OMC.

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	<div>1) Unbound in relation to subsidies and other form of public assistance</div> <div>2) Unbound in relation to subsidies and other form of public assistance</div> <div>3) The establishment by foreign service suppliers may only take the form of limited liability company or joint stock company. The same legal form is required in the case of joint-venture of Polish and foreign companies. Unbound with respect to branches and representative offices</div> <div>Unbound in relation to acquisition of state-owned property, i.e. the regulations governing the privatization process</div>			<div>1) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission</div> <div>2) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission</div> <div>3) Acquisition of real estate, direct and indirect, by foreigners and foreign legal persons requires permission</div>				

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>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. - 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; <ul style="list-style-type: none"> - arranging a contract, that includes right to use - of state property for more than 6 months - or decides on acquiring of such property <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</p>	<p>4) Unbound with respect to acquisition of real estate by foreign natural persons</p>	

<p>Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons</p>			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>least one year. 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>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> <p>Unbound in relation to subsidies and other form of public assistance</p>		
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal services (CPC 861)	<p>1) None</p> <p>2) None</p> <p>3) Establishment subject to authorization. Nationality requirement.</p> <p>4) Unbound except for horizontal measures. Nationality requirement.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
(b) Accounting, auditing and bookkeeping services (CPC 862)	<p>1) None</p> <p>2) None</p> <p>3) Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.</p> <p>4) Unbound except for horizontal measures. Nationality requirement in the case of auditors. Foreign auditors may practice after confirmation of their qualifications.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
(e) Engineering services (CPC 8672)	<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>	

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) 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	
(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>			

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			
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
(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

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		
(r)	Printing, publishing (CPC 88442)	1)	None	2)	None	3)	None	
		2)	None	2)	None	3)	None	
		3)	Nationality requirement for the editor-in-chief of newspapers and journals	3)	None	3)	None	
		4)	Unbound except for horizontal measures.	4)	None	4)	None	
			Nationality requirements for the editor-in-chief of newspapers and journals.					
(t)	Other	1)	None	1)	None			
		2)	None	2)	None			
-	Translation services excluding services of sworn interpreters (CPC 87905**)	3)	None	3)	None			
		4)	Unbound except for horizontal measures	4)	None			
2.	COMMUNICATION SERV ICES (excluding broadcasting) ²							
-	Courier services excluding written correspondence e.g. letters (CPC 7512)	1)	None	1)	None			As annexed
		2)	None	2)	None			
		3)	None	3)	None			
		4)	Unbound except for horizontal measures	4)	None			
	All sub-sectors	1),2), 3),4)	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 ordinance. The licences and permissions are available only for the entities registered in Poland.	1),2), 3),4)	When the limitations of foreign participation are applied, Polish citizens domiciliated in Poland must have majority in the board of directors and supervising body.			

² 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.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons</p> <p>C. <u>Telecommunication Services</u></p> <p>(a) Voice-telephone services; (b) Packet-switched data transmission services; (c) Circuit-switched data transmission services; (d) Telex services; (e) Telegraph services; (f) Facsimile services; (g) Private leased circuit services;</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>1) None 2) None 3) None except: (a) excluded from all commitments: 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>	<p>1) None 2) None 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		
<u>International, long distance, local,</u> - public and non-public, - facilities-based and on resale-base, - wire-based and radio-based. (g) Other telecommunication services including value added services (CPC 7522**, 7523**)	(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. 4) Unbound except for horizontal measures		4) Unbound except for horizontal measures				
	1) Use of the public network, or the network of other authorized operator, required in the case of cross-border provision of these services 2) Use of the public network, or the network of other authorized operator, required in the case of cross-border consumption of these services 3) Provision of VAN services within Poland requires the usage of authorised networks. ³ 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. 4) Unbound except for horizontal measures		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 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 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 4) None				
(o) Others - cable television and radio networks services;	1) Unbound 2) Unbound 3) The limitation of foreign capital and voting rights is 49% 4) Unbound except for horizontal measures.		1) None 2) None 3) None 4) Unbound except for horizontal measures.				

³ 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
- 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.	
<p><u>Note 1:</u> 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.</p> <p><u>Note 2:</u> The project of a new Telecommunications Act will be prepared by the end of year 1997.</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
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) None	
4. DISTRIBUTION SERVICES			
B. 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. 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.

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			
5. EDUCATIONAL SERVICES								
- Private educational services (CPC 921, 922, 923, 924)	1)	Public system of education and of scholarships do not cover educational services supplied from abroad	1)	None				
	2)	Public system of education and of scholarships do not cover educational services supplied abroad	2)	None				
	3)	None	3)	None				
	4)	Unbound except for horizontal measures	4)	None				
6. ENVIRONMENTAL SERVICES								
D. <u>Other</u>								
Monitoring of environment.	1)	None	1)	None				
Consultancy related to the environmental protection.	2)	None	2)	None				
Cleaning of exhaust gases.	3)	None	3)	None				
Noise abatement.	4)	Unbound except for horizontal measures	4)	None				
(CPC 9404**, 9405**)								
7. FINANCIAL SERVICES ⁴								
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%.	1)	Unbound except for the reinsurance and the retrocession.				
- Insurance and related services:	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%.	2)	Unbound except for the reinsurance and the retrocession.				

⁴ 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, sub-paragraph 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>- direct insurance (including coinsurance):</p> <ul style="list-style-type: none"> - life - non-life; <p>- reinsurance and retrocession;</p> <p>- brokerage (CPC 812** except 81212, 81299;81401, 81402)</p>	<p>3) Establishment only on a forum 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. 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.</p> <p>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>4) Unbound for horizontal measures. Residency requirement for insurance brokers and agents.</p>	<p>3) None</p> <p>4) None</p>	
<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 (CPCP 8113) - All payment and money transmissions services (CPC 81339**) - Guarantees and commitments (excluding guarantees and commitments of the State Treasury) (CPC 81199**) 	<p>1) Unbound</p> <p>2) Unbound</p> <p>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. Nationality requirement for some – at least one - of the bank executives.</p> <p>4) Unbound except for horizontal measures. Nationality requirement for some –at least – one of the bank executives.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) 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	
Other financial services.	1) Unbound	2) Unbound	3) Establishment only in a form of joint stock company. Residency requirement for brokers and securities advisors.	1) Unbound	2) Unbound	3) None		
- Participation in issues od all kinds of securities (excluding treasury bonds), including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	4) Unbound except for horizontal measures. Residency requirement for brokers and securities advisors.			4) None				
- In relation to transferable securities trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise (CPC 8132** except 81329)								
- Mutual funds services (CPC 81323**)								
- Advisory and other auxiliary services to financial services included into this schedule (CPC 8133 ** except 81333, 81339)								
- Provisions 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 authorized operator, in the case of cross-border provision of these services			1) 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
8. HEALTH RELATED AND SOCIAL SERVICES	<p>2) Requirement to use the public telecommunication network, or the network of other authorized operator, in the case of cross-border consumption of these services.</p> <p>3) Requirement to use the public telecommunication network or the network of other authorized operator in the case of cross-services</p> <p>4) Unbound except for horizontal measures</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>A. <u>Hospital Services</u></p> <p>Private hospital and sanatorium services (CPC 9311 excluding services provided by the public sector)</p>	<p>1) Unbound*</p> <p>2) Public medical insurance programs do not cover cost of medicare supplied abroad</p> <p>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.</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*</p> <p>2) Service consumers may not be entitled to receive financial support from public resources</p> <p>3) Foreign private establishment and their service consumers may not be entitled to receive financial support from public resources</p> <p>4) None</p>	

* 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
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (CPC 641, 642)	1) Unbound* 2) None 3) None 4) Unbound except for horizontal measures	1) Unbound* 2) None 3) None 4) None	
B. <u>Travel Agencies and Tour Operators</u> (CPC 7471)	1) Commercial presence required 2) Commercial presence required 3) None 4) Unbound except for horizontal measures	1) Commercial presence required 2) Commercial presence required 3) None 4) None	
11. TRANSPORT SERVICES			
c. <u>Airline Transport Services</u>			
(c) Rental of aircraft with crew (CPC 734)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	
(d) Maintenance and repair of aircraft (CPC 8868**)	1) None 2) None 3) None 4) Unbound except for horizontal measures	1) None 2) None 3) None 4) None	

ANNEX

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.

POLAND – FINAL 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

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
Sale and marketing of air transport services and Computer Reservation Systems	Preferential market access resulting from bilateral air transport agreements	All countries	Indeterminate	Reciprocal provisions concerning supply of air transport services embodied in bilateral air transport agreements
Audiovisual services - motion picture and video tape production and distribution services	Preferential treatment of audiovisual works, including preferential access to funding	All countries	Indefinite	The aim of such agreements is to promote cultural links between countries concerned on the basis of co-production agreements
Audiovisual services - production and distribution of cinematography works and television programmes	Preferential treatment that is adopted for the implementation of benefits, in conformity with support programmes and suppliers of these programmes, meeting specific European origin criteria	All European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned
Audiovisual services - transmission of audiovisual works to the public	Preferential measures that are applied for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (No 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programmes meeting specific criteria	Parties to the Council of Europe Convention on Transfrontier Television or other European countries with which an agreement may be concluded	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain cultural policy objectives

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
Fishing and fishing-related services	Preferential treatment - in the area of fisheries jurisdiction of countries involved - in relation to the services and service providers from countries with which Poland has favourable fishery relations based on compliance to the international conservation practices and policies or agreements on fisheries, particularly in the Baltic Sea basin	All countries	Indeterminate	Cooperation concerning the conservation of fisheries and fishing based on the practice as well as existing and future agreements, particularly in the Baltic Sea basin