

No. 22502

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**MEXICO
and
POLAND**

Trade Agreement. Signed at Mexico City on 2 March 1976

Authentic texts: Spanish and Polish.

Registered by Mexico on 12 December 1983.

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**MEXIQUE
et
POLOGNE**

Accord commercial. Signé à Mexico le 2 mars 1976

Textes authentiques : espagnol et polonais.

Enregistré par le Mexique le 12 décembre 1983.

[TRANSLATION — TRADUCTION]

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

The Government of the United Mexican States and the Government of the Polish People's Republic, inspired by a common desire to promote and strengthen economic and trade relations between the two States on the basis of the principles of respect for sovereignty and national independence, equal rights, reciprocity and mutual advantage, mindful of the traditional ties of friendship between the two nations, and the spirit of the Co-operation Agreement signed between the Council for Mutual Economic Assistance and the United Mexican States, and of the Charter of Economic Rights and Duties of States adopted by the United Nations on 12 December 1974², have agreed to sign this Agreement.

Article I. The Contracting Parties shall take all measures necessary to create mutually favourable conditions for the development and expansion of economic and trade relations between the two States.

Article II. 1. The Contracting Parties shall unconditionally accord each other most-favoured-nation treatment in all matters relating to trade between the two States, with regard to, in particular:

- (a) Taxes, fiscal charges, customs duties and charges on imports and exports and taxes and charges on transfers of payments for imports and exports;
- (b) Procedures for levying such taxes, customs duties and charges;
- (c) Administrative regulations and formalities governing imports and exports;
- (d) Levying of internal taxes on imports and exports;
- (e) Laws, regulations and requirements governing the sale, purchase, distribution and use of imported articles;
- (f) Transport of merchandise traded within the framework of this Agreement.

2. The Contracting Parties shall also immediately and unconditionally accord each other any facilities, benefits and privileges which either of them accords or may accord for the import or export of any merchandise originating in or sent to a third country, with respect to the same merchandise produced by or sent to either of the Contracting Parties.

3. Neither Contracting Party shall impose restrictions or prohibitions on imports of any merchandise from the other Contracting Party or with respect to exports of any merchandise sent to the other Contracting Party, unless such prohibitions or restrictions apply to all third countries.

¹ Came into force provisionally from 2 March 1976, the date of signature, and definitively on 16 March 1977, by an exchange of notes (effected on 28 April 1976 and 16 March 1977) confirming its approval, in accordance with article XII.

² United Nations, *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 31 (A/9631)*, vol. 1, p. 50.

Article III. Articles II and IV shall not apply to advantages, exemptions and privileges which:

- (a) Either Contracting Party may accord in future to neighbouring countries with a view to facilitating frontier trade;
- (b) Either Contracting Party may accord in future to third countries as a consequence of their participation in free trade areas, customs unions or regional or subregional economic arrangements designed to promote integration;
- (c) The United Mexican States accord or may accord to any Latin American country or group of countries or to the developing countries which are signatories to the Protocol relating to trade negotiations among developing countries, done at Geneva on 8 December 1971¹, in respect of customs tariffs or other preferences.

Article IV. The vessels, and their crews and cargoes of each Contracting Party shall receive most-favoured-nation treatment at the sea ports or the national maritime waters or territorial waters of the other Contracting Party.

These provisions shall not apply to national coastal trade, fishing, towing and pilotage carried out in the territorial waters of the two Contracting Parties.

The Contracting Parties undertake to consider as valid all shipping documents issued or approved by the corresponding authorities of the other Contracting Party and relating to the national flag, tonnage verification, identification of the crew and other matters relating to vessels and cargo.

Article V. In accordance with the laws, regulations and provisions in force in their territories, the Contracting Parties agree to permit the import and export, free of customs duties, of the following articles:

- (a) Products, samples having no commercial value, and commercial advertising materials;
- (b) Products introduced temporarily and intended for fairs and exhibitions and which, if sold, shall be governed by the legal provisions in force in the country concerned;
- (c) Equipment and instruments imported temporarily for experiments, tests or research connected with commercial or economic operations, in accordance with programmes previously agreed upon by the Contracting Parties.

Article VI. The Contracting Parties agree to increase their trade, by means of, *inter alia*, appropriate agreements to be signed between the banks and other financial institutions of the two Contracting Parties.

Article VII. All payments between the Contracting Parties shall be made in freely convertible currency, in accordance with the legal provisions in force or those which may apply in future, in each of the States on this subject.

In contracts concluded by Polish exporters with Mexican importers, the latter shall be able to provide the endorsement of the Banco Nacional de Comercio Exterior, S. A., or any other financial institution to be agreed upon by the Parties.

Article VIII. The provisions of this Agreement shall not prevent either of the Contracting Parties from adopting or implementing measures relating to:

¹ United Nations, *Treaty Series*, vol. 858, p. 176.

- (a) Public safety and order, national defence or the maintenance of international peace and security;
- (b) Trading in weapons, and munition or war material;
- (c) The protection of human, animal or plant life and health;
- (d) The protection of the national artistic, archaeological and historical heritage;
- (e) The export or import of gold and silver or coins made of these metals;
- (f) The trading utilization or consumption of nuclear materials, or of radioactive by-products of the use or processing of such materials.

Article IX. The Contracting Parties agree to help ensure that Mexico's exports to Poland include an increasingly large proportion of semi-finished and manufactured products, if and when a demand exists for them.

In accordance with its development programmes, as well as with its laws and regulations in force, Mexico signifies its agreement that Poland should assist in Mexico's industrial development, through the export of industrial machinery and equipment.

When industrial machinery and equipment is exported from Poland to Mexico, an effort will also be made to enable it to be paid for, whenever possible, with goods manufactured in the factories set up with such machinery and equipment.

Article X. Each Contracting Party shall support and facilitate the other Party's participation in its international fairs and exhibitions and shall offer the other Party the opportunity to organize exhibitions in its territory.

Article XI. The Contracting Parties agree to establish a Joint Commission in order to facilitate fulfilment of the objectives of this Agreement and to expand economic relations between the two States.

The Commission shall be composed of representatives of both Contracting Parties, authorized by their Governments, and shall meet alternately in Mexico and Poland at least once a year.

The Commission's first meeting, at which it shall establish its programme of work, shall be held in Poland.

Article XII. This Agreement shall be subject to the approval by the competent bodies of each Contracting State in accordance with its legal provisions, such approval to be confirmed by means of an exchange of notes. The date of the later note shall be considered the date of entry into force of this Agreement.

The Contracting Parties agree to apply the terms of this Agreement provisionally as of the date of its signature.

Article XIII. This Agreement shall be valid for a period of three years and shall be assumed to be extended automatically each year thereafter, unless one of the Contracting Parties terminates it, by giving the other Contracting Party six months' notice prior to the end of the corresponding calendar year, in which case the Agreement shall expire at the end of that year.

Article XIV. The provisions of this Agreement shall apply to contracts signed during its period of validity, even if their execution is completed after the expiry of that period.

The Contracting Parties may amend this Agreement by means of an exchange of notes. Such amendments shall not affect commercial operations previously contracted.

DONE at Mexico City, on 2 March 1976 in two original copies, in the Spanish and Polish languages, both texts being equally authentic.

For the Government
of the United Mexican States:

[*Signed*]

ALFONSO GARCÍA ROBLES
Secretary for Foreign Affairs

For the Government
of the Polish People's Republic:

(*Signed*)

JERZY OLSZEWSKI
Minister for Foreign Trade and Shipping
