



## FACT SHEET

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

- On May 17, 2012, the Department of Commerce (Commerce) announced its affirmative preliminary determination in the antidumping duty (AD) investigation of imports of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China).
- For the purpose of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than fair value.
- Commerce preliminarily determined that Chinese producers/exporters sold solar cells in the United States at dumping margins ranging from 31.14 percent to 249.96 percent.
- Mandatory respondents in this investigation are the collapsed entities Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd. and Wuxi Sun-Shine Power Co., Ltd. (collectively "Wuxi Suntech") and the collapsed entities Changzhou Trina Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd. (collectively "Trina Solar").
- Wuxi Suntech and Trina Solar received preliminary dumping margins of 31.22 and 31.14 percent, respectively.
- Fifty-nine other exporters qualified for a separate rate of 31.18 percent.
- All other Chinese producers/exporters received a preliminary dumping margin of 249.96 percent.
- Commerce preliminarily determined that critical circumstances exist. As a result of this preliminary determination, Commerce will instruct U.S. Customs and Border Protection to require a cash deposit or bond based on these preliminary rates, applicable to all entries of Chinese solar cells made up to 90 days prior to the date of publication of the preliminary determination notice.
- The affirmative preliminary determination in the companion countervailing duty (CVD) investigation on solar cells from China was announced on March 20, 2012.
- On March 20, 2012, Commerce also announced a clarification of the scope of the ongoing AD and CVD investigations, finding that the scope covers not only imports of solar cells produced in China and solar modules/panels produced in China from Chinese-made solar cells, but also imports of solar modules/panels produced outside of China from solar cells produced in China. Commerce also found that the scope does not cover imports of modules/panels produced in China from solar cells produced in a third country. Changes in the scope are indicated in bold, below.
- The petitioner for this investigation is SolarWorld Industries America Inc. (OR).
- The products covered by this investigation 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.

- This investigation 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 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 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 this investigation; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by this investigation.**
- Merchandise covered by this investigation is currently classified in the Harmonized Tariff System 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 this investigation is dispositive.
- In 2011, imports of solar cells from China were valued at an estimated \$3.1 billion. However, the solar cells subject to this investigation are classified within HTSUS basket categories that contain products beyond the scope of the investigation.

## NEXT STEPS

- Commerce is currently scheduled to make its final determination in early October 2012.
- If Commerce makes an affirmative final determination, and the U.S. International Trade Commission (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 an AD order. The ITC will make its final injury determination on or before November 19, 2012.

## Preliminary Dumping Margins:

| EXPORTER   | PRODUCER   | MARGIN         |
|--|--|----------------|
| 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. | 31.22 %        |
| 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.                         | 31.14 %        |
| <b>Separate Rate Companies (See Attached List)</b>   |  | <b>31.18%</b>  |
| <b>PRC-Wide Entity</b>   |  | <b>249.96%</b> |

## CASE CALENDAR:

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

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

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

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

## IMPORT STATISTICS:

| CHINA                 | 2009               | 2010                 | 2011                 |
|-----------------------|--------------------|----------------------|----------------------|
| <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   | MARGIN |
|---|--|--------|
| Baoding Tianwei Yingli New Energy Resources Co., Ltd. | Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Yingli Energy (China) Company Limited | 31.18  |
| Tianwei New Energy (Chengdu) PV Module Co., Ltd.      | Tianwei New Energy (Chengdu) PV Module Co., Ltd.   | 31.18  |
| Canadian Solar International Limited                  | Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.    | 31.18  |
| Canadian Solar Manufacturing (Changshu) Inc.          | Canadian Solar Manufacturing (Changshu), Inc.  | 31.18  |
| Canadian Solar Manufacturing (Luoyang) Inc.           | Canadian Solar Manufacturing (Luoyang), Inc.   | 31.18  |
| Hanwha Solarone (Qidong) Co., Ltd.                    | Hanwha Solarone (Qidong) Co., Ltd.   | 31.18  |
| CEEG (Shanghai) Solar Science Technology Co., Ltd.    | CEEG (Shanghai) Solar Science Technology Co., Ltd.; CEEG Nanjing Renewable Energy Co., Ltd.  | 31.18  |
| CEEG Nanjing Renewable Energy Co., Ltd.               | CEEG Nanjing Renewable Energy Co., Ltd.  | 31.18  |
| Jiawei Solarchina Co., Ltd.                           | Jiawei Solarchina (Shenzhen) Co., Ltd.   | 31.18  |
| Yingli Energy (China) Company Limited                 | Yingli Energy (China) Company Limited; Baoding Tianwei Yingli New Energy Resources Co., Ltd. | 31.18  |
| LDK Solar Hi-tech (Nanchang) Co., Ltd.                | LDK Solar Hi-tech (Nanchang) Co., Ltd.   | 31.18  |
| LDK Solar Hi-tech (Suzhou) Co., Ltd.                  | LDK Solar Hi-tech (Suzhou) Co., Ltd.   | 31.18  |
| Jiawei Solarchina (Shenzhen) Co., Ltd.                | Jiawei Solarchina (Shenzhen) Co., Ltd.   | 31.18  |
| Changzhou NESL Solartech Co., Ltd                     | Changzhou NESL Solartech Co., Ltd  | 31.18  |
| China Sunergy (Nanjing) Co., Ltd.                     | China Sunergy (Nanjing) Co., Ltd.  | 31.18  |
| Chint Solar (Zhejiang) Co., Ltd.                      | Chint Solar (Zhejiang) Co., Ltd.   | 31.18  |

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| Suzhou Shenglong PV-Tech Co., Ltd.   | Suzhou Shenglong PV-TECH Co., Ltd.   | 31.18 |
| tenKsolar (Shanghai) Co., Ltd.   | tenKsolar (Shanghai) Co., Ltd.   | 31.18 |
| 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.; | 31.18 |
| Wanxiang Import & Export Co., Ltd.   | Zhejiang Wanxiang Solar Co., Ltd   | 31.18 |
| Jinko Solar Import and Export Co., Ltd.                                    | Jinko Solar Co., Ltd.  | 31.18 |
| Jinko Solar International Limited  | Jinko Solar Co., Ltd.  | 31.18 |
| CNPV Dongying Solar Power Co., Ltd   | CNPV Dongying Solar Power Co., LTD   | 31.18 |
| CSG PVTech Co., Ltd.   | CSG PVTech Co., Ltd.   | 31.18 |
| Delsolar Co., Ltd.   | Delsolar Co., Ltd.   | 31.18 |
| Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.           | Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.   | 31.18 |
| Eoply New Energy Technology Co., Ltd.                                      | Eoply New Energy Technology Co., Ltd.  | 31.18 |
| ERA Solar Co., Ltd.  | ERA Solar Co., Ltd.  | 31.18 |
| ET Solar Energy Limited  | ET Solar Industry Limited  | 31.18 |
| Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd. | Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.   | 31.18 |
| Himin Clean Energy Holdings Co., Ltd.                                      | Himin Clean Energy Holdings Co., Ltd.  | 31.18 |
| JA Solar Technology Yangzhou Co., Ltd.                                     | JingAo Solar Co., Ltd.   | 31.18 |
| Jetion Solar (China) Co., Ltd.   | Jetion Solar (China) Co., Ltd.   | 31.18 |

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| Jiangsu Green Power PV Co., Ltd.                     | Jiangsu Green Power PV Co., Ltd.  | 31.18 |
| Jiangsu Sunlink PV Technology Co., Ltd.              | Jiangsu Sunlink PV Technology Co., Ltd.                                   | 31.18 |
| JingAo Solar Co., Ltd.                               | JingAo Solar Co., Ltd.  | 31.18 |
| Konca Solar Cell Co., Ltd.                           | Konca Solar Cell Co., Ltd.  | 31.18 |
| Leye Photovoltaic Co., Ltd.                          | Leye Photovoltaic Co., Ltd.   | 31.18 |
| Lightway Green New Energy Co., Ltd.                  | Lightway Green New Energy Co., Ltd.                                       | 31.18 |
| Motech (Suzhou) Renewable Energy Co., Ltd.           | Motech (Suzhou) Renewable Energy Co., Ltd.                                | 31.18 |
| Ningbo ETDZ Holdings, Ltd                            | Hangzhou Zhejiang University Sunny Energy Science and Technology Co., LTD | 31.18 |
| Ningbo Komaes Solar Technology Co., Ltd              | Ningbo Komaes Solar Technology Co., Ltd                                   | 31.18 |
| Ningbo Qixin Solar Electrical Appliance Co., Ltd     | Ningbo Qixin Solar Electrical Appliance Co., Ltd                          | 31.18 |
| Ningbo Ulica Solar Science & Technology Co., Ltd.    | Ningbo Ulica Solar Science & Technology Co., Ltd.                         | 31.18 |
| Perlight Solar Co., Ltd.                             | Perlight Solar Co., Ltd.  | 31.18 |
| Risen Energy Co., Ltd.                               | Risen Energy Co., Ltd.  | 31.18 |
| Shanghai BYD Company Limited                         | Shanghai BYD Company Limited  | 31.18 |
| Shanghai JA Solar Technology Co., Ltd.               | Shanghai JA Solar Technology Co., Ltd.                                    | 31.18 |
| Shanghai Solar Energy Science & Technology Co., Ltd. | Shanghai Solar Energy Science & Technology Co., Ltd.                      | 31.18 |
| Shenzhen Topray Solar Co., Ltd.                      | Shenzhen Topray Solar Co., Ltd.   | 31.18 |
| Solarbest Energy-Tech (Zhejiang) Co., Ltd.           | Solarbest Energy-Tech (Zhejiang) Co., Ltd.                                | 31.18 |
| Sopray Energy Co., Ltd.                              | Sopray Energy Co., Ltd.   | 31.18 |

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| Sumec Hardware & Tools Co., Ltd.   | Phono Solar Technology Co., Ltd  | 31.18 |
| Sun Earth Solar Power Co., Ltd.  | Sun Earth Solar Power Co., Ltd.  | 31.18 |
| Yuhuan Sinosola Science & Technology Co., Ltd                                  | Yuhuan Sinosola Science & Technology Co., Ltd                                  | 31.18 |
| Yuhuan Solar Energy Source Co., Ltd.   | Yuhuan Solar Energy Source Co., Ltd.   | 31.18 |
| Zhejiang Jiutai New Energy Co., Ltd.   | Zhejiang Topoint Photovoltaic Co., Ltd.  | 31.18 |
| Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.                           | Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.                           | 31.18 |
| Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company | Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company | 31.18 |