



## FACT SHEET

### **Commerce Finds Dumping and Subsidization of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China**

- On October 10, 2012, the Department of Commerce (Commerce) announced its affirmative final determinations in the antidumping (AD) and countervailing duty (CVD) investigations of imports of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China).
- The AD and CVD laws provide U.S. businesses, workers, and farmers with a transparent mechanism to seek relief from the market distorting effects caused by injurious dumping and subsidization of imports into the United States, and thus to have 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 Chinese producers/exporters have sold solar cells in the United States at dumping margins ranging from 18.32 to 249.96 percent. Commerce also determined that Chinese producers/exporters have received countervailable subsidies of 14.78 to 15.97 percent.
- In the AD investigation, mandatory respondent Suntech Power Co., Ltd., which includes Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., and Wuxi Sun-Shine Power Co., Ltd., was determined to have a final dumping margin of 31.73 percent. Mandatory respondent Changzhou Trina Solar Energy Co., Ltd., which includes Trina Solar (Changzhou) Science & Technology Co., Ltd. was determined to have a final dumping margin of 18.32 percent.
- Fifty-nine other exporters (see attached list) qualified for a separate dumping rate of 25.96 percent. All remaining Chinese exporters received a final dumping rate of 249.96 percent.
- In the CVD investigation, mandatory respondent Wuxi Suntech Power Co., Ltd., and 10 of its affiliates (see final subsidy rate chart), was determined to have a final net subsidy rate of 14.78 percent. Mandatory respondent Changzhou Trina Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd. was determined to have a final net subsidy rate of 15.97 percent.
- All other Chinese producers/exporters received a final net subsidy rate of 15.24 percent.
- Commerce found that critical circumstances exist in the CVD investigation. In addition, Commerce found that critical circumstances exist in the AD investigation for all companies except Wuxi Suntech. As a result, provisional duty deposits, normally collected as of the date of publication of Commerce's preliminary determinations, will be collected 90 days prior to that date with the

exception of antidumping duty deposits applied to Wuxi Suntech. Antidumping duty deposits applied to Wuxi Suntech will be collected as of the date of publication of Commerce's preliminary AD determination. In order for this early duty deposit collection to be maintained, the U.S. International Trade Commission (ITC) must also reach an affirmative finding regarding critical circumstances.

- As a result of the final AD determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits or bonds equal to the applicable weighted-average dumping margins. As a result of the affirmative final CVD determination, Commerce will order the resumption of the suspension of liquidation and require a cash deposit equal to the final net subsidy rates if the ITC issues a final affirmative injury determination.
- In the CVD investigation, Commerce concluded that all producers and exporters benefited from an export subsidy ("export buyer's credits"). Commerce, in accordance with the statute, is required to adjust AD rates to account for such export subsidies. In keeping with Commerce's practice in investigations, Commerce will require cash deposits in the AD proceeding equal to the calculated dumping margins reduced by the appropriate export subsidy rate. Specifically, the required cash deposit rates will be equal to the calculated dumping margins reduced by 10.54%, the export subsidy rate.
- The petitioner for these investigations is SolarWorld Industries America Inc. (OR).
- The products covered by these investigations are crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.
- These investigations covers 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.
- Subject merchandise may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of subject merchandise are included in the scope of this investigation.
- 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 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.

- Modules, laminates, and panels produced in a third-country from cells produced in the PRC are covered by these investigations; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by these investigations.
- Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 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 2011, imports of solar cells from China were valued at an estimated \$3.1 billion. However, the solar cells subject to these investigations are classified within HTSUS basket categories that contain products beyond the scope of the investigations.

**NEXT STEPS**

- The U.S. International Trade Commission (ITC) is scheduled to make its final determination on or before November 23, 2012.
- If the ITC makes an affirmative final determination that imports of solar cells from China materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders. If the ITC makes a negative determination of injury, the investigations will be terminated.

**FINAL DUMPING MARGINS:**

<b>EXPORTER</b>	<b>PRODUCER</b>	<b>DUMPING MARGIN</b>	<b>CASH DEPOSIT RATE*</b>
Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd. or Wuxi Sun-Shine Power Co., Ltd.	Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd. or Wuxi Sun-Shine Power Co., Ltd.	<b>31.73 %</b>	<b>21.19%</b>
Changzhou Trina Solar Energy Co., Ltd. or Trina Solar (Changzhou) Science & Technology Co., Ltd.	Changzhou Trina Solar Energy Co., Ltd. or Trina Solar (Changzhou) Science & Technology Co., Ltd.	<b>18.32 %</b>	<b>7.78%</b>
<b>Separate Rate Companies (See Attached List)</b>		<b>25.96%</b>	<b>15.42%</b>
<b>PRC-Wide Entity</b>		<b>249.96%</b>	<b>239.42%</b>

\* The cash deposit rates take into account the applicable export subsidy rate of 10.54 percent.

**FINAL SUBSIDY RATES:**

<b>PRODUCER/EXPORTER</b>	<b>SUBSIDY RATE*</b>
Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd., Yangzhou Rietech Renewal Energy Co., Ltd., Zhenjiang Huantai Silicon Science & Technology Co., Ltd., Kuttler Automation Systems (Suzhou) Co., Ltd., Shenzhen Suntech Power Co., Ltd., Wuxi Sunshine Power Co., Ltd., Wuxi University Science Park International Incubator Co., Ltd., Yangzhou Suntech Power Co., Ltd., and Zhenjiang Rietech New Energy Science & Technology Co., Ltd.	<b>14.78 %</b>
Changzhou Trina Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd.	<b>15.97 %</b>
<b>All Others</b>	<b>15.24 %</b>

\*The subsidy rate and the cash deposit rate are the same.

**CASE CALENDAR:**

<b>EVENT</b>	<b>CVD INVESTIGATION</b>	<b>AD INVESTIGATION</b>
<b>Petition Filed</b>	<b>October 19, 2011</b>	<b>October 19, 2011</b>
<b>DOC Initiation Date</b>	<b>November 8, 2011</b>	<b>November 8, 2011</b>
<b>ITC Preliminary Determination</b>	<b>December 5, 2011</b>	<b>December 5, 2011</b>
<b>DOC Preliminary Determination</b>	<b>March 19, 2012</b>	<b>May 16, 2012</b>
<b>DOC Final Determination</b>	<b>October 9, 2012</b>	<b>October 9, 2012</b>
<b>ITC Final Determination</b>	<b>November 23, 2012</b>	<b>November 23, 2012</b>
<b>Issuance of Order*</b>	<b>November 30, 2012</b>	<b>November 30, 2012</b>

NOTE: Department preliminary and final determination deadlines are governed by the 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. These deadlines may be extended under certain circumstances.

\*This will take place only in the event of a final affirmative injury determination from the ITC.

**IMPORT STATISTICS:**

<b>CHINA</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Quantity (No.)</b>	<b>26,876,000</b>	<b>46,084,000</b>	<b>93,292,000</b>
<b>Value (US\$)</b>	<b>639,528,000</b>	<b>1,506,329,000</b>	<b>3,117,369,000</b>

Source: U.S. Bureau of Census, accessed through Global Trade Atlas. (HTSUS 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030). Some HTSUS subheadings include basket categories and may cover both subject and non-subject merchandise.

## SEPARATE RATES

EXPORTER	PRODUCER
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Yingli Energy (China) Company Limited
Tianwei New Energy (Chengdu) PV Module Co., Ltd.	Tianwei New Energy (Chengdu) PV Module Co., Ltd.
Canadian Solar International Limited	Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.
Canadian Solar Manufacturing (Changshu) Inc.	Canadian Solar Manufacturing (Changshu), Inc.
Canadian Solar Manufacturing (Luoyang) Inc.	Canadian Solar Manufacturing (Luoyang), Inc.
Hanwha Solarone (Qidong) Co., Ltd.	Hanwha Solarone (Qidong) Co., Ltd.
CEEG (Shanghai) Solar Science Technology Co., Ltd.	CEEG (Shanghai) Solar Science Technology Co., Ltd.; CEEG Nanjing Renewable Energy Co., Ltd.
CEEG Nanjing Renewable Energy Co., Ltd.	CEEG Nanjing Renewable Energy Co., Ltd.
Jiawei Solarchina Co., Ltd.	Jiawei Solarchina (Shenzhen) Co., Ltd.
Yingli Energy (China) Company Limited	Yingli Energy (China) Company Limited; Baoding Tianwei Yingli New Energy Resources Co., Ltd.
LDK Solar Hi-tech (Nanchang) Co., Ltd.	LDK Solar Hi-tech (Nanchang) Co., Ltd.
LDK Solar Hi-tech (Suzhou) Co., Ltd.	LDK Solar Hi-tech (Suzhou) Co., Ltd.
Jiawei Solarchina (Shenzhen) Co., Ltd.	Jiawei Solarchina (Shenzhen) Co., Ltd.
Changzhou NESL Solartech Co., Ltd	Changzhou NESL Solartech Co., Ltd
China Sunergy (Nanjing) Co., Ltd.	China Sunergy (Nanjing) Co., Ltd.
Chint Solar (Zhejiang) Co., Ltd.	Chint Solar (Zhejiang) Co., Ltd.

Suzhou Shenglong PV-Tech Co., Ltd.	Suzhou Shenglong PV-TECH Co., Ltd.
tenKsolar (Shanghai) Co., Ltd.	tenKsolar (Shanghai) Co., Ltd.
Upsolar Group, Co., Ltd.	HC Solar Power Co., Ltd.; Zhiheng Solar Inc.; Zhejiang Leye Photovoltaic Science & Technology Co., Ltd.; Tianwei New Energy (Chengdu) PV Module Co., Ltd.; Zhejiang ZG-Cells Co., Ltd.; Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.; Zhejiang Jiutai New Energy Co., Ltd.;
Wanxiang Import & Export Co., Ltd.	Zhejiang Wanxiang Solar Co., Ltd
Jinko Solar Import and Export Co., Ltd.	Jinko Solar Co., Ltd.
JinkoSolar International Limited	Jinko Solar Co., Ltd.
CNPV Dongying Solar Power Co., Ltd	CNPV Dongying Solar Power Co., LTD
CSG PVTech Co., Ltd.	CSG PVTech Co., Ltd.
Delsolar Co., Ltd.	DelSolar (Wujiang) Ltd.
Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.	Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.
Eopply New Energy Technology Co., Ltd.	Eopply New Energy Technology Co., Ltd.
ERA Solar Co., Ltd.	ERA Solar Co., Ltd.
ET Solar Energy Limited	ET Solar Industry Limited
Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
Himin Clean Energy Holdings Co., Ltd.	Himin Clean Energy Holdings Co., Ltd.
JA Solar Technology Yangzhou Co., Ltd.	JingAo Solar Co., Ltd.
Jetion Solar (China) Co., Ltd.	Jetion Solar (China) Co., Ltd.

Jiangsu Green Power PV Co., Ltd.	Jiangsu Green Power PV Co., Ltd.
Jiangsu Sunlink PV Technology Co., Ltd.	Jiangsu Sunlink PV Technology Co., Ltd.
JingAo Solar Co., Ltd.	JingAo Solar Co., Ltd.
Konca Solar Cell Co., Ltd.	Konca Solar Cell Co., Ltd.
Leye Photovoltaic Co., Ltd.	Leye Photovoltaic Co., Ltd.
Lightway Green New Energy Co., Ltd.	Lightway Green New Energy Co., Ltd.
Motech (Suzhou) Renewable Energy Co., Ltd.	Motech (Suzhou) Renewable Energy Co., Ltd.
Ningbo ETDZ Holdings, Ltd	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., LTD
Ningbo Komaes Solar Technology Co., Ltd	Ningbo Komaes Solar Technology Co., Ltd
Ningbo Qixin Solar Electrical Appliance Co., Ltd	Ningbo Qixin Solar Electrical Appliance Co., Ltd
Ningbo Ulica Solar Science & Technology Co., Ltd.	Ningbo Ulica Solar Science & Technology Co., Ltd.
Perlight Solar Co., Ltd.	Perlight Solar Co., Ltd.
Risen Energy Co., Ltd.	Risen Energy Co., Ltd.
Shanghai BYD Company Limited	Shanghai BYD Company Limited
Shanghai JA Solar Technology Co., Ltd.	Shanghai JA Solar Technology Co., Ltd.
Shanghai Solar Energy Science & Technology Co., Ltd.	Shanghai Solar Energy Science & Technology Co., Ltd.
Shenzhen Topray Solar Co., Ltd.	Shenzhen Topray Solar Co., Ltd.
Solarbest Energy-Tech (Zhejiang) Co., Ltd.	Solarbest Energy-Tech (Zhejiang) Co., Ltd.
Sopray Energy Co., Ltd.	Sopray Energy Co., Ltd.



Sumec Hardware & Tools Co., Ltd.	Phono Solar Technology Co., Ltd
Sun Earth Solar Power Co., Ltd.	Sun Earth Solar Power Co., Ltd.
Yuhuan Sinosola Science & Technology Co., Ltd	Yuhuan Sinosola Science & Technology Co., Ltd
Yuhuan Solar Energy Source Co., Ltd.	Yuhuan Solar Energy Source Co., Ltd.
Zhejiang Jiutai New Energy Co., Ltd.	Zhejiang Topoint Photovoltaic Co., Ltd.
Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.	Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company