

6. The States Parties to this Agreement shall ensure that the procedures for grant or registration or maintenance of intellectual property rights and the enforcement procedures be fair and equitable. They shall not be unnecessarily complicated and costly, or entail unreasonable time-limits or unwarranted delays. Enforcement provisions shall include in particular injunctions, damages adequate to compensate for the injury suffered by the right holder, as well as provisional measures, including *inaudita altera parte* ones.

7. (a) The States Parties to this Agreement shall establish appropriate modalities for technical assistance and co-operation of their respective authorities. To this end, they shall co-ordinate efforts with relevant international organizations, such as the World Intellectual Property Organization (WIPO) and the European Patent Organisation (EPO).

(b) The States Parties to this Agreement agree to promptly hold expert consultations, at the request of any State Party to this Agreement, 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 General Agreement on Tariffs and Trade and the World Intellectual Property Organization, as well as relations of States Parties with third countries on matters concerning intellectual property.

## **ARTICLE 18**

### **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 EFTA State and Poland:

- (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 States Parties to this Agreement as a whole or in a substantial part thereof.

2. The provisions shall also apply to the activities of public undertakings and undertakings for which the State Parties to this Agreement grant special or exclusive rights, in so far as the application of these provisions does not obstruct the performance, in law or fact, of their particular public tasks.

3. If a State Party to this Agreement considers that a given practice is incompatible with this Article, it may take measures it considers necessary to deal with the serious difficulties resulting from the practices in question under the conditions and in accordance with the procedures laid down in Article 25.

## **ARTICLE 19**

### **State aid**

1. Any aid granted by a State Party to this Agreement or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the

production of certain goods shall, in so far as it may affect trade between an EFTA State and Poland, be incompatible with the proper functioning of this Agreement.

2. Any practices contrary to paragraph 1 should be assessed on the basis of the criteria set out in Annex XIII.

3. For the purpose of applying the provisions of paragraph 1, Poland may until 31 December 1996 grant aid with a higher intensity than would be tolerated for EFTA States according to the criteria set out in Annex XIII, with a view to promote its economic reform and development. The Joint Committee may, taking into account the economic situation of Poland, decide on a possible prolongation of the application of this provision.

4. The States Parties to this Agreement shall ensure transparency of state aid measures by exchanging information as provided for in Annex XIV. The Joint Committee shall, within one year after the entry into force of the Agreement, adopt the necessary rules for the implementation of this paragraph.

5. If a State Party to this Agreement considers that a given practice is incompatible with paragraph 1, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 25.

## **ARTICLE 20**

### **Dumping**

If an EFTA State finds that dumping within the meaning of Article VI of the General Agreement on Tariffs and Trade is taking place in its trade with Poland, or if Poland finds that dumping within this meaning is taking place in its trade with an EFTA State, the State Party concerned may take appropriate measures against this practice in accordance with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade and with the procedure laid down in Article 25.

## **ARTICLE 21**

### **Emergency action on imports of a particular product**

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 State Party to this Agreement, 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 State Party concerned may take appropriate measures under the conditions and in accordance with the procedure laid down in Article 25.