

MESSAGE NO: 5233317 MESSAGE DATE: 08/21/2015
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: ADRV-Administrative Review

FR CITE: 80 FR 40998 FR CITE DATE: 07/14/2015

REFERENCE MESSAGE # (s): 2158303

CASE #(s): A-570-979

EFFECTIVE DATE: 07/14/2015 COURT CASE #:

PERIOD OF REVIEW: 05/25/2012 TO 11/30/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/14/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for modules/laminates/panels produced in third countries (multiple case nos.) from solar cells produced in the PRC A-570-979, period covered is 05/25/2012-11/30/2013

1. As discussed in paragraphs 2 and 3 of Message No. 2158303, dated 06/06/2012, Commerce considers modules, laminates, and panels produced in a third country from subject crystalline silicon photovoltaic cells (solar cells) produced in the People's Republic of China (PRC) to be covered by the scope of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC (A-570-979) (AD 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 the AD Order. Since importers may import modules, laminates, or panels produced in a third country from subject solar cells produced in the PRC and this merchandise may have a non-Chinese country of origin for Customs purposes, third-country case numbers have been established to allow such merchandise to be properly claimed as subject merchandise upon entry.

2. For all shipments of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the PRC, entered, or withdrawn from warehouse, for consumption during the period 05/25/2012 through 11/30/2013, assess an antidumping liability equal to the amounts listed below, which are expressed as a percentage of the entered value of subject merchandise, except if paragraph 3 or 4 is applicable:

Liquidate all entries for the following firms:

Country: Canada

Exporter: All Others

Case Number: A-122-988-000

Rate: 238.95 percent

Note: Entries of merchandise produced from PRC solar cells exported to Canada by Changzhou NESL Solartech Co., Ltd. may have entered under case number A-122-988-001. Such entries should be liquidated in accordance with the liquidation instructions for all others (case number A-122-988-000).

PRC solar cell exporter: Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.

Case number: A-122-988-005 (Entries may have entered under case number A-122-988-002)

Rate: 9.67 percent

Country: Argentina

Exporter: All others

Case number: A-357-988-000

Rate: 238.95 percent

Country: Australia

Exporter: All others

Case Number: A-602-988-000

Rate: 238.95 percent

Country: Austria

Exporter: All others

Case Number: A-433-988-000

Rate: 238.95 percent

Country: Belgium

Exporter: All others

Case Number: A-423-988-000

Rate: 238.95 percent

Country: Croatia

Exporter: All others

Case Number: A-479-988-000

Rate: 238.95 percent

Country: Czech Republic

Exporter: All others

Case Number: A-435-988-000

Rate: 238.95 percent

Country: Denmark

Exporter: All others

Case Number: A-409-988-000

Rate: 238.95 percent

Country: France

Exporter: All others

Case Number: A-427-988-000

Rate: 238.95 percent

Country: Germany

Exporter: All others

Case Number: A-428-988-000

Rate: 238.95 percent

Country: Hong Kong

Exporter: All others

Case Number: A-582-988-000

Rate: 238.95 percent

Country: Hungary

Exporter: All others

Case Number: A-437-988-000

Rate: 238.95 percent

Country: India

Exporter: All others

Case Number: A-533-988-000

Rate: 238.95 percent

Country: Israel

Exporter: All others

Case Number: A-508-988-000

Rate: 238.95 percent

Country: Italy

Exporter: All others

Case Number: A-475-988-000

Rate: 238.95 percent

Country: Japan
Exporter: All others
Case Number: A-588-988-000
Rate: 238.95 percent

Country: Republic of Korea
Exporter: All others
Case Number: A-580-988-000
Rate: 238.95 percent

Country: Malaysia
Exporter: All others
Case Number: A-557-988-000
Rate: 238.95 percent

Country: Mexico
Exporter: All others
Case Number: A-201-988-000
Rate: 238.95 percent

Country: Netherlands
Exporter: All others
Case Number: A-421-988-000
Rate: 238.95 percent

Country: New Zealand
Exporter: All others
Case Number: A-614-988-000
Rate: 238.95 percent

Country: Norway
Exporter: All others
Case Number: A-403-988-000
Rate: 238.95 percent

Country: Philippines
Exporter: All others
Case Number: A-565-988-000

Rate: 238.95 percent

Country: Poland

Exporter: All others

Case Number: A-455-988-000

Rate: 238.95 percent

Country: Portugal

Exporter: All others

Case Number: A-471-988-000

Rate: 238.95 percent

Country: Russia

Exporter: All others

Case Number: A-462-988-000

Rate: 238.95 percent

Country: Singapore

Exporter: All others

Case Number: A-559-988-000

Rate: 238.95 percent

Country: Spain

Exporter: All others

Case Number: A-470-988-000

Rate: 238.95 percent

Country: Sweden

Exporter: All others

Case Number: A-401-988-000

Rate: 238.95 percent

Country: Switzerland

Exporter: All others

Case Number: A-441-988-000

Rate: 238.95 percent

Country: Taiwan

Exporter: All others

Case Number: A-583-988-000

Rate: 238.95 percent

Country: Thailand

Exporter: All others

Case Number: A-549-988-000

Rate: 238.95 percent

Country: Turkey

Exporter: All others

Case Number: A-489-988-000

Rate: 238.95 percent

Country: United Kingdom

Exporter: All others

Case Number: A-412-988-000

Rate: 238.95 percent

Country: Socialist Republic of Vietnam

Exporter: All others

Case Number: A-552-988-000

Rate: 238.95 percent

3. If a bond or cash deposit was collected as security for an estimated antidumping duty for any shipment of merchandise described in paragraph 2 that was entered, or withdrawn from warehouse, for consumption during the period 5/25/2012 through 11/20/2012, assess antidumping duty liabilities equal to the amount resulting from the application of paragraph 2 or equal to the amount of the bond or cash deposit, whichever is less.

4. Entries for the period 11/21/2012 through 12/05/2012, should be liquidated via message 2363309, dated 12/28/2012.

5. The notice of the lifting of suspension of liquidation for entries of subject merchandise covered by paragraphs 2 and 3 occurred with the publication of the final results of administrative review (80 FR 40998, 07/14/2015). Unless instructed otherwise, for all other shipments of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the

PRC, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current cash deposit rates.

6. There are no injunctions applicable to the entries covered by this instruction.

7. The assessment of antidumping 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 antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping 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.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

9. 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 O4:DJ.)

10. 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