

FREE TRADE AGREEMENT BETWEEN TURKEY AND POLAND

PREAMBLE

The Republic of Poland and the Republic of Turkey (hereinafter "the Parties"),

Reaffirming their commitment to the principles of market economy, which constitutes the basis for their economic relations, and their compliance with the rights and obligations arising out of the agreements within the framework of the World Trade Organization/General Agreement on Tariffs and Trade 1994 (hereinafter "WTO/GATT 1994");

Considering their common desire to participate actively in the process of international economic integration;

Resolved to this end to eliminate progressively the obstacles to substantially all their mutual trade, in accordance with the provisions of the General Agreement on Tariffs and Trade 1994;

Convinced that this Agreement will create a new climate for their economic relations and, in particular, for the development of trade and investment as well as economic and technological co-operation;

Considering that the Association Agreements signed by each Party with the European Communities;

Have agreed as follows:

Article 1 Objectives

1. The Parties shall gradually establish a free trade area on substantially all their bilateral trade in a transitional period ending on 1 January 2002, in accordance with the provisions of this Agreement and in conformity with those of the WTO/GATT 1994, with particular regard to Article XXIV of the GATT 1994.
2. The objectives of this Agreement are:
 - (a) to promote, through the expansion of mutual trade, the harmonious development of the economic relations between the Parties and thus to foster the advance of their economic activity and prosperity as well as the increase of productivity;
 - (b) to provide fair conditions of competition in trade between the Parties;
 - (c) to contribute, by removal of barriers to trade, to the harmonious development and expansion of world trade;
 - (d) to promote co-operation in areas which are of mutual interest to the Parties.

CHAPTER I Industrial Products

Article 2

Scope

The provisions of this Chapter shall apply to industrial products originating in the Parties, where the term "industrial products" means for the purpose of this Agreement the products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, with the exception of the products listed in Annex I to this Agreement (hereinafter "Annex I").

Article 3

Customs duties on imports

1. No new customs duty on imports shall be introduced, nor shall those existing be made more restrictive in trade between the Parties from the date of entry into force of this Agreement.
2. Customs duties on imports shall be abolished in accordance with the provisions of Protocol 1 to this Agreement.

Article 4

Basic duties

1. For each product the basic duty to which the successive reductions set out in this Agreement are to be applied shall be the Most Favored Nation rate of duty of the Parties in force on 1 January 2000.
2. If, after entry into force of this Agreement, any tariff reduction is applied on an erga omnes basis, in particular reductions resulting from the tariff agreement concluded in the framework of the World Trade Organization, such reduced duties shall replace the basic duties referred to in paragraph 1 as from that date when such reductions are applied.
3. The reduced duties calculated in accordance with Protocol 1 shall be applied rounded to the first decimal place, or, in case of specific duties, to the second decimal place.
4. The Parties shall notify each other their respective basic rates of duties in accordance with the provisions of paragraph 2.

Article 5

Charges equivalent to duties

1. No new charges having an effect equivalent to a customs duty on imports shall be introduced in trade between the Parties.
2. All charges having an effect equivalent to customs duties on imports shall be abolished on the date of entry into force of this Agreement.

Article 6

Fiscal duties

1. The provisions of Article 3 shall also apply to customs duties of a fiscal nature.
2. The Parties may replace a customs duty of a fiscal nature or the fiscal element of a customs duty by an internal tax in accordance with the provisions of Article 15.

Article 7

Customs duties on exports and charges having equivalent effect

No customs duties on exports or charges having equivalent effect shall be applied in the trade between the Parties.

Article 8

Quantitative restrictions on imports and measures having equivalent effect

No quantitative restrictions on imports or measures having equivalent effect shall be applied in the trade between the Parties with the exception of those applied by Poland with respect to products listed in Annex II.

Article 9

Quantitative restrictions on exports and measures having equivalent effect

No quantitative restrictions on exports or measures having equivalent effect shall be applied in trade between the Parties with the exception of those applied by Poland with respect to products listed in Annex III.

CHAPTER II

Agricultural, Processed Agricultural and Fishery Products

Article 10

Scope

1. The provisions of this Chapter shall apply to agricultural, processed agricultural and fishery products originating in the Parties to this Agreement.
2. For the purpose of this Agreement, the term "agricultural products" means products falling within Chapters 1 to 24 of the Harmonized Commodity Description and Coding System and all the products listed in Annex I.

Article 11

Exchange of concessions

1. The Parties to this Agreement shall grant each other the concessions specified in the Annexes to Protocol 2 to this Agreement as laid down in accordance with the provisions of this Chapter and those laid down in this Protocol.
2. The Parties shall examine periodically, within the framework of the Joint Committee, the possibilities of granting each other further concessions in trade in agricultural products.
3. Agricultural products not listed in Protocol 2 shall be traded in accordance with the provisions of the WTO/GATT 1994 and with the respective commitments of each Party within the framework of the WTO Agreement on Agriculture.

Article 12

Specific safeguards

Notwithstanding other provisions of this Agreement, and in particular Article 26, and

Party, which are subject to concessions granted under this Agreement, cause serious disturbances to the markets of the other Party, the Party concerned shall enter into consultations immediately to find an appropriate solution. Pending such solution, the Party concerned may take appropriate measures notifying immediately to the other Party of the measures taken.

Article 13

Sanitary and phytosanitary measures

The Parties shall apply their sanitary and phytosanitary measures in accordance with the provisions of the GATT 1994 and the other relevant WTO agreements. The Parties shall not apply their regulations in human, animal, and plant health and in veterinary, in an arbitrary, unjustifiable or discriminatory way or as a disguised restriction on trade between them.

CHAPTER III

General Provisions

Article 14

Rules of origin and co-operation in customs administration

1. Protocol 3 to this Agreement lays down the rules of origin and related methods of administrative co-operation.
2. The Parties shall take appropriate measures, including regular reviews by the Joint Committee and arrangements for administrative co-operation, to ensure that the provisions of Protocol 3 and of the relevant articles of this Agreement are effectively and harmoniously applied, and to reduce, as far as possible, the formalities imposed on trade, as well as to achieve satisfactory solutions to any difficulties arising from the operation of those provisions.

Article 15

Internal taxation

1. The Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products originating in the Parties.
2. Products exported to the territory of one of the Parties may not benefit from repayment of internal taxes in excess of the amount of direct or indirect taxation imposed on these products.

Article 16

General exceptions

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; including environmental measures; the protection of treasures of culture; protection of intellectual property or rules relating to gold or silver or the conservation of exhaustible natural resources, if such measures are made effective in conjunction with restrictions on domestic production or consumption.

Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Article 17

Security exceptions

1. In accordance with Article XXI of GATT 1994, nothing in this Agreement shall prevent a Party from taking any appropriate measure which it considers necessary:

- (a) to prevent the disclosure of information contrary to its essential security interests;
- (b) for the protection of its essential security interests or for the implementation of international obligations or national policies.

Article 18

State monopolies

1. The Parties shall adjust progressively any state monopoly of a commercial character so as to ensure that by the entry into force of this Agreement, no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of the Parties. The Joint Committee will be informed about the measures adopted to implement this objective.

2. The provisions of this Article shall apply to any body through which the competent authorities of the Parties, in law or in fact, either directly or indirectly supervise, determine or appreciably influence imports or exports between the Parties. These provisions shall likewise apply to monopolies delegated by the State to others.

Article 19

Payments

1. Payments in freely convertible currencies relating to commercial transactions between the Parties within the framework of this Agreement and the transfer of such payments to the territory of the Party where the creditor resides shall be free from any restrictions.

2. The Parties shall refrain from any exchange or administrative restrictions, other than those existing in their current legislation, on the grant, repayment or acceptance of short and medium term credits covering commercial transactions within the framework of this Agreement in which their residents participate.

3. Notwithstanding the provisions of paragraph 2, any measures concerning current payments connected with the movement of goods shall be in conformity with the conditions laid down under Article VIII of the Articles of Agreement of the International Monetary Fund.

Article 20

Rules of competition concerning undertakings

1. The following are incompatible with the proper functioning of this Agreement, in so far as they may affect trade between the Parties:

- (a) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (b) abuse by one or more undertakings of a dominant position in the territories of the Parties as a whole or in a substantial part thereof.

2. The provisions of paragraph 1 shall apply to the activities of all undertakings including public undertakings and undertakings to which the Parties grant special or exclusive rights. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue producing monopoly, shall be subject to provisions of paragraph 1 in so far as the application of these provisions does not obstruct the performance, in law or fact, of the particular public tasks assigned to them.

3. With regard to products covered by Chapter II the provisions in paragraph 1(a) shall not apply to such agreements, decisions and practices which form an integral part of a national market organization.

4. If a Party considers that a given practice is incompatible with this Article and if such practice causes or threatens to cause serious prejudice to the interest of that Party or material injury to its domestic industry, it may take appropriate measures under the conditions and in accordance with the procedure laid down in Article 30.

5. Subject to its laws, regulations and policies, each Party will accord fair and equitable treatment to the individuals, companies, government agencies and other entities of the other Party engaged in the pursuit of activities under this Agreement.

Article 21 State aid

1. Any aid granted by a State being a Party to this Agreement or through State resources in any form which distorts or threatens to distort competition by favoring certain undertakings or the production of certain goods shall, in so far as it may affect trade between the Parties, be incompatible with the proper functioning of this Agreement.

2. The provisions of paragraph 1 shall not apply to products referred to in Chapter II.

3. The Parties shall ensure transparency in the area of state aid, in accordance with the provisions of the Agreement on Subsidies and Countervailing Measures and the WTO/GATT 1994 and each Party, upon request of the other Party, will provide information on aid schemes and on particular individual cases of state aid.

4. If a Party considers that a particular practice:

- (a) is incompatible with the terms of paragraph 1, or
- (b) if such practice causes or threatens to cause serious prejudice to the interest of that Party or material injury to its domestic producers,

it may take appropriate measures under the conditions of and in accordance with the provisions laid down in Article 30. Such appropriate measures may only be taken in conformity with the procedures and under the conditions laid down by the Agreement on Subsidies and Countervailing Measures and the WTO/GATT 1994.

Article 22

Public procurement

1. The Parties consider the liberalization of their respective public procurement markets as an objective of this Agreement.
2. The Parties shall progressively develop their respective regulations for public procurement with a view to grant suppliers of the other Party, access to contract award procedures on their respective public procurement markets according to the provisions of the Agreement on Government Procurement concluded in the framework of the WTO and the Parties' undertakings therein.
3. The Joint Committee shall examine developments related to the achievement of the objectives of this Article and may recommend practical modalities of implementing the provisions of paragraph 2 so as to ensure free access, transparency and a mutual opening of their respective public procurement markets.
4. During the examination referred to in paragraph 3, the Joint Committee may consider, especially in the light of development in this area in international relations, the possibility of expanding the coverage of the market opening provided for in paragraph 2.
5. The Parties shall endeavour to accede to the relevant agreements negotiated under the auspices of the World Trade Organization.

Article 23

Technical regulations

1. The rights and obligations of the Parties relating to standards or technical regulations and related measures shall be governed by the WTO Agreement on Technical Barriers to Trade.
2. Each Party, upon request of the other Party, shall provide information on particular individual cases of standards, technical regulations and related measures.
3. The Parties shall aim to reduce technical barriers to trade. To this end the Parties will enter where appropriate into negotiations for the conclusion of the agreements for the mutual recognition in the field of conformity assessment, in the spirit of the recommendations of the WTO Agreement on Technical Barriers to Trade.

Article 24

Dumping

If a Party finds that dumping, within the meaning of Article VI of the GATT 1994 is taking place in trade relations governed by this Agreement, it may take appropriate measures against that practice in accordance with the WTO Agreement on Implementation of Article VI of the GATT 1994.

Article 25

Protection of intellectual property

1. The Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights including measures for the grant and the enforcement of such rights. The Parties confirm their will to respect Conventions on

2. For the purpose of this Agreement "intellectual property" includes, in particular, copyright and neighbouring rights, trade marks, geographical indications, industrial designs, utility models, patents, topographies of integrated circuits, undisclosed information including "know-how" and new varieties of plants.

3. The Parties shall co-operate in matters of intellectual property. They shall hold, upon request of each Party, expert consultations on these matters, in particular, on activities relating to the existing or to future international conventions on harmonization, administration and enforcement of intellectual property and on activities in international organizations, such as the World Trade Organization, the World Intellectual Property Organization, as well as relations of the Parties with other countries on matters concerning intellectual property.

Article 26

General safeguards

Where any product is being imported in such increased quantities and under such conditions as to cause, or threaten to cause:

- (a) serious injury to domestic producers of like or directly competitive products in the territory of the importing Party; or
- (b) serious disturbances in any sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region;

the Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 30 of this Agreement.

Article 27

Structural Adjustment

1. Exceptional measures of limited duration which derogate from the provisions of Article 3 may be taken by the Parties in the form of increased customs duties.

2. These measures may only concern infant industries, or certain sectors undergoing restructuring or facing serious difficulties, particularly where these difficulties produce important social problems.

3. Customs duties on imports applicable in the Party concerned to products originating in the other Party introduced by these measures may not exceed 25 per cent ad valorem and shall maintain the element of preference in customs duties for products originating in the other Party. The total value of imports of the products which are subject to these measures may not exceed 15 per cent of total imports of industrial products from the other Party, as defined in Chapter I, during the last year for which statistics are available.

4. These measures may be applied until the end of transitional period unless a longer duration is authorized by the Joint Committee.

5. No such measures may be introduced in respect of a product if more than three years have elapsed since the elimination of all customs duties and quantitative restrictions or charges or measures having an equivalent effect concerning that product.

6. The Party concerned shall inform the other Party of any exceptional measures it intends to take and, at the request of the other Party, consultations shall be held within the Joint Committee on such measures and the sectors to which they apply prior to their introduction. When taking such measures the Parties shall provide the Joint Committee with a schedule for the elimination of the customs duties introduced under this Article. This schedule shall provide for a phasing out of these duties starting at the latest two years after their introduction, at equal annual rates. The Joint Committee may decide on a different schedule.

Article 28

Re-export and serious shortage

Where compliance with the provisions of Articles 7 and 9 leads to:

- (a) re-export towards a third country against which the exporting Party maintains for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
- (b) a serious shortage, or threat thereof, of a product essential to the exporting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Party, that Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 30. The measures shall be non-discriminatory and be eliminated when conditions no longer justify their maintenance.

Article 29

Fulfilment of obligations

1. The Parties shall take any general or specific measures required to fulfill their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.
2. If a Party considers that the other Party has failed to fulfill an obligation under this Agreement, the Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 30.

Article 30

Procedure for the application of safeguard measures

1. Before initiating the procedure for the application of safeguard measures set out in the following paragraphs of this Article, the Parties shall endeavour to solve any differences between them through direct consultations.
2. In the event of a Party subjecting imports of products liable to give rise to the situation referred to in Article 26 to an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows, it shall inform the other Party.
3. Without prejudice to paragraph 7 of this Article, a Party which considers resorting to safeguard measures shall promptly notify the other Party thereof and supply all relevant information. Consultations between the Parties shall take place without delay in the Joint Committee with a view to finding a solution acceptable to the Parties.

4. (a) With regard to Articles 26 and 28, the Joint Committee shall examine the case or the situation and may take any decision needed to put an end to the difficulties notified by the Party concerned. In the absence of such decision within 30 days of the matter being referred to the Joint Committee, the Party concerned may adopt the measures necessary in order to remedy the situation.
 - (b) With regard to Article 29, the Party concerned may take appropriate measures after the consultations have been concluded or a period of three months has elapsed from the date of notification to the other Party.
 - (c) With regard to Articles 20 and 21, the Party concerned shall give the Joint Committee all the assistance required in order to examine the case and, where appropriate, eliminate the practice objected to. If the Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee or if the Joint Committee fails to reach an agreement within 30 days of the matter being referred to it, the Party concerned may adopt the appropriate measures to deal with the difficulties resulting from the practice in question.
5. The safeguard measures taken shall be immediately notified to the other Party. They shall be restricted with regard to their extent and to their duration to what is strictly necessary in order to rectify the situation giving rise to their application and shall not be in excess of the injury caused by the practice or the difficulty in question. Priority shall be given to such measures which will least disturb the functioning of this Agreement. The measures taken by a Party against an action or an omission of the other Party may only affect the trade with that Party.
6. The safeguard measures taken shall be the subject to periodic consultations within the Joint Committee with a view to their relaxation as soon as possible, or abolition when conditions no longer justify their maintenance.
7. Where exceptional circumstances requiring immediate action make prior examination impossible, the Party concerned may, in the cases of Articles 20, 21, 26 and 28, apply forthwith the provisional measures strictly necessary to remedy the situation. The measures shall be notified without delay and consultations between the Parties shall take place as soon as possible within the Joint Committee.
8. The safeguard measures taken will be in accordance with the rights and obligations arising out of the GATT 1994 and the Agreement establishing WTO.

Article 31

Balance-of-payments difficulties

1. The Parties shall endeavour to avoid the imposition of restrictive measures including measures relating to imports for balance of payment purposes.
2. When one of the Parties is in serious balance of payment difficulties, or under imminent threat thereof, the Party concerned may in accordance with the conditions established under the WTO/GATT 1994, and with Article VIII of the Articles of Agreement of International Monetary Fund adopt restrictive measures, including measures related to imports, which shall be of limited duration and may not go beyond what is necessary to remedy the balance of payments situation. The measures shall be progressively relaxed as

balance of payments conditions improve and they shall be eliminated when conditions no longer justify their maintenance. The Party concerned shall inform the other Party forthwith of their introduction and, whenever practicable, of a time schedule of their removal.

Article 32

Evolutionary clause

1. Where a Party considers that it would be useful in the interests of the economies of the Parties to develop and to deepen the relations established by this Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Party. The Joint Committee shall examine such a request and, where appropriate, may make recommendations, particularly with a view to opening negotiations.

2. Agreements resulting from the procedure referred to in paragraph 1 will be subject to the ratification or approval by the Parties in accordance with their internal legislation and procedures.

CHAPTER IV

Institutional and Final Provisions

Article 33

The Joint Committee

1. A Joint Committee is hereby established and shall be composed of the representatives of the Parties.

2. The Joint Committee shall be responsible for the administration of this Agreement and shall ensure its proper implementation. It shall examine any major issue arising within the framework of this Agreement and any other trade or economic issues of mutual interest. The Joint Committee shall keep under review the possibility of further removal of the obstacles to trade between the Parties.

3. For the purpose of the proper implementation of this Agreement, the Parties shall exchange information and, at the request of each Party, shall hold consultations within the Joint Committee.

4. The Joint Committee may take decisions in the cases provided for in this Agreement. These decisions shall be implemented by the Parties in accordance with their internal legislation. The Joint Committee may also make recommendations on any other trade and economic matter of mutual interest to the Parties.

Article 34

Procedures of the Joint Committee

1. For the proper implementation of this Agreement, the Joint Committee shall meet whenever necessary but at least once a year. Each Party may request a meeting to be held.

2. The Joint Committee shall act by common agreement.

3. If a representative of a Party in the Joint Committee has accepted a decision subject to the fulfilment of internal legal requirements, the decision shall enter into force, if no later date is contained therein, on the day of the receipt of a written notification as to the

4. For the purpose of this Agreement the Joint Committee shall adopt its rules of procedure which shall, inter alia, contain provisions for convening meetings and for the designation of the Chairman and his/her term of office.

5. The Joint Committee may decide to set up sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks.

Article 35

Services and investments

1. The Parties to this Agreement recognize the growing importance of certain areas, such as services and investments. In their efforts to gradually develop and broaden their co-operation, in particular in the context of the European integration, they will co-operate with the aim of achieving a progressive liberalization and mutual opening of their markets for investments and trade in services, taking into account relevant provisions of the General Agreement on Trade and Services.

2. The Parties will discuss in the Joint Committee the possibilities to extend their trade relations to the fields of foreign direct investment and trade in services.

Article 36

Customs unions, free-trade areas and frontier trade

This Agreement shall not prevent the maintenance or establishment of customs unions, free-trade areas or arrangements for frontier trade which are in accordance with the provisions of Article XXIV of the GATT 1994 and with the Understanding on the Interpretation of Article XXIV of the GATT 1994.

Article 37

Annexes and protocols

The Annexes and the Protocols to this Agreement are an integral part of it.

Article 38

Territorial application

This Agreement shall apply to the territories of the Parties.

Article 39

Amendments

Amendments to this Agreement including to its Annexes and Protocols, shall enter into force on the date of receipt of the latter diplomatic note confirming that all internal legal procedures required by each Party for their entry into force have been completed.

Article 40
Entry into force

This Agreement shall enter into force on the first day of the month following the date when the Parties have notified each other that respective internal requirements for the entry into force of this Agreement have been completed and when the provisions of Article 9 of the Record of Understanding to this Agreement have been fulfilled.

Article 41
Validity and termination

1. This Agreement is concluded for an unlimited period.
2. Each Party may terminate this Agreement by a written notification to the other Party. This termination shall take effect on the first day of the seventh month following the date on which the notification was received by the other Party.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed this Agreement.

DONE at ..., this ... day of ...1999 in two originals in the Turkish, Polish and English languages, all texts being equally authentic. In case of differences of interpretation, the English text shall prevail.

For the Republic of Turkey

For the Republic of Poland

RECORD OF UNDERSTANDING

1. The Parties declare their readiness to examine in the Joint Committee the possibility of extending to each other any concessions they grant or will grant to third countries with which they concluded a Free Trade Agreement.
2. As regards paragraph 2 of Article 4, the Parties agree that where a reduction of duties is effected by way of a suspension of duties made for a particular period of time, such reduced duties shall replace the basic duties only for the period of such suspension and that whenever a partial suspension of duties is made, the preferential margin between the Parties will be preserved.
3. The Parties agree that Article 9 does not apply when measures covered by this Article might be required for the administration of international obligations.
4. When elaborating the criteria and rules indicated in paragraph 3 of Article 21, the Parties shall:
 - (a) aim at ensuring their greatest possible conformity with the relevant criteria and rules used under the Agreements establishing Association between Poland and the European Union and Customs Union between Turkey and the European Union;

- (b) define the conditions and/or situations when temporary derogation from the provisions of paragraph 1 may be applicable;
- (c) review the conditions under which actions against state aid practices may be taken.

5. Concerning paragraph 4 of Article 21 the Joint Committee shall within one year following the entry into force of this Agreement adopt the necessary rules for the implementation of transparency measures.

6. The Parties consider that an arbitration procedure could be envisaged for disputes which can not be settled through consultations between the Parties concerned or in the Joint Committee. Such a possibility may be further examined in the Joint Committee.

7. Polish side undertakes to inform Turkey about any changes in their export or import restrictions referred in Annexes II and III.

8. Turkish side undertakes to inform Poland about any progress concerning the permission system that is being applied to used cars and machinery.

9. Taking into consideration the importance the Parties attach to the cooperation between Customs Administrations and especially for requested verification of customs documentation, they hereby agree that they will provide the "Free Trade Agreement Between the Republic of Turkey and the Republic of Poland" and the "Agreement on Cooperation of Customs Administrations" to enter into force simultaneously.

10. In case if the Republic of Turkey shall not issue the import licences for the quota of 5550 tons for live bovine animals with CN codes 0102 10, 0102 90 29 and 0102 90 49 listed in Annex B to Protocol 2 of the Free Trade Agreement, following the enforcement of the above mentioned Agreement, the Republic of Turkey assures the Republic of Poland to compensate these concessions on other products of the common interest for the Parties on a temporary basis.

If this would not be the case, the Polish party shall have the right to withdraw its concessions equivalent to the value of the concessions concerned.