



## FACT SHEET

### **Commerce Finds Dumping of Imports of Certain Crystalline Silicon Photovoltaic Products from China and Taiwan and Countervailable Subsidization of Imports of Certain Crystalline Silicon Photovoltaic Products from China**

- On December 16, 2014, the Department of Commerce (Commerce) announced its affirmative final determinations in the antidumping duty (AD) investigations of imports of certain crystalline silicon photovoltaic products from the People's Republic of China (China) and Taiwan, and its affirmative final determination in the countervailing duty (CVD) investigation of imports of certain crystalline silicon photovoltaic products from China.
- The AD and CVD laws provides U.S. businesses and workers with a transparent and internationally accepted mechanism to seek relief from the market-distorting effects caused by injurious dumping and unfair subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of CVD investigations, countervailable subsidies are financial assistance from foreign governments that benefit the production of goods from foreign companies and are limited to specific enterprises or industries, or are contingent either upon export performance or upon the use of domestic goods over imported goods.
- Commerce determined that imports of certain crystalline silicon photovoltaic products from China have been sold in the United States at dumping margins ranging from 26.71 percent to 165.04 percent.
- Commerce determined that imports of certain crystalline silicon photovoltaic products from Taiwan have been sold in the United States at dumping margins ranging from 11.45 percent to 27.55 percent.
- Commerce also determined that imports of certain crystalline silicon photovoltaic products from China have received countervailable subsidies ranging from 27.64 percent to 49.79 percent.
- In the China AD investigation, Commerce found mandatory respondents Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd. (collectively "Trina Solar") to be affiliated parties and treated them as a single entity. Commerce found mandatory respondents Renesola Jiangsu Ltd./Renesola Zhejiang Ltd./Jinko Solar Co. Ltd./Jinko Solar Import and Export Co., Ltd. (collectively, "Renesola/Jinko") to be affiliated parties and treated them as a single entity. Trina Solar and Renesola/Jinko received final dumping margins of 26.71 percent and 78.42 percent, respectively. Commerce also found that 43 other exporters qualified for a separate rate of 52.13 percent.
- The China-wide entity received a final dumping margin of 165.04 percent. This dumping margin is based on adverse facts available following Commerce's determination that the China-wide entity had not fully cooperated in the investigation by failing to respond to the Department's questionnaires.

- In the Taiwan AD investigation, mandatory respondents Gintech Energy Corporation and Motech Industries, Inc. received final dumping margins of 27.55 percent and 11.45 percent, respectively. All other producers/exporters in Taiwan received a final dumping margin of 19.50 percent.
- In the CVD investigation, Commerce calculated a final subsidy rate of 49.79 percent for mandatory respondent Changzhou Trina Solar Energy Co., Ltd., which includes Trina Solar (Changzhou) Science & Technology Co., Ltd. Mandatory respondent Wuxi Suntech Power Co., Ltd. and five of its affiliates (see final subsidy rates chart) received a final subsidy rate of 27.64 percent. All other producers/exporters in China have been assigned a final subsidy rate of 38.72 percent.
- Because the Government of China failed to respond completely to certain questions, we applied adverse facts available in determining that certain subsidy programs were countervailable.
- As a result of the final affirmative determinations, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits equal to the applicable weighted-average dumping margins. Further, as a result of the final affirmative CVD determination, because the 120-day provisional measures period has expired, if the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, Commerce will order the resumption of the suspension of liquidation, and require cash deposits for CVD duties equal to the final subsidy rates. If the ITC issues negative injury determinations, the relevant investigations will be terminated and no producers or exporters will be subject to future cash deposits for either AD or CVD duties, as applicable. In such an event, all cash deposits already collected will be refunded.
- The petitioner for these investigations is SolarWorld Americas Inc. (OR).

### **China Scope**

The merchandise covered by this investigation is modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of this investigation, subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells produced in a customs territory other than China.

Subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of this investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of this investigation are modules, laminates and/or panels assembled in China, consisting of crystalline silicon photovoltaic cells, not exceeding 10,000mm<sup>2</sup> in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one module, laminate and/or panel is permanently integrated into a consumer good,

the surface area for purposes of this exclusion shall be the total combined surface area of all modules, laminates and/or panels that are integrated into the consumer good. Further, also excluded from the scope of this investigation are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, laminates and/or panels, from China.<sup>1</sup>

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

### **Taiwan Scope**

The merchandise covered by this investigation is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by this investigation. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by this investigation.

Excluded from the scope of this investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of this investigation are crystalline silicon photovoltaic cells, not exceeding 10,000mm<sup>2</sup> in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Further, also excluded from the scope of this investigation are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China ("China"). Also excluded from the scope of this investigation are modules, laminates, and panels produced in China from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from China.

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<sup>1</sup> See [Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order](#), 77 FR 73018 (December 7, 2012); [Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order](#), 77 FR 73017 (December 7, 2012).

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

- In 2013, imports of certain crystalline silicon photovoltaic products from China and Taiwan were valued at an estimated \$1.5 billion and \$656.8 million, respectively.

#### **NEXT STEPS**

- The ITC is scheduled to make its final injury determinations on or about January 29, 2015.
- If the ITC makes affirmative final determinations that imports of certain crystalline silicon photovoltaic products from China and/or Taiwan materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders, as applicable. If the ITC makes negative determinations of injury, the investigations will be terminated.

## FINAL DUMPING MARGINS:

	EXPORTER	PRODUCER	DUMPING MARGINS
China	Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.	Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.	26.71%
	Reesola Jiangsu Ltd./Reesola Zhejiang Ltd./Jinko Solar Co. Ltd./Jinko Solar Import and Export Co., Ltd.	Reesola Jiangsu Ltd./ Jinko Solar Co. Ltd.	78.42%
	Separate Rate Companies (See Attached List)		52.13%
	China-Wide Rate		165.04%

	EXPORTER/PRODUCER	DUMPING MARGINS
Taiwan	Gintech Energy Corporation	27.55%
	Motech Industries, Inc.	11.45%
	All Others	19.50%

## FINAL SUBSIDY RATES:

	EXPORTER/PRODUCER	SUBSIDY RATES
China	Changzhou Trina Solar Energy Co., Ltd. or Trina Solar (Changzhou) Science & Technology Co., Ltd.	49.79%
	Wuxi Suntech Power Co., Ltd., Zhenjiang Rietech New Energy Science & Technology Co., Ltd., Zhenjiang Ren De New Energy Science & Technology Co., Ltd., Yangzhou Rietech Renewal Energy Co., Ltd., Suntech Energy Engineering Co., and Kuttler Automation Systems (Suzhou) Co., Ltd.	27.64%
	China-Wide Rate	38.72%

## CASE CALENDAR:

EVENT	CVD INVESTIGATION	AD INVESTIGATION
Petition Filed	December 31, 2013	December 31, 2013
DOC Initiation Date	January 22, 2014	January 22, 2014
ITC Preliminary Determination	February 14, 2014	February 14, 2014†
DOC Preliminary Determination	June 2, 2014	July 24, 2014
DOC Final Determination	December 15, 2014	December 15, 2014
ITC Final Determination	January 29, 2015	January 29, 2015
Issuance of Order*	February 5, 2015	February 5, 2015

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For CVD investigations, the deadline is set forth in section 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadline is set forth in section 735(a) of the Act.

†Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

\*This will take place only in the event of final affirmative determinations by Commerce and the ITC.

## IMPORT STATISTICS:

CHINA	2011	2012	2013
Volume (units)	93,471,000	47,031,000	32,981,000
Value (USD)	3,124,578,000	2,082,753,000	1,494,531,000
TAIWAN	2011	2012	2013
Volume (units)	21,921,000	41,125,000	16,040,000
Value (USD)	256,560,000	513,498,000	656,777,000

Source: U.S. Census Bureau, accessed through Global Trade Atlas. (HTSUS 8501.31.8000, 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020 and 8541.40.6030). Some HTSUS subheadings include basket categories and may cover both subject and non-subject merchandise.

**Separate Rate Companies in the China AD Investigation:**

	<b>EXPORTER</b>	<b>PRODUCER</b>
1	Anji DaSol Solar Energy Science & Technology Co., Ltd.	Anji DaSol Solar Energy Science & Technology Co., Ltd.
2	Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.)	Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.)
3	Baoding Tianwei Yingli New Energy Resources Co., Ltd	Baoding Tianwei Yingli New Energy Resources Co., Ltd., Yingli Energy (China) Co.,Ltd, and Lixian Yingli New Energy Co., Ltd
4	BYD (Shangluo) Industrial Co., Ltd.	BYD (Shangluo) Industrial Co., Ltd.
5	Canadian Solar International Limited	Canadian Solar Manufacturing (Luoyang) Inc., Canadian Solar Manufacturing (Changshu), Inc.
6	Canadian Solar Manufacturing (Changshu), Inc.	Canadian Solar Manufacturing (Changshu), Inc.
7	Canadian Solar Manufacturing (Luoyang) Inc.	Canadian Solar Manufacturing (Luoyang) Inc.
8	CEEG Nanjing Renewable Energy Co., Ltd.	CEEG Nanjing Renewable Energy Co., Ltd.
9	Changzhou Almaden Co., Ltd.	Changzhou Almaden Co., Ltd.
10	Chint Solar (Zhejiang) Co., Ltd.	Chint Solar (Zhejiang) Co., Ltd.
11	ET Solar Industry Limited	ET Solar Industry Limited
12	Hainan Yingli New Energy Resources Co. Ltd	Hainan Yingli New Energy Resources Co. Ltd
13	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
14	Hanwha SolarOne (Qidong) Co., Ltd.	Hanwha SolarOne (Qidong) Co., Ltd.
15	Hanwha SolarOne Hong Kong Limited	Hanwha SolarOne (Qidong) Co., Ltd.
16	Hefei JA Solar Technology Co., Ltd.	Hefei JA Solar Technology Co., Ltd.
17	Hengdian Group DMEGC Magnetics Co., Ltd	Hengdian Group DMEGC Magnetics Co., Ltd.

18	Hengshui Yingli New Energy Resources Company Limited	Hengshui Yingli New Energy Resources Company Limited
19	Jiangyin Hareon Power Co., Ltd.	Jiangyin Xinhui Solar Co., Ltd.; Altusvia Energy Taicang Co., Ltd.; Hareon Solar Technology Co., Ltd.
20	Jiawei Solarchina Co., Ltd.	Jiawei Solarchina (Shenzhen) Co., Ltd.
21	Jiawei Technology (HK) Ltd.	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.
22	LDK Solar Hi-Tech (Nanchang) Co., Ltd.	LDK Solar Hi-Tech (Nanchang) Co., Ltd.
23	Lixian Yingli New Energy Company Ltd.	Lixian Yingli New Energy Company Ltd
24	MOTECH (Suzhou) Renewable Energy Co., Ltd	MOTECH (Suzhou) Renewable Energy Co., Ltd
25	Ningbo Qixin Solar Electrical Appliance Co., Ltd.	Ningbo Qixin Solar Electrical Appliance Co., Ltd.
26	Perlight Solar Co., Ltd.	Perlight Solar Co., Ltd.
27	Risen Energy Co., Ltd.	Risen Energy Co., Ltd.
28	Shanghai JA Solar Technology Co., Ltd.	Shanghai JA Solar Technology Co., Ltd.
29	Shanghai Solar Energy Science & Technology Co., Ltd.	Lianyungang Shenzhou New Energy Co., Ltd.
30	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.
31	Shenzhen Sungold Solar Co., Ltd.	Shenzhen Sungold Solar Co., Ltd.
32	Shenzhen Topray Solar Co., Ltd.	Shenzhen Topray Solar Co., Ltd.
33	Sun Earth Solar Power Co., Ltd.	Sun Earth Solar Power Co., Ltd.
34	Sunny Apex Development Ltd.	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd., Wuhan FYY Technology Co., Ltd.
35	SunPower Systems SARL	SunEnergy (S.Z.) Co., Ltd.
36	tenKsolar (Shanghai) Co., Ltd.	tenKsolar (Shanghai) Co., Ltd.
37	Upsolar Global Co., Ltd. and including Upsolar Group, Co., Ltd.	Shandong Dahai Group Co. Ltd.



38	Wanxiang Import & Export Co., Ltd.	Zhejiang Wanxiang Solar Co., Ltd.
39	Wuhan FYY Technology Co., Ltd.	Wuhan FYY Technology Co., Ltd.
40	Wuxi Suntech Power Co., Ltd	Wuxi Suntech Power Co., Ltd
41	Yingli Energy (China) Company Limited	Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co. , Ltd. and Lixian Yingli New Energy Co. , Ltd
42	Yingli Green Energy International Trading Limited	Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co., Ltd., and Hainan Yingli New Energy Resources Co., Ltd.
43	Zhongli Talesun Solar Co.,Ltd.	Zhongli Talesun Solar Co.,Ltd.