

# Domestic Industry Commends International Trade Commission's Affirmative Determination for Domestic Solar Cell and Module Industry

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December 2, 2011

U.S. manufacturers of crystalline silicon solar cells and modules commended today's affirmative determination by the United States International Trade Commission (the Commission) that imports of crystalline silicon photovoltaic (c-Si PV) cells and modules from China have materially injured the domestic industry.

The case was brought by SolarWorld Industries America Inc., an Oregon-based solar manufacturer, and also is supported by the Coalition for American Solar Manufacturing. The case alleges that unfairly dumped and subsidized solar cell and module imports from China are injuring the U.S. industry.

Prior to today's vote, the Department of Commerce (Commerce) initiated two formal investigations of imports of solar cells and modules from China after finding that there was reason to believe that Chinese producers were dumping solar cells and modules into the United States at margins up to 250 percent of the value of the goods. Commerce also is investigating approximately 30 Chinese subsidy programs benefiting its solar industry in unprecedented amounts. Today's vote by the Commission, in the first antidumping and countervailing duty case against China involving the renewable-energy sector, confirms that the dumped Chinese imports are injuring the domestic industry.

Timothy C. Brightbill, partner in Wiley Rein's International Trade Practice and counsel to SolarWorld, stated that, "We are pleased with the Commission's affirmative determination and we look forward to advancing to the next stages at both agencies to address these

## Related Professionals

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unfair Chinese trade practices."

The Commission's affirmative preliminary injury determination clears the way for Commerce to continue moving forward with its investigation. Without any extensions, Commerce would issue its preliminary countervailing duty determination by January 12, 2012, and its dumping determination by March 27, 2012. If Commerce finds in favor of the domestic industry, countervailing and antidumping duties will be collected, at those times, in the amount of the preliminary margins calculated by Commerce. In addition, if Commerce determines "critical circumstances" exist, importers will be required to deposit duties on imports delivered on or after October 14, 2011.