



FACT SHEET

Commerce Initiates Antidumping Duty (AD) and Countervailing Duty (CVD) Investigations of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules (Solar Cells) from the People's Republic of China (China)

- On November 8, 2011, the Department of Commerce (Commerce) initiated AD and CVD investigations of imports of solar cells from 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. For the purpose of CVD investigations, subsidies are financial assistance from foreign governments that benefit the production, manufacture, or exportation of goods.
- 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 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 cover 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 these investigations.
- 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 10,000mm² 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 System of the United States (“HTSUS”) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020 and 8541.40.6030. These HTSUS subheadings are provided

for convenience and customs purposes; the written description of the scope of these investigations is dispositive.

- In 2010, imports of solar cells from China were valued at an estimated \$1.5 billion. However, the solar cells subject to this petition are classified within HTSUS basket categories that contain products beyond the scope of the petitions.

NEXT STEPS

- The U.S. International Trade Commission (ITC) is scheduled to make its preliminary injury determination on or about December 5, 2011.
- If the ITC determines that there is a reasonable indication that imports from China are materially injuring, or threatening material injury to, the domestic industry, the investigations will continue, and Commerce will be scheduled to make its CVD and AD preliminary determinations in January and March 2012, respectively.

Alleged Dumping Margins:

COUNTRY	MARGIN
CHINA	49.88 to 249.96 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 INVESTIGATION	CVD INVESTIGATION
Petitions Filed	October 19, 2011	October 19, 2011
DOC Initiation Date	November 8, 2011	November 8, 2011
ITC Preliminary Determination*	December 5, 2011	December 5, 2011
DOC Preliminary Determinations**	March 27, 2012	January 12, 2012
DOC Final Determinations**	June 11, 2012	March 27, 2012
ITC Final Determination***	July 25, 2012	May 11, 2012
Issuance of Orders****	August 1, 2012	May 18, 2012

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

**These deadlines may be extended under the governing statute.

***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	2008	2009	2010
Quantity (No.)	27,577,000	26,876,000	46,084,000
Value (US\$)	510,362,000	639,528,000	1,506,329,000

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.