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

FR CITE: 77 FR 31309 FR CITE DATE: 05/25/2012

REFERENCE MESSAGE # 2153302
(s):

CASE #(s): A-570-979

EFFECTIVE DATE: 02/25/2012 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: Third Country Case Numbers in the Antidumping Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China

1. ON MAY 25, 2012, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA (77 FR 31309). THESE INSTRUCTIONS CLARIFY MESSAGE NO. 2153302, DATED 06/01/2012.

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION 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 INVESTIGATION 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 INVESTIGATION.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION 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 INVESTIGATION 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 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 INVESTIGATION; HOWEVER, MODULES, LAMINATES, AND PANELS PRODUCED IN THE PRC FROM CELLS PRODUCED IN A THIRD-COUNTRY ARE NOT COVERED BY THIS INVESTIGATION.

MERCHANDISE COVERED BY THIS INVESTIGATION 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 INVESTIGATION IS DISPOSITIVE.

3. AS DISCUSSED IN PARAGRAPH 2 OF MESSAGE NO. 2153302, DATED 06/01/2012 AND PARAGRAPH 2 ABOVE, COMMERCE CONSIDERS MODULES, LAMINATES, AND PANELS PRODUCED IN A THIRD-COUNTRY FROM CELLS PRODUCED IN THE PRC TO BE COVERED BY THE SCOPE OF THIS INVESTIGATION. HOWEVER, MODULES, LAMINATES, AND PANELS PRODUCED IN THE PRC FROM CELLS PRODUCED IN A THIRD-COUNTRY ARE NOT COVERED BY THE SCOPE OF THIS INVESTIGATION. SINCE IMPORTERS MAY IMPORT MODULES, LAMINATES, AND 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, 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 INVESTIGATION.

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 INVESTIGATION. THESE CASE NUMBERS HAVE BEEN ASSIGNED FOR ANTIDUMPING CUSTOMS PURPOSES.

COUNTRY : CASE NUMBER:

ARGENTINA A-357-988

AUSTRALIA A-602-988

AUSTRIA A-433-988

BELGIUM A-423-988

CANADA A-122-988

CROATIA A-479-988

CZECH REPUBLIC A-435-988

DENMARK A-409-988

FRANCE A-427-988

GERMANY A-428-988

HONG KONG A-582-988

HUNGARY A-437-988

INDIA A-533-988

ISRAEL A-508-988

ITALY A-475-988

JAPAN A-588-988

KOREA A-580-988

MALAYSIA A-557-988

MEXICO A-201-988

NETHERLANDS A-421-988

NEW ZEALAND A-614-988

NORWAY A-403-988

PHILIPPINES A-565-988

POLAND A-455-988

PORTUGAL A-471-988

RUSSIA A-462-988

SINGAPORE A-559-988

SPAIN A-470-988

SWEDEN A-401-988

SWITZERLAND A-441-988

TAIWAN A-583-988

THAILAND A-549-988

TURKEY A-489-988

UNITED KINGDOM A-412-988

VIETNAM A-552-988

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 INVESTIGATION 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 INVESTIGATION THAT WERE EXPORTED FROM A THIRD-COUNTRY WITHOUT A THIRD-COUNTRY CASE NUMBER RELATED TO THIS INVESTIGATION, 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 FOR THIS INVESTIGATION HAVE NOT BEEN ESTABLISHED, OTHER THAN THE CASE NUMBERS PERTAINING TO THE THIRD-COUNTRY PRC-WIDE ENTITY. IMPORTERS OF SUBJECT SOLAR PANELS/MODULES THAT WERE EXPORTED FROM THIRD-COUNTRIES WHO ATTEMPT TO ENTER THE PANELS/MODULES AT A COMPANY-SPECIFIC CASH DEPOSIT RATE LISTED IN MESSAGE NO. 2153302 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 THE PRC, CBP SHALL SUSPEND LIQUIDATION OF AND REQUIRE A CASH DEPOSIT FOR SUCH MERCHANDISE IN ACCORDANCE WITH PARAGRAPH 9 OF MESSAGE NO. 2153302, DATED 06/01/2012.

7. IF THERE ARE ANY QUESTIONS BY THE IMPORTER 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:HS.)

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