

MESSAGE NO: 4220301 MESSAGE DATE: 08/08/2014

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE: AFF-Affirmative

FR CITE: 79 FR 44395 FR CITE DATE: 07/31/2014

REFERENCE MESSAGE # 4034302
(s):

CASE #(s): A-583-853

EFFECTIVE DATE: 07/31/2014 COURT CASE #:

PERIOD OF REVIEW: 10/01/2012 TO 09/30/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: Notice of preliminary determination in the antidumping duty investigation of certain crystalline silicon photovoltaic products from Taiwan (A-583-853)

1. On 07/31/2014, Commerce published in the Federal Register its affirmative preliminary determination of sales at less than fair value and the postponement of the final determination in the antidumping duty investigation of certain crystalline silicon photovoltaic products from Taiwan (79 FR 44395).
2. The products covered by this investigation are described in message 4034302, dated 02/03/2014.
3. This investigation has been assigned investigation number A-583-853.
4. For imports of certain crystalline silicon photovoltaic products from Taiwan, CBP shall suspend liquidation of such shipments entered, or withdrawn from warehouse, for consumption on or after 07/31/2014. Effective 07/31/2014, CBP shall require, for such entries, a cash deposit equal to the margins for the producers and or exporters listed below:

Producer and/or Exporter: All Others

Case Number: A-583-853-000

Cash deposit rate: 35.89%

Producer and/or Exporter: Gintech Energy Corporation

Case Number: A-583-853-001

Cash deposit rate: 27.59%

Producer and/or Exporter: Motech Industries, Inc.

Case Number: A-583-853-002

Cash deposit rate: 44.18%

5. If any entries of this merchandise are exported by a firm other than the producer, then the following instructions apply:

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A. If the exporter of the subject merchandise does not have its own rate but the producer has its own rate, the cash deposit rate will be the producer's rate.

B. Where neither the exporter nor the producer has its own rate or the producer is unknown, use the all-others rate of 35.89 percent to establish the cash deposit rate.

6. Certification Requirements: As described in message 4034302, subject merchandise includes crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of this investigation, subject merchandise also includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

A. In order for no cash deposit under this investigation to be required for: (1) solar panels/modules which do not contain subject solar cells that were produced in Taiwan and (2) solar panels/modules assembled in Taiwan which do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than Taiwan, using ingots that are manufactured in Taiwan, wafers that are manufactured in Taiwan, or cells where the manufacturing process begins in Taiwan and is completed outside of Taiwan, the following certification and documentation requirements must be met:

B. Importers of merchandise described in paragraph 6.A. must maintain the Importer Certification below as well as documentation supporting the certification. If the exporter of the merchandise described in paragraph 6.A is located in Taiwan, the importer must also maintain the Exporter Certification in paragraph 6.C below 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 Taiwan. For solar panels/modules assembled in Taiwan, I also certify that they do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured

within a customs territory other than Taiwan, using ingots that are manufactured in Taiwan, wafers that are manufactured in Taiwan, or cells where the manufacturing process begins in Taiwan and is completed outside of Taiwan.

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 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. I also understand that failure to maintain the required certification or failure to substantiate the claim above 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 on those entries equal to the exporter-specific rate in effect at the time of the entry.

Name of Company Official

Title

Date

C. If an exporter, which is located in Taiwan, exports merchandise described in paragraph 6.A, the exporter must maintain the following exporter certification 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 Taiwan. For solar panels/modules assembled in Taiwan, I also certify that they do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than Taiwan, using ingots that are manufactured in Taiwan, wafers that are manufactured in Taiwan, or cells where the manufacturing process begins in Taiwan and is completed outside of Taiwan.

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 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 above 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 on those entries equal to the exporter-specific 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).

Name of Company Official

Title

Date

7. The importer and Taiwan-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.

8. 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.

9. 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 investigation. If the importer does not provide the aforementioned required certifications or documentation at CBP'S request,

CBP is instructed to suspend all unliquidated entries for which the certification or documentation requirements were not satisfied, and require the posting of an AD cash deposit on those entries equal to the exporter-specific rate in effect at the time of the entry.

10. If the imported solar panel/module contains some subject solar cells or if the solar panel/module assembled in Taiwan consists of some crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than Taiwan, using ingots that are manufactured in Taiwan, wafers that are manufactured in Taiwan, or cells where the manufacturing process begins in Taiwan and is completed outside of Taiwan, 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 an AD cash deposit on the total entered value of the panel/module equal to the exporter-specific rate in effect at the time of the entry.

11. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, 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 OIV: JM.)

12. 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