

No. 14800

**FEDERAL REPUBLIC OF GERMANY
and
POLAND**

**Agreement concerning the development of economic, industrial and technical co-operation (with annex).
Signed at Bonn on 1 November 1974**

Authentic texts: German and Polish.

Registered by the Federal Republic of Germany on 15 June 1976.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
POLOGNE**

Accord concernant le développement de la coopération économique, industrielle et technique (avec annexe). Signé à Bonn le 1^{er} novembre 1974

Textes authentiques : allemand et polonais.

Enregistré par la République fédérale d'Allemagne le 15 juin 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
POLISH PEOPLE'S REPUBLIC CONCERNING THE DEVELOP-
MENT OF ECONOMIC, INDUSTRIAL AND TECHNICAL CO-
OPERATION

The Government of the Federal Republic of Germany and the Government of the Polish People's Republic,

Desiring in accordance with the Agreement between the Polish People's Republic and the Federal Republic of Germany concerning the basis for normalization of their mutual relations of 7 December 1970² to facilitate and intensify economic, industrial and technical co-operation in their mutual interest,

Being anxious, in the interest of strengthening economic co-operation, to utilize the possibilities afforded by the economic resources of the Contracting Parties,

Recognizing the importance which long-term arrangements have for ensuring and broadening economic, industrial and technical co-operation and hence for the further development of mutual relations,

Having regard to the economic co-operation which has been developing since the conclusion of the Long-term Agreement between the Government of the Federal Republic of Germany and the Government of the Polish People's Republic on the exchange of goods and economic, scientific and technical co-operation of 15 October 1970 and to the fact that both Contracting Parties are parties to the General Agreement on Tariffs and Trade (GATT),³

Have agreed as follows:

Article 1. The Contracting Parties are resolved to broaden and intensify economic co-operation between the two countries on the basis of mutual benefit. They shall continue their efforts to create favorable conditions for dynamic and harmonious development of economic, industrial and technical co-operation between enterprises, organizations and institutions. They shall take the measures required for that purpose in a liberal spirit and in accordance with international obligations, especially the obligations mentioned in the preamble to this Agreement.

Article 2. Through the mixed Governmental Commission established under article 11, the Contracting Parties shall co-ordinate the fields in which, in the long term, a broadening of co-operation seems advantageous.

Consideration shall be given in particular to co-operation in the following fields: mechanical engineering and plant construction, metallurgy, the chemical industry (including coal processing), petroleum processing, the electrical industry (including electronics), the building industry, light industry, production of raw materials and energy, agriculture and the food industry.

¹ Came into force on 15 January 1975, the date of the last of the notifications (30 December 1974 and 15 January 1975) by which the Contracting Parties notified each other of the fulfillment of their domestic requirements, in accordance with article 14.

² United Nations, *Treaty Series*, vol. 830, p. 327.

³ *Ibid.*, vol. 55, p. 187.

Article 3. The Contracting Parties shall encourage and support the conclusion and execution of contracts of the longest term possible between enterprises, organizations and institutions relating to economic, industrial and technical co-operation projects, in order thereby to create closer links between the economies of the two countries.

Article 4. The contract terms for individual economic, industrial and technical co-operation projects shall be agreed upon by the enterprises, organizations and institutions of the two Parties involved in each particular case, in conformity with the laws in force in each of the two countries.

Article 5. The industrial and agricultural co-operation to be developed through long-term arrangements between enterprises, organizations and institutions of the two countries shall include:

- reciprocal deliveries of raw materials, semi-finished products, parts and components for the processing (including job processing) or assembly thereof in one or both countries, and the marketing in one or both countries or on third markets of the goods produced, irrespective of the country in which they were produced or processed;
- the expansion and modernization of existing enterprises or the construction of new ones, the modernization of technical or technological processes in either country through the supply of machinery and technical equipment or of licences, know-how and technical and technological documentation. The supply of these items may be tied to the subsequent purchase of goods produced with their help, if there exists an interest therein arising out of the needs of the Co-operating Parties;
- the provision of energy and raw materials, semi-finished products, parts and components or finished products for the continuous production of the other country's economic enterprises or in order to expand or supplement their production or marketing programmes.

Article 6. The Contracting Parties shall support and facilitate the development of technical co-operation between the two Parties, with particular reference to:

- the exchange of patents, licences and know-how;
- the application and improvement of existing technical processes and the development of new ones;
- the exchange of experience and the conclusion of agreements, *inter alia* in the field of standardization, measurements and materials testing;
- the exchange of specialists and trainees;
- the exchange of technical information and documentation;
- the arrangement of joint courses, symposia, seminars and exhibitions by enterprises, organizations and institutions.

Article 7. As major agricultural producers, the two Contracting Parties shall also especially encourage and support co-operation between enterprises and organizations which might result in a broadening of relations in the field of agriculture and food production.

Article 8. The Contracting Parties shall support co-operation between enterprises, organizations and institutions on third markets.

The Contracting Parties shall give favourable consideration to the utilization of various forms of co-operation in their territories and to the question of the establishment of mixed companies in third countries; in this connexion, they shall make use of the experience of enterprises of both Parties in order to broaden the conditions for the execution of co-operation projects.

Article 9. The Contracting Parties shall grant each other the most favourable treatment possible with a view to the execution of economic, industrial and technical co-operation projects which are in their mutual interest without any special restriction under the laws in force in the territory of each Contracting Party.

Article 10. The Contracting Parties are aware of the importance of financing, including the granting of credits, for the development of economic, industrial and technical co-operation. They shall accordingly endeavour to ensure that such financing and credits are granted on the most favourable terms possible under the regulations in force in the two countries.

Article 11. With a view to implementing the provisions of this Agreement, the Contracting Parties shall establish a Mixed Governmental Commission for the Development of Economic, Industrial and Technical Co-operation. Representatives of business circles may participate in the work of the Commission. The Commission shall meet at least once a year, alternately in each of the two countries. Its meetings may, by mutual agreement, be presided over by Ministers of their representatives.

The function of the Commission shall include the following:

- to formulate proposals concerning long-term prospects for the development of reciprocal economic, industrial and technical co-operation;
- to co-ordinate the fields in which co-operation seems possible and advantageous;
- to support and supervise the implementation of this Agreement;
- to conduct a regular exchange of views concerning the further development of economic, industrial and technical co-operation and to identify new co-operation possibilities and topics for particular fields in the two countries and on third markets;
- to consider other questions arising from the implementation of this Agreement;
- to formulate and submit to the Contracting Parties resolutions or recommendations relating to the implementation of this Agreement.

The procedure of the Commission shall be governed by the Statute annexed to and forming an integral part of this Agreement.

Article 12. In conformity with the Quadripartite Agreement of 3 September 1971,¹ this Agreement shall be extended to Berlin (West) in accordance with established procedures.

Article 13. This Agreement shall not affect prior bilateral and multilateral treaties and agreements concluded by the Federal Republic of Germany and the Polish People's Republic.

Article 14. This Agreement shall be valid for a term of 10 years. It shall enter into force on the date of which the Contracting Parties notify each other that the domestic requirements for the entry into force of the Agreement have been fulfilled.

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

Not later than six months before the expiry of the term of validity, the Contracting Parties shall agree upon the measures required for the further development of economic, industrial and technical co-operation.

Termination of this Agreement shall not affect the validity and execution of contracts concluded between interested enterprises, organizations and institutions of the two countries in connexion with this Agreement.

DONE at Bonn on 1 November 1974, in duplicate in the German and Polish languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
GENSCHER

For the Government of the Polish People's Republic:
OLSZEWSKI

A N N E X

STATUTE OF THE MIXED GOVERNMENTAL COMMISSION FOR THE DEVELOPMENT OF ECONOMIC, INDUSTRIAL AND TECHNICAL CO-OPERATION

In pursuance of article 11 of the Agreement signed on 1 November 1974 between the Government of the Federal Republic of Germany and the Government of the Polish People's Republic concerning the development of economic, industrial and technical co-operation, it is determined as follows:

Article 1. The two Governments shall in due time inform each other in writing concerning their proposals for the agenda and concerning the composition of the delegations to the Commission.

Article 2. (1) The Commission shall meet in regular and special session.

(2) Regular sessions shall be held once a year, alternately in each of the two States. The date and agenda shall be determined by mutual agreement.

(3) Special sessions may, if the agenda so requires, be convened at the request of either Party.

(4) The agenda may, with the agreement of the chairmen of both delegations, be expanded during the session.

Article 3. The Commission may establish working groups, in particular to review individual fields of co-operation and to formulate proposals for the solution of existing problems.

Article 4. For sessions of the Commission and of working groups, minutes recording the results of the sessions shall be drawn up.

Article 5. Between sessions of the Commission, questions relating to economic, industrial and technical co-operation may be settled by direct contact, by consultations or by exchanges of letters between the chairmen of the two delegations and also, within the limits of their functions, between the chairmen of working groups.

Article 6. (1) Minutes shall be drawn up in two copies, one in German and one in Polish, both texts being equally authentic.

(2) Exchanges of letters between the chairmen of the two delegations in the Commission and in working groups may be conducted in German and in Polish.
