QUESTIONS SUBMITTED BY CANADA ON THE
LEGISLATION OF POLAND
(ADP/1/Add.20/Rev.1)

Article 93.3 - Sales below cost

1. What factors are taken into consideration by Polish authorities when determining sales below cost? For example, do authorities consider sales, in the determination of normal value, if they form part of a series of sales of goods at prices that do not provide for recovery in the normal course of trade and within a reasonable period of time of the costs of production, an amount for administrative and selling costs and profit? Are isolated sales at a loss included with profitable sales in the calculation of normal value?

2. Is Poland planning to provide specific guidance in subsequent regulations?

Article 96.1 - Domestic industry

1. The Polish legislation defines "domestic industry" as those producers whose collective output accounts for at least one-half of the total domestic production of the like product. Is this definition also used to determine standing at the initiation stage?

2. Is standing verified by Polish authorities? If yes, how?

Article 100.1 - Dumping margin is negligible

1. How is negligible defined or how is it intended to be interpreted?

Article 104 - Undertakings

1. How long can an undertaking remain in place? The Polish legislation does not specify any time limit.

General questions

1. What are the Polish administrative review and judicial review procedures?

2. Are there plans to incorporate a sunset clause?

3. Have the Polish authorities conducted any anti-dumping investigations to date?

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