



## FACT SHEET

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

- On July 25, 2014, the Department of Commerce (Commerce) announced its affirmative preliminary 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.
- The AD law 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 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.
- Commerce preliminarily determined that certain crystalline silicon photovoltaic products from China and Taiwan have been sold in the United States at dumping margins ranging from 26.33 to 58.87 percent, and 27.59 to 44.18 percent, respectively.
- In the China 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 preliminary dumping margins of 26.33 percent and 58.87 percent, respectively.
- Forty-two other exporters qualified for a separate rate of 42.33 percent.
- The China-wide entity received a preliminary 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 investigation, mandatory respondents Gintech Energy Corporation and Motech Industries, Inc. received preliminary dumping margins of 27.59 percent and 44.18 percent, respectively. All other producers/exporters in Taiwan received a preliminary dumping margin of 35.89 percent.
- As a result of the preliminary affirmative determinations, Commerce will instruct U.S. Customs and Border Protection to require cash deposits based on these preliminary rates as adjusted for export and domestic subsidies found in the companion countervailing duty (CVD) investigation.
- The petitioner for these investigations is SolarWorld Industries America Inc. (OR).

- The merchandise covered by these investigations are 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 this investigation, 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 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 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 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 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 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**

- Commerce is scheduled to announce its final determinations on or about December 16, 2014.

- If Commerce makes affirmative final determinations, and the U.S. International Trade Commission (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 orders. The ITC will make its final injury determinations in January 2015. If either Commerce's or the ITC's final determinations are negative, AD orders will not be issued.

| <b>COUNTRY</b> | <b>EXPORTER</b>   | <b>PRODUCER</b>   | <b>DUMPING MARGINS</b> | <b>CASH DEPOSITS</b> |
|----------------|---|---|------------------------|----------------------|
| <b>China</b>   | 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. | <b>26.33%</b>          | <b>10.74%</b>        |
|                | Renesola Jiangsu Ltd./Renesola Zhejiang Ltd./Jinko Solar Co. Ltd./Jinko Solar Import and Export Co., Ltd. | Renesola Jiangsu Ltd./Jinko Solar Co. Ltd.  | <b>58.87%</b>          | <b>55.49%</b>        |
|                | Separate Rate Companies (See Attached List)   |   | <b>42.33%</b>          | <b>20.38%</b>        |
|                | Separate Rate Company/Wuxi Suntech Power Co. Ltd.   |   | <b>42.33%</b>          | <b>14.03%</b>        |
|                | China-Wide Entity   |   | <b>165.04%</b>         | <b>165.04%</b>       |

**NOTE:** The cash deposit rates account for the applicable export and domestic subsidy rates of 15.59 percent for Trina Solar, 3.38 percent for Renesola, 21.95 percent for separate rate companies, and 28.30 percent for Wuxi Suntech Power Co. Ltd. as it is a mandatory respondent in the CVD investigation.

| <b>COUNTRY</b> | <b>EXPORTER/PRODUCER</b>   | <b>DUMPING MARGINS</b> |
|----------------|----------------------------|------------------------|
| <b>Taiwan</b>  | Gintech Energy Corporation | <b>27.59%</b>          |
|                | Motech Industries, Inc.    | <b>44.18%</b>          |
|                | All Others                 | <b>35.89%</b>          |

## CASE CALENDAR:

| EVENT                         | DATE               |
|-------------------------------|--------------------|
| Petitions Filed               | December 31, 2013  |
| DOC Initiation Date           | January 22, 2014   |
| ITC Preliminary Determination | February 14, 2014† |
| DOC Preliminary Determination | July 24, 2014      |
| DOC Final Determination*      | December 15, 2014  |
| ITC Final Determination**     | January 29, 2015   |
| Issuance of Order***^         | February 5, 2015   |

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

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

\*Commerce's final determination has been fully extended.

\*\*This will take place only in the event of a final affirmative determination by Commerce.

\*\*\*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 |
| <b>TAIWAN</b>  |               |               |               |
|                | <b>2011</b>   | <b>2012</b>   | <b>2013</b>   |
| 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 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 | Upsolar Global Co., Ltd. and including Upsolar Group, Co., Ltd. | Shandong Dahai Group Co. Ltd.   |

|    |   |  |
|----|---|--|
| 37 | Wanxiang Import & Export Co., Ltd.                | Zhejiang Wanxiang Solar Co., Ltd.  |
| 38 | Wuhan FYY Technology Co., Ltd.                    | Wuhan FYY Technology Co., Ltd.   |
| 39 | Wuxi Suntech Power Co., Ltd                       | Wuxi Suntech Power Co., Ltd  |
| 40 | 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           |
| 41 | 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. |
| 42 | Zhongli Talesun Solar Co.,Ltd.                    | Zhongli Talesun Solar Co.,Ltd.   |