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PRESS RELEASE

Wiley Rein Helps Solar Client With Important Antidumping Trade Victory Before U.S. Department of Commerce

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Washington, DC—A legal team from Wiley Rein's International Trade Practice helped win an important trade victory for the firm's client, SolarWorld, before the U.S. Department of Commerce (Commerce) in an ongoing trade dispute between U.S. and Chinese companies. On Friday, Commerce agreed to impose duties on Chinese solar companies after it was determined that the companies were illegally dumping their product below the cost of production, thereby injuring the U.S. solar manufacturing industry. International Trade partner Timothy C. Brightbill led the Wiley Rein team that includes Nova J. Daly, Laura El-Sabaawi, Usha Neelakantan, Tessa Capeloto, Richard DiDonna, and Paul A. Zucker.

"This action is a strong signal not only for SolarWorld, but for the entire U.S. solar market," Mr. Brightbill said. "The new duties will strengthen U.S. manufacturing and increase global competition by forcing China and Taiwan to compete on a level playing field."

Commerce agreed to impose preliminary antidumping import duties averaging about 42% on crystalline silicon solar panels made by the state-controlled Chinese solar industry from solar cells fabricated in third-party countries using Chinese inputs. Combined with preliminary antidumping duty rates issued last month, most Chinese companies will pay combined duties of approximately 47%. Commerce also imposed antidumping duties of about 36% on solar cells made in Taiwan. Duties go into effect immediately and cover imports left unaddressed in an earlier set of trade cases concluded in 2012.

Related Professionals

Timothy C. Brightbill
Partner
202.719.3138
tbrightbill@wiley.law

Nova J. Daly
Senior Public Policy Advisor
202.719.3282
ndaly@wiley.law

Laura El-Sabaawi
Partner
202.719.7042
lel-sabaawi@wiley.law

Tessa Capeloto
Partner
202.719.7586
tcapeloto@wiley.law

Richard F. DiDonna
International Trade Analyst
202.719.7196
rdidonna@wiley.law

Paul A. Zucker
International Trade Analyst
202.719.3158
pzucker@wiley.law

Practice Areas

Antidumping and Countervailing Duties/ Trade Remedy Cases

Customs Law and Compliance

International Trade

Trade Policy and Trade Negotiations

On June 3, Commerce announced preliminary anti-subsidy duties averaging 27% on panel imports from Chinese solar producers using cells from third-party countries made from Chinese inputs. For China, the announced antidumping and subsidy duties will be largely added together, with an adjustment for those subsidies deemed to be export subsidies. Final determinations are expected in mid-December.

The two sets of new preliminary duties supplement coverage of imports beyond the coverage of earlier cases and duties, which covered cells made in China, whether or not fully or partially assembled into panels there or elsewhere.

In late 2012, the U.S. manufacturing industry, led by SolarWorld and its attorneys from Wiley Rein, brought the first trade case against China, which constituted the largest trade remedy case ever filed against China and the first in the renewable energy sector. SolarWorld won duties averaging 31% to offset injurious dumping and subsidies. However, many Chinese producers evaded the duties by switching to solar cells made in third-party countries. To close that loophole, SolarWorld filed the current cases Dec. 31, 2013. The new cases cover approximately $2.1 billion in trade from China and Taiwan.

Commerce's decision received widespread coverage in the news media from publications including *The New York Times*, *The Wall Street Journal*, *Reuters*, and *Law360*.