

MESSAGE NO: 5225306 MESSAGE DATE: 08/13/2015
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-980

EFFECTIVE DATE: 03/26/2012 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 08/13/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Countervailing duty scope determination on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (C-570-980)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Outdoor Tactical Enterprises (OTE). Commerce issued a final scope determination on 08/05/2015 that OTE's solar chargers (i.e., "Powermonkey Extreme," "Powermonkey Explorer," "Solarmonkey Adventurer," and "Solargorilla"), which OTE imports are not within the scope of the countervailing duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (PRC) (C-570-980). See 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).
2. Commerce determined that OTE's products are outside the scope of the order because, as described in the request for a scope ruling, the solar modules were produced in the PRC from solar cells that were manufactured in Taiwan. Therefore, these products are not within the scope of the countervailing duty order on solar cells from the PRC.
3. For all entries of solar chargers imported by OTE where the solar modules were produced in the PRC from solar cells that were manufactured in Taiwan that remain unliquidated on or after 03/26/2012, CBP shall terminate suspension and liquidate entries of product not within scope which were entered, or withdrawn from warehouse, for consumption.
4. Refund any cash deposits relating to the solar chargers described above.
5. These instructions constitute notice of the lifting of suspension of liquidation of entries of the solar chargers described above entered, or withdrawn from warehouse, for consumption on or after 03/26/2012.

6. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is

subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Unless instructed otherwise, for all other shipments of solar cells from the PRC not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

8. 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 OVII:GC.)

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

Sherri L. Hoffman

Company Details

*Party Indicator Value:

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