

Timothy Brightbill Comments on China Trade Dispute Over Solar Panels

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Timothy C. Brightbill, a partner in Wiley Rein's International Trade Practice, commented in an article in the July 18 *New York Times* about an escalation in the trade conflict regarding solar panels between China and the United States and other Western nations.

The article reports China is planning next week to impose a tax that could exceed 50% on polysilicon, a material it imports from the U.S. and South Korea to make solar panels. Polysilicon is the main ingredient in solar panels, and China—the world's leader in solar panel production—still imports a majority of it from the U.S., Europe and Korea.

China's action is widely seen as in retaliation for tariffs the U.S. placed on Chinese imports to curb unfair trade practices known as dumping. Wiley Rein LLP represented Oregon-based SolarWorld Industries America Inc., and the Coalition for American Solar Manufacturing, a group of more than 225 companies and more than 18,000 workers, in the U.S. trade remedy case brought against China in 2011.

"China is slapping tariffs on polysilicon because it is unhappy that the United States exercised its legal rights and stood up for our remaining solar manufacturers," Sen. Ron Wyden (D-OR), the chairman of the Committee on Energy and Natural Resources whose home state is a center of solar panel production, told *The Times*. "I am confident that these retaliatory tariffs will be shown to be without merit."

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Mr. Brightbill told the *Times* that China's planned tariffs are preliminary and could be vulnerable to a challenge by the U.S. to the World Trade Association. He added that such a challenge could take a year or two.