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## Ministry of Commerce Notice No. 5 of 2014 concerning originating in the United States and South Korea's imports of solar-grade polysilicon final determination of anti-dumping investigations announcement

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In accordance with the "PRC Anti-dumping Regulations" (hereinafter referred to as "anti-dumping regulations"), and July 20, 2012, the Ministry of Commerce (hereinafter referred to as the investigating authorities) issued Notice No. 40, decided to imports originating in the United States and South Korea solar grade polysilicon (hereinafter referred to as the investigated products) anti-dumping investigation. The product is classified in the "Republic of China Import and Export Tariff": 28046190. Under the tariff items for the production of integrated circuits, discrete devices such as electronic-grade polysilicon semiconductor products not covered by this survey product range.

Investigating authorities are investigating whether the product dumping and dumping margin, China solar grade polysilicon industry is damaged and the extent of damage and the causal link between dumping and injury were investigated. According to the survey results, and Article 24 of the "anti-dumping regulations" provisions, July 18, 2013, the investigating authorities issued preliminary announcement, identified by the presence of the product under investigation dumping, China solar grade polysilicon industry has been substantial damage, and dumping and a causal relationship between physical damage.

After a preliminary ruling, the investigating authorities continue to the causal link between dumping and dumping margin, injury and the extent of damage and the investigation of dumping and injury. Investigation of the case is now over, according to the survey results, and according to the provisions of Article 25 of the "anti-dumping regulations," the investigating authorities to make the final determination (see Annex). The announcement is as follows:

### A final ruling

After an investigation, the investigating authorities ultimately ruled that in this case the survey period, the existence of the investigation were dumped, China solar grade polysilicon industry has been substantial damage, and there is a causal link between dumping and material injury.

Second, the product range is the scope of the investigation and measures

The case was investigated product specific description of products implementing measures as follows:

Investigation and measures range: Origin of polysilicon in the United States and South Korea imported solar grade.

Investigated product name: solar grade polysilicon. Product Name: Solar-Grade Polysilicon.

Detailed description of the product under investigation are: chlorine silane raw materials used (modified) and silane method Siemens production process for the production of crystalline silicon photovoltaic cells rod polysilicon, polysilicon massive, granular polysilicon.

Electrical parameters of the product under investigation are: phosphorus-based resistance <300 Ohm · cm ( $\Omega \cdot \text{cm}$ ); based boron resistance <2600 Ohm · cm ( $\Omega \cdot \text{cm}$ ); carbon concentration >  $1.0 \times 10^{16} \text{ (at / cm}^3\text{)}$ ; n-type minority carrier lifetime <500 $\mu\text{s}$ ; donor impurity concentration of > 0.3

Ohm · cm ( $\Omega \cdot \text{cm}$ ); based boron resistance <2600 Ohm · cm ( $\Omega \cdot \text{cm}$ ); carbon concentration >  $1.0 \times 10^{16}$  (at /  $\text{cm}^3$ ); n-type minority carrier lifetime <500 $\mu\text{s}$ ; donor impurity concentration of >  $0.3 \times 10^{-9}$ ; acceptor impurity concentration of >  $0.083 \times 10^{-9}$ .

Main use: Mainly used for solar grade silicon rods and directional solidification of polycrystalline silicon ingot production, is the main raw material for the production of crystalline silicon photovoltaic cells.

The product is classified in the "Republic of China Import and Export Tariff": 28046190. Under the tariff items for the production of integrated circuits, discrete devices such as electronic-grade polysilicon semiconductor products not covered by this survey product range.

Third, the imposition of anti-dumping duties

According to relevant regulations, "the anti-dumping regulations," the investigating authorities to make recommendations originating in the United States and South Korea's imports of solar-grade polysilicon anti-dumping duties to the Customs Tariff Commission of the State Council. Tariff Commission of the State Council decision on the recommendation of the investigating authorities, since January 20, 2014, originating in the United States and South Korea's imports of solar-grade polysilicon to impose anti-dumping duties. For each company anti-dumping tax rate is as follows:

U.S. companies

1. REC Solar Grade Silicon LLC 57%

(REC Solar Grade Silicon LLC)

2. REC Advanced Silicon Materials Co., Ltd. 57%

(REC Advanced Silicon Materials LLC)

3 Hemlock Semiconductor Corporation 53.3%

(Hemlock Semiconductor Corporation)

4. MEMC Pasadena, Ltd. 53.6%

(MEMC Pasadena, Inc.)

5. AE Polysilicon Corporation 57%

6 Other U.S. companies 57%

(All Others)

Korean companies

1 Woongjin Polysilicon Co., Ltd. 12.3%

(Woongjin Polysilicon Co., Ltd.)

2. OCI Corporation 2.4%

(OCI Company Ltd.)

3 Silicon Industry Co., Ltd. Korea 2.8%

(Hankook Silicon Co., Ltd.)

4. KCC Corp. And Korean Advanced Materials (KAM Corp.) 48.7%

5. Innovation Silicon Co., Ltd. 48.7%

6 Other Korean companies 12.3%

6 Other Korean companies 12.3%

(AllOthers)

Fourth, the method of levying anti-dumping duties

Since January 20, 2014, at the time of import operator imports the product under investigation, China Customs shall pay the corresponding anti-dumping duties. Anti-dumping duties to the customs validation of ad valorem duty-paid price, calculated as follows: anti-dumping duty = customs value × anti-dumping duties, import VAT to Customs examination of dutiable price plus tariffs and anti-dumping duties as an ad valorem tax rates levied.

Fifth, the anti-dumping duties levied retroactively

On the margin since ended July 24, 2013 until January 19, 2014, the import operation Zheyi preliminary announcement provided to China Customs, as determined by the final ruling to impose anti-dumping duty and anti-dumping range of goods tax levied anti-dumping duties and converted, press the appropriate VAT rate levied import VAT. During this period the import margin provided by the operators of anti-dumping duty in excess portion, and the resulting multi-part levy of import VAT, customs be refunded, less intrinsic part is no longer imposed.

Implementation of the provisional anti-dumping measures against the decision before the announcement of imports originating in the United States and South Korea's imports of solar-grade polysilicon no retroactive anti-dumping duties.

Sixth, the duration of anti-dumping duties

Originating in the United States and South Korea's imports of solar-grade polysilicon implementation of anti-dumping duty period from 20 January 2014 onwards for five years.

Seven new shipper review

For exports to the United States and the People's Republic of Korea is not the product under investigation during the investigation of new export operators meet the requirements, can be based on the provisions of Article 47, "the anti-dumping regulations," the investigating authority in writing to apply for a new exporter review .

Eight, mid-term review

During the anti-dumping duties, in accordance with relevant stakeholders can the provisions of Article 49 of the "anti-dumping regulations," the investigating authorities to apply for an interim review in writing.

Nine administrative reconsideration and administrative litigation

Final ruling on the case, decided to impose anti-dumping duty and refuses to accept, pursuant to Rule 50, "and anti-dumping regulations," 23, may apply for administrative reconsideration or bring a lawsuit to the people's court according to law.

X. This announcement since January 20, 2014.

**Accessories: Ministry of Commerce originating in the United States and South Korea imports of solar-grade polysilicon final determination of anti-dumping investigations doc.**

Ministry of Commerce

January 20, 2014