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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 80 FR 8596 FR CITE DATE: 02/18/2015

REFERENCE MESSAGE # 5057301
(s):

CASE #(s): A-583-853

EFFECTIVE DATE: 02/18/2015 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: Certain Crystalline Silicon Photovoltaic Products from Taiwan (A-583-853) assembled in third countries (multiple case numbers)

1. On 02/18/2015, Commerce published in the Federal Register (80 FR 8596) its antidumping duty order on certain crystalline silicon photovoltaic products from Taiwan (A-583-853).

2. The merchandise covered by this order is 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.

Subject merchandise includes 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.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by this order. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by 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 10,000mm² 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 cells. 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.

Further, also excluded from the scope of this order are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China ("PRC") (See Crystalline Silicon

Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order, 77 FR 73018 (December 7, 2012); Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order, 77 FR 73017 (December 7, 2012.) Also excluded from the scope of this order are modules, laminates, and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from the PRC.

Merchandise covered by this order is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 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 discussed in paragraph 2 above, Commerce considers modules, laminates, and panels produced in a third-country from cells produced in Taiwan to be covered by the scope of this order. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by the scope of this order. Since importers may import modules, laminates, and panels produced in a third country from subject solar cells produced in Taiwan, third-country case numbers have been established to allow such merchandise to be properly claimed as subject merchandise upon entry. Paragraph 4 provides a list of third countries for which we have established case numbers for merchandise covered by the scope of this order.

4. The following is a list of third countries, and the corresponding case numbers, for merchandise from those countries that is covered by scope of this order. These case numbers have been assigned for antidumping Customs purposes.

Country	Case Number
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Canada	A-122-993
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France	A-427-993
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India	A-533-993
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Italy	A-475-993
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Malaysia	A-557-991
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Korea	A-580-993
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Philippines	A-565-990
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Switzerland A-441-990

Thailand A-549-993

United Kingdom A-412-993

Mexico A-201-993

The list provided above is not exhaustive, as additional countries and corresponding case numbers may be added based on patterns of trade. If U.S. Customs and Border Protection (CBP) becomes aware of entries of modules, laminates, and panels within the scope of this order that were exported from a third-country that is not identified above and/or is not in the ACE case reference file, CBP should notify Commerce immediately about such entries. If importers are attempting to import modules, laminates, and panels within the scope of this order that were exported from a third-country without a third-country case number related to this order, importers should contact the port of entry immediately. CBP headquarters should notify Commerce immediately about such imports.

5. As of the date of this message, third-country company-specific case numbers have not been established. Only third-country "All-Others" case numbers have been established. Importers of subject solar modules, laminates, and panels that were exported from third-countries who attempt to enter the merchandise at a company-specific cash deposit rate listed in message no. 5057301 dated 02/26/2015 which has not been established for the third country in the ACE case reference file should contact the port of entry immediately. CBP headquarters should notify Commerce immediately about such imports.

6. For entries of modules, laminates, and panels produced in a third country from subject solar cells that were produced in Taiwan, CBP shall suspend liquidation of and require a cash deposit for such merchandise in accordance with paragraph 3 of message no. 5057301, dated 02/26/2015.

7. 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:CJR.)

8. 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