



FACT SHEET

Commerce Initiates Antidumping Duty Investigations of Imports of Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China and Taiwan and a Countervailing Duty Investigation of Imports of Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China

- On January 23, 2014, the Department of Commerce (Commerce) announced the initiation of antidumping duty (AD) investigations of imports of certain crystalline silicon photovoltaic products from the People's Republic of China (China) and Taiwan and a countervailing duty (CVD) investigation of imports of certain crystalline silicon photovoltaic products from China.
- The AD and CVD laws provide U.S. businesses and workers with a transparent and internationally approved 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.
- The petitioner for these investigations is SolarWorld Industries America Inc. (OR).
- The merchandise covered by these investigations 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.

For purposes of these investigations, subject merchandise also includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

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.

Excluded from the scope of these investigations 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 these investigations 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. 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).

Also excluded from the scope of these investigations are crystalline silicon photovoltaic cells, not exceeding 10,000mm² 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 cell. 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.

Merchandise covered by these investigations 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 these investigations is dispositive.

- In 2012, imports of certain crystalline silicon photovoltaic products from China and Taiwan were valued at an estimated \$2.1 billion and \$513.5 million, respectively.

NEXT STEPS

- The U.S. International Trade Commission (ITC) is scheduled to make its preliminary injury determinations on or before February 14, 2014.
- If the ITC determines that there is a reasonable indication that imports of certain crystalline silicon photovoltaic products from China and/or Taiwan materially injure, or threaten material injury to, the domestic industry, the investigations will continue and Commerce will be scheduled to make its preliminary CVD determination in March 2014 and its preliminary AD determinations in June 2014, unless the statutory deadlines are extended. If the ITC’s preliminary determinations are negative, the investigations will be terminated.

Alleged Dumping Margins:

COUNTRY	DUMPING MARGINS
China	165.04 percent
Taiwan	75.68 percent

Estimated Subsidy Rate:

COUNTRY	SUBSIDY RATE
China	Above <i>de minimis</i> *

* *de minimis* = less than 1% for developed countries, less than 2% for developing countries.

CASE CALENDAR:

EVENT	AD INVESTIGATIONS	CVD INVESTIGATION
Petitions Filed	December 31, 2013	December 31, 2013
DOC Initiation Date	January 22, 2014	January 22, 2014
ITC Preliminary Determinations*	February 14, 2014	February 14, 2014
DOC Preliminary Determinations	June 11, 2014	March 28, 2014
DOC Final Determinations	August 25, 2014†	June 11, 2014
ITC Final Determinations**	October 9, 2014	July 28, 2014†
Issuance of Orders***	October 16, 2014	August 4, 2014†

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Act. These deadlines may be extended under certain circumstances.

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

* If the ITC makes negative preliminary determinations of injury, the investigations are terminated.

**This will take place only in the event of final affirmative determinations from Commerce.

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

IMPORT STATISTICS:

CHINA	2010	2011	2012
Volume (units)	46,133,000	93,471,000	47,029,000
Value (USD)	1,515,443,000	3,124,578,000	2,082,760,000
TAIWAN	2010	2011	2012
Volume (units)	29,288,000	21,921,000	41,125,000
Value (USD)	344,829,000	256,560,000	513,483,000

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.