

# ITC Rules that Solar Panel Imports Cause Harm to U.S. Producers

## WILEY REIN CLIENT SOLARWORLD IS CO-PETITIONER IN PROMINENT SECTION 201 CASE

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*Washington, DC*—On September 22, the International Trade Commission (ITC) unanimously ruled that domestic solar panel manufacturers have been seriously injured by a surge of imports from China and other countries, upholding a Section 201 complaint brought by Wiley Rein client SolarWorld Americas Inc. and co-petitioner Suniva Inc. It's the first time the International Trade Commission (ITC) has weighed a petition requesting Section 201 protection since 2001.

"We are deeply gratified by the ITC's unanimous decision, which is a victory for domestic manufacturing," said Timothy C. Brightbill, partner in Wiley Rein's International Trade Practice. "We need to have a solid base of solar manufacturing in order to have a fully competitive and vibrant solar industry in the United States."

The petitioners argued that their businesses were negatively impacted by unfair competition, often from Chinese companies that receive government subsidies to produce and market their goods. The case was preceded by a 2011 trade complaint filed against China by SolarWorld, alleging unfair competition due to dumping government subsidies that resulted in unfairly priced solar panel imports. While SolarWorld won the case, as well as another case involving China and Taiwan in 2014, Chinese manufacturers

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subsequently turned to other countries to produce the goods in order to circumvent the tariffs. As a result, petitioners SolarWorld and Suniva requested global protection utilizing Section 201, also known as the global safeguards law.

The Coalition for a Prosperous America, the Steel Manufacturers Association, and the Alliance for American Manufacturing also have announced they support the case.

The ITC will hold a remedy hearing on October 3, and in mid-November, the ITC will send a recommendation to the White House. President Trump is required to make a determination, including the possibility of imposing tariffs and other relief for the U.S. industry, by January 2018.

The decision has been covered extensively by major media including feature stories in *Bloomberg*, *The Wall Street Journal*, *The New York Times*, and *Associated Press*.