

# **...Announcement of the Ministry of Commerce Announcement No. 3 of 2019 on the final review of the investigation of imported solar-grade polysilicon countervailing measures originating in the United States**

Article Source: 商务部贸易救济调查局2019-01-18 15:00 Article type: 原创 Content classification: 政策

On January 20, 2014, the Ministry of Commerce issued the No. 4 announcement in 2014, deciding to implement final countervailing measures for imported solar grade polysilicon originating in the United States, with an implementation period of five years from January 20, 2014.

On October 9, 2018, the Ministry of Commerce issued Announcement No. 77 of 2018, announcing that the countervailing measures for imported solar grade polysilicon originating in the United States will expire on January 19, 2019. According to the "Anti-Subsidy Regulations of the People's Republic of China", after the review determines that the termination of the countervailing duty may result in the subsidy and damage continuing or recurring, the period of the countervailing duty may be extended appropriately. From the date of the announcement of the announcement, the domestic industry or natural persons, legal persons or related organizations representing the domestic industry may submit a final application for review to the Ministry of Commerce in writing 60 days before the due date of the countervailing measures.

On November 16, 2018, the Ministry of Commerce received an application for the final review of countervailing measures submitted by six companies including Jiangsu Zhongneng Silicon Technology Development Co., Ltd. on behalf of China's solar-grade polysilicon industry. The applicant argues that if the countervailing measures are terminated, the subsidies for imported solar grade polysilicon originating in the United States may continue or reoccur, and damage to the Chinese industry may continue or reoccur, requesting the Ministry of Commerce to decide to maintain the origin of the United States. Countervailing measures implemented by imported solar grade polysilicon. According to the relevant provisions of the "Anti-Subsidy Regulations of the People's Republic of China", the Ministry of Commerce's qualifications for applicants, products under investigation and similar products in China, the import of products under investigation during the implementation of countervailing measures, the possibility of subsidies continuing or recurring, damage The possibility of continued or recurrence and related evidence were reviewed. The available evidence indicates that the applicant is in compliance with the provisions of Articles 11, 13 and 17 of the Anti-Subsidy Regulations of the People's Republic of China on industrial and industrial representation, and is eligible to apply on behalf of China's solar-grade polysilicon industry. The investigation authority believes that the applicant's claim and the prima facie evidence submitted meet the requirements for the final review.

According to Article 47 of the Anti-Subsidy Regulations of the People's Republic of China, the Ministry of Commerce has decided to conduct a final review of the countervailing measures applicable to imported solar-grade polysilicon originating in the United States from January 20, 2019. The relevant matters are hereby announced as follows:

## **I. Continue to implement countervailing measures**

According to the recommendation of the Ministry of Commerce, the Customs Tariff Commission of the State Council decided to continue to import solar energy originating in the United States in accordance with the taxation scope and countervailing duty rate announced by the Ministry of Commerce No. 4 in 2014 during the review period of the countervailing period. Polysilicon is subject to countervailing duties.

## **Second, review investigation period**

The subsidy investigation period for this review is from January 1, 2018 to December 31, 2018, and the industrial damage investigation period is from January 1, 2014 to December 31, 2018.

## **Third, review the scope of product survey**

The scope of this review survey product is consistent with the product range applicable to the countervailing measures announced in the No. 4 Announcement of the Ministry of Commerce in 2014.

## **Fourth, review content**

The content of this review is whether the termination of subsidies and damages may occur if the countervailing measures imposed on imported solar grade polysilicon originating in the United States are terminated.

The Ministry of Commerce may investigate other subsidy items that may be discovered during the review process.

## **V. Participate in the investigation and registration**

The interested party and the government of the interested country may register with the Trade Relief and Investigation Bureau of the Ministry of Commerce to participate in the final review of the countervailing period within 20 days from the date of this announcement. Stakeholders participating in the survey shall provide basic identity information according to the "Reference Format for Registration Participation Survey", subsidize the quantity and amount of products imported or imported into China during the investigation period, and the quantity and amount of similar products produced and sold, and the related conditions. Etc. The Reference Format for Registration for Participation can be downloaded from the Trade Relief and Investigation Bureau sub-site of the Ministry of Commerce (<http://trb.mofcom.gov.cn>).

The interested parties referred to in this announcement are the individuals and organizations stipulated in Article 19 of the Anti-Subsidy Regulations of the People's Republic of China.

## **Six, access to public information**

Interested parties and interested governments may download, download, copy and copy the non-confidential text of the application submitted by the applicant in the relevant website or in the Trade Relief Public Information Office of the Ministry of Commerce (Tel: 0086-10-65197856). . During the

investigation, interested parties and interested governments may refer to the case disclosure information through the relevant website, or go to the Ministry of Commerce's Trade Relief Public Information Access Office to find, read, transcribe and copy the case disclosure information.

#### **Seven, comments on the case**

Interested parties and interested governments may submit written comments to the 20-day period from the date of publication of this announcement if they wish to comment on the product range and product classification of the survey, the applicant's qualifications, the country under investigation and other relevant issues. Trade Relief and Investigation Bureau of the Ministry of Commerce.

#### **Eight, the way of investigation**

According to the provisions of Article 20 of the Anti-Subsidy Regulations of the People's Republic of China, the Ministry of Commerce may use questionnaires, sampling, hearings, on-site inspections, etc. to understand the situation and conduct investigations with relevant interested parties and governments of interested countries.

In order to obtain the information required for the investigation of this case, the Ministry of Commerce usually distributes the registered foreign exporters or producers, exporting governments, domestic producers and domestic importers within 10 working days from the deadline for participation in the survey registration as stipulated in this announcement. Stakeholders and interested governments participating in the survey registration can also download surveys from relevant websites.

Other interested parties and interested governments that have not conducted the investigation and registration may download the questionnaire directly from the relevant website or obtain the above questionnaire from the Trade Relief and Investigation Bureau of the Ministry of Commerce and report it as required.

All interested parties and governments of interested countries should submit complete and accurate answers within the specified time. The answer sheet should include all the information required for the questionnaire.

#### **9. Submission and processing of confidential information**

If the information submitted by the interested party and the government of the interested country to the Ministry of Commerce is confidential, the Ministry of Commerce may submit a request for confidentiality of the relevant information and explain the reasons. If the Ministry of Commerce agrees to its request, the interested party and the interested government should also provide a non-confidential summary of the confidential information. The non-confidential summary should contain sufficient and meaningful information to enable other interested parties and interested governments to have a reasonable understanding of confidential information. If a non-confidential summary cannot be provided, the reasons should be stated. If the information submitted by the interested party and the government of the interested country does not indicate that confidentiality is required, the Ministry of Commerce will regard the information as public information.

#### **X. Consequences of non-cooperation**

According to Article 21 of the Anti-Subsidy Regulations of the People's Republic of China, when the Ministry of Commerce conducts an investigation, the interested parties and the governments of the interested countries should truthfully report the situation and provide relevant information. If the interested party and the government of the interested country fail to truthfully report the situation, provide relevant information, or fail to provide the necessary information within a reasonable time, or otherwise seriously obstruct the investigation, the Ministry of Commerce may, based on the facts obtained and the information available. The best information is determined.

#### **XI. Investigation period**

The survey began on January 20, 2019 and ended before January 19, 2020.

#### **12. Contact information of the Ministry of Commerce**

Trade Relief and Investigation Bureau of the Ministry of Commerce

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annex

Registered for the US solar-grade polysilicon countervailing registration

Application for the final review of the US solar-grade polysilicon countervailing period (public version)

Annex to the application for review of the US solar-grade polysilicon countervailing period (public version)