

Wiley Rein Wins Crucial Trade Victory on Behalf of Client SolarWorld

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Wiley Rein's International Trade Practice, on behalf of client SolarWorld, secured a crucial trade ruling from the U.S. Department of Commerce in an ongoing dispute between U.S. and Chinese and Taiwanese companies.

Commerce yesterday announced a final decision to impose significant duties on solar companies in China and Taiwan, after it was determined that the companies were illegally dumping their product below the cost of production and that the Chinese solar companies had benefited from the receipt of government subsidies.

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.

"The new duties will help restore fair trade to the U.S. and global solar marketplace by forcing China and Taiwan to compete on a level playing field," Mr. Brightbill said. "This final determination by the Department of Commerce is an important win for SolarWorld and for the U.S. solar manufacturing industry."

Commerce issued final antidumping duty rates of 52.13% and anti-subsidy rates of 38.72% on most imports of solar panels made in China and anti-dumping rates of 19.50% on most imports of solar cells and panels made in Taiwan. The decision was widely covered by media outlets including *The New York Times*, *Bloomberg News*, *Reuters*, and the *Financial Times*.

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Practice Areas

Antidumping and Countervailing Duties/
Trade Remedy Cases
International Trade

The duties will go into effect around February 1 if the U.S. International Trade Commission (ITC) affirms that the Chinese and Taiwanese trade practices injured domestic manufacturers. The ITC, which has made three previous affirmative determinations in the solar cases, is expected to issue a final decision in late January.

These new duties will supplement coverage of imports beyond the coverage of earlier cases and duties, which covered solar 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.