

MESSAGE NO: 2356306 MESSAGE DATE: 12/21/2012

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: FNO-Final Det w/Order PUBLIC  NON-PUBLIC   
SUB-TYPE: AMD-Amend

FR CITE: 77 FR 73018 FR CITE DATE: 12/07/2012

REFERENCE MESSAGE # (s): 2158303, 2300302

CASE #(s): A-570-979

EFFECTIVE DATE: 12/07/2012 COURT CASE #:

PERIOD OF REVIEW: 04/01/2011 TO 09/30/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Antidumping duty order in the investigation of on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (A-570-979)

1. On 12/07/2012, Commerce published in the Federal Register its antidumping duty order and amended final determination in the investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules from the People's Republic of China ("PRC")(77 FR 73018). This is an amendment of certain instructions in message 2300302 on 10/26/2012.

2. The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

This order covers crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of this order.

Excluded from the scope of this order are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of this order are crystalline silicon photovoltaic cells, not exceeding 10,000mm<sup>2</sup> in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a

consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Modules, laminates, and panels produced in a third-country from cells produced in the PRC are covered by this order; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by this order.

Merchandise covered by this order is currently classified in the Harmonized Tariff System of the United States ("HTSUS") under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this order is dispositive.

3. As noted in paragraph 2, modules, laminates, and panels produced in a third-country from subject cells produced in the PRC are covered by this order; however, modules, laminates, and panels produced in the PRC from solar cells produced in a third-country are not covered by the scope of this order. However, in order for no cash deposit to be required for panels/modules not containing subject solar cells produced in the PRC, the following certification and documentation requirements must be met:

A. Importers of panels/modules from any country that do not contain subject solar cells produced in the PRC must maintain the following certification, as well as documentation supporting the certification:

#### Importer Certification

I hereby certify that I am an official of (insert name of company importing solar panels/modules), that I have knowledge of the facts regarding the importation of the solar panels/modules or other products containing solar panels/modules that entered under entry number(s) (insert entry number(s) covered by the certification), and that these solar panels/modules do not contain solar cells produced in the People's Republic of China. By signing this certificate, I also hereby certify that (insert name of company importing solar panels/modules) maintains sufficient documentation supporting this certification for all solar cells used to produce the solar panels/modules imported under the above-referenced entry number(s). I understand that agents of the importer, such as brokers, are not permitted to make this certification. Also, I am aware that records pertaining to this certification may be requested by CBP. I understand that this certification should be completed at the time of the entry. Also, I understand that failure to maintain the required certification or failure to substantiate the claim that the panels/modules do not contain solar cells produced in the People's Republic of China will result in suspension of all unliquidated entries for

which these requirements were not met and the requirement that the importer post an AD cash deposit or, where applicable, a bond, on those entries equal to the PRC-wide rate in effect at the time of the entry and a CVD cash deposit, or where applicable, a bond rate equal to the all-others rate in effect at the time of the entry.

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Name of Company Official

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Title

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Date

B. If an exporter of panels/modules not containing subject solar cells produced in the PRC is located in the PRC, both the importer and the exporter must maintain the following exporter certification certifying that the panels/modules do not contain solar cells produced in the PRC as well as documentation supporting the certification:

#### Exporter Certification

I hereby certify that I am an official of (insert name of company exporting solar panels/modules), that I have knowledge of the facts regarding the exportation of the solar panels/modules or other products containing solar panels/modules identified below, and that these solar panels/modules do not contain solar cells produced in the People's Republic of China. By signing this certificate, I also hereby certify that (insert name of company exporting solar panels/modules) maintains sufficient documentation supporting this certification for all solar cells used to produce the solar panels/modules identified below. I am aware that records pertaining to this certification may be subject to verification by Department of Commerce officials and I consent to verification with respect to this certification and these records. I understand that this certification should be completed at the time of shipment. I also understand that failure to maintain the required certification or failure to substantiate the claim that the panels/ modules do not contain solar cells produced in the People's Republic of China will result in suspension of all unliquidated entries for which these requirements were not met and the requirement that the importer post an AD cash deposit or, where applicable, a bond, on those entries equal to the PRC-wide rate in effect at the time of the entry and a CVD cash deposit, or where applicable, a bond rate equal to the all-others rate in effect at the time of the entry.

The exports covered by this certification are (insert invoice numbers, purchase order numbers, export documentation, etc. to identify the exports covered by the certification).

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4. The importer and PRC-exporter certifications and supporting documentation must be maintained by the parties described above but will only be provided to U.S. Customs and Border Protection (CBP) by the importer at the request of CBP. These documents should not be provided by the importer as part of the entry document package, unless specifically requested by CBP.

5. The importer certification must be completed, signed, and dated at the time of the entry of the panels/modules. The exporter certification must be completed, signed, and dated at the time of shipment of the relevant entries.

6. CBP may accept the above certifications (and if required by CBP, supporting documentation) to establish that the merchandise is not covered by the scope of this order. If the importer does not provide the aforementioned required certification or documentation at CBP'S request, CBP is instructed to suspend all unliquidated entries for which the certification or documentation requirements were not provided, and require the posting of a cash deposit on those entries equal to the PRC-wide rate in effect at the time of entry.

7. If the imported panel/module contains some subject solar cells produced in the PRC but the importer is unable or unwilling to identify the total value of the panel/module that is subject merchandise, CBP is instructed to require the posting of a cash deposit equal to the PRC-wide rate in effect at the time of the entry on the total entered value of the panel/module.

8. Effective 12/7/2012, for entries of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC from the exporter/producer combinations listed in the company-details table appended to this message as well as from the PRC-wide entity, CBP shall

require a cash deposit or the posting of a bond equal to the dumping margins in the appended table.

9. On June 6, 2012, Commerce provided CBP with a list of third countries and corresponding third-country antidumping case numbers for merchandise from those countries that is covered by the scope of this order. See message number 2158303, dated June 6, 2012. For entries of modules, laminates, and panels produced in a third country from subject solar cells that were produced in the PRC, CBP shall suspend liquidation of, and require a cash deposit for, such merchandise in accordance with paragraph 8 of this message.

10. As noted in message number 2158303, the list of third countries provided to CBP is not exhaustive, as additional countries and corresponding case numbers may be added based on patterns of trade.

If CBP becomes aware of entries of modules, laminates, or panels including solar cells from China, within the scope of this order that were exported from a third-country that was not assigned a third-country case number listed in the ACE case reference file, CBP should notify Commerce immediately about such entries.

If importers are attempting to import modules, laminates, or panels within the scope of this order that were exported from a third-country for which Commerce has not yet established a third-country PRC-wide case number related to this order, importers should contact the port of entry immediately. CBP headquarters should notify Commerce immediately about such imports.

If importers are attempting to import modules, laminates, or panels within the scope of this order that were exported from a third-country using a Chinese company-specific case number for which Commerce has not yet established a third-country company-specific case number, those importers should contact the port of entry immediately. CBP headquarters should notify Commerce immediately about such imports.

11. For all other entries of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC, the following cash deposit instructions apply:

A. For all PRC exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC which have not received their own rate, the cash deposit rate will be the PRC-wide rate.

B. For all non-PRC exporters of crystalline silicon photovoltaic cells, whether or not assembled into

modules, from the PRC which have not received their own rate, the cash deposit rate will be the rate applicable to the producer/exporter combinations that supplied that non- PRC exporter.

12. The U.S. International Trade Commission (ITC) determined that critical circumstances do not exist with respect to subject imports from the PRC. As a result of the ITC's negative determination of critical circumstances, Commerce will direct CBP in separate instructions to refund all cash deposits and release all bonds collected on entries of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC, which were entered, or withdrawn from warehouse, for consumption on or after 02/25/2012 and before 05/25/2012. The interest provisions of section 778 of the Tariff Act of 1930, as amended, do not apply.

14. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O4:DEJ)

15. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-000	239.42%	E		PRC-Wide Entity
A-570-979-001	7.78%	E		Changzhou Trina Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd.
A-570-979-001	7.78%	M		Changzhou Trina Solar Energy Co., Ltd.
A-570-979-002	18.60%	E		Wuxi Suntech Power Co., Ltd. and others (See Notes)
A-570-979-002	18.60%	M		Wuxi Suntech Power Co., Ltd
A-570-979-003	18.60%	E		Wuxi Suntech Power Co., Ltd. and others (See Notes)
A-570-979-003	18.60%	M		Luoyang Suntech Power Co., Ltd.
A-570-979-004	18.60%	E		Wuxi Suntech Power Co., Ltd. and others (See Notes)
A-570-979-004	18.60%	M		Suntech Power Co., Ltd.
A-570-979-005	18.60%	E		Wuxi Suntech Power Co., Ltd. and others (See Notes)
A-570-979-005	18.60%	M		Wuxi Sun-shine Power Co., Ltd.
A-570-979-007	13.94%	E		Baoding Tianwei Yingli New Energy Resources Co., Ltd.
A-570-979-007	13.94%	M		Baoding Tianwei Yingli New Energy Resources Co., Ltd.
A-570-979-008	13.94%	E		Baoding Tianwei Yingli New Energy Resources Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-008	13.94%	M		Yingli Energy (China) Company Limited
A-570-979-009	13.94%	E		Tianwei New Energy (Chengdu) PV Module Co., Ltd.
A-570-979-009	13.94%	M		Tianwei New Energy (Chengdu) PV Module Co., Ltd.
A-570-979-010	13.94%	E		Canadian Solar International Limited
A-570-979-010	13.94%	M		Canadian Solar Manufacturing (Changshu) Inc.
A-570-979-011	13.94%	E		Canadian Solar International Limited
A-570-979-011	13.94%	M		Canadian Solar Manufacturing (Luoyang) Inc.
A-570-979-012	13.94%	E		Canadian Solar Manufacturing (Changshu) Inc.
A-570-979-012	13.94%	M		Canadian Solar Manufacturing (Changshu), Inc.
A-570-979-013	13.94%	E		Canadian Solar Manufacturing (Luoyang) Inc.
A-570-979-013	13.94%	M		Canadian Solar Manufacturing (Luoyang), Inc.
A-570-979-014	13.94%	E		Hanwha Solarone (Qidong) Co., Ltd.
A-570-979-014	13.94%	M		Hanwha Solarone (Qidong) Co., Ltd.
A-570-979-015	13.94%	E		CEEG (Shanghai) Solar Science Technology Co., Ltd.
A-570-979-015	13.94%	M		CEEG (Shanghai) Solar Science Technology Co., Ltd.
A-570-979-016	13.94%	E		CEEG (Shanghai) Solar Science Technology Co., Ltd.
A-570-979-016	13.94%	M		CEEG Nanjing Renewable Energy Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-017	13.94%	E		CEEG Nanjing Renewable Energy Co., Ltd.
A-570-979-017	13.94%	M		CEEG Nanjing Renewable Energy Co., Ltd.
A-570-979-018	13.94%	E		Jiawei Solarchina Co., Ltd.
A-570-979-018	13.94%	M		Jiawei Solarchina (Shenzhen) Co., Ltd.
A-570-979-019	13.94%	E		Yingli Energy (China) Company Limited
A-570-979-019	13.94%	M		Yingli Energy (China) Company Limited
A-570-979-020	13.94%	E		Yingli Energy (China) Company Limited
A-570-979-020	13.94%	M		Baoding Tianwei Yingli New Energy Resources Co., Ltd.
A-570-979-021	13.94%	E		LDK Solar Hi-tech (Nanchang) Co., Ltd.
A-570-979-021	13.94%	M		LDK Solar Hi-tech (Nanchang) Co., Ltd.
A-570-979-022	13.94%	E		LDK Solar Hi-tech (Suzhou) Co., Ltd.
A-570-979-022	13.94%	M		LDK Solar Hi-tech (Suzhou) Co., Ltd.
A-570-979-023	13.94%	E		Jiawei Solarchina (Shenzhen) Co., Ltd.
A-570-979-023	13.94%	M		Jiawei Solarchina (Shenzhen) Co., Ltd.
A-570-979-024	13.94%	E		Changzhou NESL Solartech Co., Ltd
A-570-979-024	13.94%	M		Changzhou NESL Solartech Co., Ltd
A-570-979-025	13.94%	E		China Sunergy (Nanjing) Co., Ltd.
A-570-979-025	13.94%	M		China Sunergy (Nanjing) Co., Ltd.
A-570-979-026	13.94%	E		Chint Solar (Zhejiang) Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-026	13.94%	M		Chint Solar (Zhejiang) Co., Ltd.
A-570-979-027	13.94%	E		Suzhou Shenglong PV-Tech Co., Ltd.
A-570-979-027	13.94%	M		Suzhou Shenglong PV-TECH Co., Ltd.
A-570-979-028	13.94%	E		tenKsolar (Shanghai) Co., Ltd.
A-570-979-028	13.94%	M		tenKsolar (Shanghai) Co., Ltd.
A-570-979-029	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-029	13.94%	M		HC Solar Power Co., Ltd.
A-570-979-030	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-030	13.94%	M		Zhiheng Solar Inc.
A-570-979-031	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-031	13.94%	M		Zhejiang Leye Photovoltaic Science & Technology Co., Ltd.
A-570-979-032	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-032	13.94%	M		Tianwei New Energy (Chengdu) PV Module Co., Ltd.
A-570-979-033	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-033	13.94%	M		Zhejiang ZG-Cells Co., Ltd.
A-570-979-034	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-034	13.94%	M		Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.
A-570-979-035	13.94%	E		Upsolar Group, Co., Ltd.
A-570-979-035	13.94%	M		Zhejiang Jiutai New Energy Co., Ltd.
A-570-979-036	13.94%	E		Wanxiang Import & Export Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-036	13.94%	M		Zhejiang Wanxiang Solar Co., Ltd
A-570-979-037	13.94%	E		Jinko Solar Import and Export Co., Ltd.
A-570-979-037	13.94%	M		Jinko Solar Co., Ltd.
A-570-979-038	13.94%	E		JinkoSolar International Limited
A-570-979-038	13.94%	M		Jinko Solar Co., Ltd.
A-570-979-039	13.94%	E		CNPV Dongying Solar Power Co., Ltd
A-570-979-039	13.94%	M		CNPV Dongying Solar Power Co., LTD
A-570-979-040	13.94%	E		CSG PVTech Co., Ltd.
A-570-979-040	13.94%	M		CSG PVTech Co., Ltd.
A-570-979-041	13.94%	E		Delsolar Co., Ltd.
A-570-979-041	13.94%	M		Delsolar (Wujiang) Ltd.
A-570-979-042	13.94%	E		Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.
A-570-979-042	13.94%	M		Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.
A-570-979-043	13.94%	E		Eopllly New Energy Technology Co., Ltd.
A-570-979-043	13.94%	M		Eopllly New Energy Technology Co., Ltd.
A-570-979-044	13.94%	E		ERA Solar Co., Ltd.
A-570-979-044	13.94%	M		ERA Solar Co., Ltd.
A-570-979-045	13.94%	E		ET Solar Energy Limited
A-570-979-045	13.94%	M		ET Solar Industry Limited

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-046	13.94%	E		Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
A-570-979-046	13.94%	M		Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
A-570-979-047	13.94%	E		Himin Clean Energy Holdings Co., Ltd.
A-570-979-047	13.94%	M		Himin Clean Energy Holdings Co., Ltd.
A-570-979-048	13.94%	E		JA Solar Technology Yangzhou Co., Ltd.
A-570-979-048	13.94%	M		JingAo Solar Co., Ltd.
A-570-979-049	13.94%	E		Jetion Solar (China) Co., Ltd.
A-570-979-049	13.94%	M		Jetion Solar (China) Co., Ltd.
A-570-979-050	13.94%	E		Jiangsu Green Power PV Co., Ltd.
A-570-979-050	13.94%	M		Jiangsu Green Power PV Co., Ltd.
A-570-979-051	13.94%	E		Jiangsu Sunlink PV Technology Co., Ltd.
A-570-979-051	13.94%	M		Jiangsu Sunlink PV Technology Co., Ltd.
A-570-979-052	13.94%	E		JingAo Solar Co., Ltd.
A-570-979-052	13.94%	M		JingAo Solar Co., Ltd.
A-570-979-053	13.94%	E		Konca Solar Cell Co., Ltd.
A-570-979-053	13.94%	M		Konca Solar Cell Co., Ltd.
A-570-979-054	13.94%	E		Leye Photovoltaic Co., Ltd.
A-570-979-054	13.94%	M		Leye Photovoltaic Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-055	13.94%	E		Lightway Green New Energy Co., Ltd.
A-570-979-055	13.94%	M		Lightway Green New Energy Co., Ltd.
A-570-979-056	13.94%	E		Motech (Suzhou) Renewable Energy Co., Ltd.
A-570-979-056	13.94%	M		Motech (Suzhou) Renewable Energy Co., Ltd.
A-570-979-057	13.94%	E		Ningbo ETDZ Holdings, Ltd
A-570-979-057	13.94%	M		Hangzhou Zhejiang University Sunny Energy Science and Technology Co., LTD
A-570-979-058	13.94%	E		Ningbo Komaes Solar Technology Co., Ltd
A-570-979-058	13.94%	M		Ningbo Komaes Solar Technology Co., Ltd
A-570-979-059	13.94%	E		Ningbo Qixin Solar Electrical Appliance Co., Ltd
A-570-979-059	13.94%	M		Ningbo Qixin Solar Electrical Appliance Co., Ltd
A-570-979-060	13.94%	E		Ningbo Ulica Solar Science & Technology Co., Ltd.
A-570-979-060	13.94%	M		Ningbo Ulica Solar Science & Technology Co., Ltd.
A-570-979-061	13.94%	E		Perlight Solar Co., Ltd.
A-570-979-061	13.94%	M		Perlight Solar Co., Ltd.
A-570-979-062	13.94%	E		Risen Energy Co., Ltd.
A-570-979-062	13.94%	M		Risen Energy Co., Ltd.
A-570-979-063	13.94%	E		Shanghai BYD Company Limited
A-570-979-063	13.94%	M		Shanghai BYD Company Limited

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-064	13.94%	E		Shanghai JA Solar Technology Co., Ltd.
A-570-979-064	13.94%	M		Shanghai JA Solar Technology Co., Ltd.
A-570-979-065	13.94%	E		Shanghai Solar Energy Science & Technology Co., Ltd.
A-570-979-065	13.94%	M		Shanghai Solar Energy Science & Technology Co., Ltd.
A-570-979-066	13.94%	E		Shenzhen Topray Solar Co., Ltd.
A-570-979-066	13.94%	M		Shenzhen Topray Solar Co., Ltd.
A-570-979-067	13.94%	E		Solarbest Energy-Tech (Zhejiang) Co., Ltd.
A-570-979-067	13.94%	M		Solarbest Energy-Tech (Zhejiang) Co., Ltd.
A-570-979-068	13.94%	E		Sopray Energy Co., Ltd.
A-570-979-068	13.94%	M		Sopray Energy Co., Ltd.
A-570-979-069	13.94%	E		Sumec Hardware & Tools Co., Ltd.
A-570-979-069	13.94%	M		Phono Solar Technology Co., Ltd
A-570-979-070	13.94%	E		Sun Earth Solar Power Co., Ltd.
A-570-979-070	13.94%	M		Sun Earth Solar Power Co., Ltd.
A-570-979-071	13.94%	E		Yuhuan Sinosola Science & Technology Co., Ltd
A-570-979-071	13.94%	M		Yuhuan Sinosola Science & Technology Co., Ltd
A-570-979-072	13.94%	E		Yuhuan Solar Energy Source Co., Ltd.
A-570-979-072	13.94%	M		Yuhuan Solar Energy Source Co., Ltd.

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-979-073	13.94%	E		Zhejiang Jiutai New Energy Co., Ltd.
A-570-979-073	13.94%	M		Zhejiang Topoint Photovoltaic Co., Ltd.
A-570-979-074	13.94%	E		Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.
A-570-979-074	13.94%	M		Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.
A-570-979-075	13.94%	E		Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company
A-570-979-075	13.94%	M		Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company
A-570-979-076	7.78%	E		Changzhou Trina Solar Energy Co., Ltd.
A-570-979-076	7.78%	M		Trina Solar (Changzhou) Science & Technology Co., Ltd.