

# SolarWorld Commends ITC Affirmative Determination in Trade Case Against Solar Products from China and Taiwan

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February 14, 2014

The U.S. International Trade Commission (ITC) today reached a unanimous affirmative preliminary determination that there is a reasonable indication that imports of crystalline silicon photovoltaic (c-Si PV) products from China and Taiwan have materially injured the U.S. solar cell and module industry. The ITC's finding was in response to petitions filed by SolarWorld Industries America, Inc., on December 31, 2013, following the widespread evasion of previously imposed tariffs on Chinese c-Si PV cells and modules.

Timothy C. Brightbill, a partner in Wiley Rein's International Trade Practice and lead counsel to SolarWorld and the Coalition for American Solar Manufacturing, commended the ITC's determination. "We are pleased with the ITC's affirmative determination, which is an important win for SolarWorld and for the U.S. solar manufacturing industry. We look forward to the next phases of the investigations as we work to address these unfair trade practices and restore fair trade to the U.S. and global solar marketplace," Mr. Brightbill said.

Those tariffs from the previous case ranged from 24% to 36% on all Chinese c-Si PV imports. To circumvent those orders, Chinese manufacturers began using Taiwanese and other solar cells that do not face the same U.S. penalties. For the new cases, the U.S. Department of Commerce (Commerce) initiated investigations at dumping margins of 165.04% on China and 75.68% on Taiwan.

With the affirmative determination from the ITC, Commerce will proceed with its investigations to determine the preliminary antidumping and countervailing duty margins on imports from China

## Related Professionals

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and Taiwan. Commerce is currently scheduled to issue its preliminary countervailing duty determination by March 28, 2014, and its preliminary antidumping determinations by June 11, 2014. If the agency finds in favor of the domestic industry, duties will be collected, from those dates, in the amount of the preliminary margins calculated by Commerce.