

U.S. Department of Commerce Preliminarily Determines Chinese and Vietnamese Illegally Dumped Wind Towers in the United States

July 27, 2012

On July 27, the Department of Commerce (Commerce) issued a preliminary determination that Chinese and Vietnamese-made utility scale wind towers were illegally dumped in the United States. Commerce found that Chinese producers dumped wind towers in the U.S. at rates of between 20.85 to 72.69 percent. Commerce also found that Vietnamese producers dumped wind towers in the United States at rates of between 52.67 to 59.91 percent.

Alan H. Price, chair of Wiley Rein's International Trade Practice and lead counsel to the Wind Tower Trade Coalition (WTTC), stated that, "Commerce has taken an important step to address the significant dumping that is taking place. The preliminary AD and CVD duties will help to remedy the material injury already suffered by the U.S. industry and force the Chinese and Vietnamese producers to compete fairly."

The case was brought on December 29, 2011 by the WTTC, a domestic group of producers of utility scale wind towers. The case covers utility scale wind towers with a minimum height of 50 meters that are designed to support turbines with generating capacities in excess of 100 kilowatts. The case alleges that unfairly dumped and subsidized wind towers from China and Vietnam are materially injuring the U.S. wind tower industry. In the companion subsidy investigation, Commerce preliminarily determined that the Government of China provided massive countervailable (CVD) subsidies at a rate of between 13.74 to 26.00 percent of the value of sales.

Related Professionals

Alan H. Price
Partner
202.719.3375
aprice@wiley.law

Practice Areas

International Trade
Anti-Money Laundering
Customs Law and Compliance
Export Controls and Economic Sanctions
FCPA and Anti-Corruption
Antidumping and Countervailing Duties/
Trade Remedy Cases
Trade Policy and Trade Negotiations
National Security

The July 27 determination by Commerce establishes the preliminary antidumping (AD) margins in the dumping portion of the investigation. Following the publication of Commerce's preliminary determination in the Federal Register, Commerce will instruct Customs and Border Protection (CBP) to begin collecting preliminary duties on entries of utility scale wind towers at the AD rates determined. CBP has already been collecting preliminary CVD duties on entries of utility scale wind towers since the beginning of June.

Commerce is scheduled to issue its final determination in the antidumping and countervailing duty investigations against wind towers from China and Vietnam by December of this year.