

Tim Brightbill Discusses Historic Commerce Department Statement in Solar Trade Case Against China

Talking Points Memo

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Tim Brightbill, a partner in Wiley Rein's International Trade Practice, was quoted by *Talking Points Memo* for a story on the U.S. Commerce Department's announcement that it found "reasonable basis to believe or suspect" that imported solar panels from China were in violation of international trade agreements.

Wiley Rein is representing a group of U.S. businesses from the wind and solar industries that are working to expand domestic green technology use and employment, and to address the problem of dumped and subsidized Chinese imports harming these U.S. industries. Alan Price is leading the wind tower case and Mr. Brightbill is overseeing the solar case now pending before the Department of Commerce.

TPM reports that "in an historic decision, the Commerce Department said that when it makes its final decision on March 2nd whether or not to enact tariffs on Chinese solar panel manufacturers, the tariffs will be retroactive for 90 days - requiring Chinese companies to pay additional duties on all of the panels that they've imported to the U.S. since December 3, 2011. It's the first time that the agency has rendered such a decision in advance of making a determination on the actual tariffs." The statement from the Commerce Department came after Chinese manufacturers drastically increased the volume of imports to the U.S. in the months immediately after the petitions were filed.

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"Normally in a trade case, when a petition is filed, we see importers back off the market," said Mr. Brightbill. "But in this case, by rushing [solar panels] in an effort to beat the import duties, it only makes things more clear that they were in violation."

In response to pushback from China about the trade case, Mr. Brightbill said it was important to not be distracted. "It's very common in these types of trade cases, for folks to claim the industry - in this case the solar industry - is going to be severely harmed, that tariffs will set back solar for years and years," Mr. Brightbill said. "The important thing to keep in mind is that this is a legal process. The Commerce Department is simply looking for, one: Is there dumping? Two: Were there subsidies? Three: Has the U.S. manufacturing industry been hurt as a result?"