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Ministry of Commerce Notice No. 4 of 2014 concerning imports originating in the United States of solar-grade polysilicon countervailing investigations final determination notice

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In accordance with the "PRC countervailing Regulations" (hereinafter referred to as "countervailing Ordinance"), July 20, 2012, the Ministry of Commerce (hereinafter referred to as the investigating authorities) published annual bulletin No. 41, originating in the United States decided to imports of solar-grade polysilicon (hereinafter referred to as the product under investigation) countervailing 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 subsidies and the amount of subsidy exists, China solar grade polysilicon industry is subject to the causal link between the damage and the extent of damage as well as subsidies and injury were investigated. According to the provisions of Article 25 of the survey results and the "anti-subsidy regulations," September 16, 2013, the investigating authorities issued preliminary announcement, identified by the presence of the product under investigation subsidies, China solar grade polysilicon industry has been substantial damage, and subsidies a causal relationship between physical damage.

After a preliminary ruling, the investigating authorities continue to causal link between subsidies and the amount of subsidy, injury and the extent of damage and injury and subsidy investigation. Investigation of the case is now over, according to the survey results, and according to the provisions of Article 26 of "countervailing 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 subsidies being investigated products, China solar grade polysilicon industry has been substantial damage, and the causal relationship between subsidies and substantial damage.

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:

Scope of the investigation and measures of Origin: United States imports of polysilicon 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.

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Electrical parameters of the product under investigation are: phosphorus-based resistance $<300 \text{ Ohm} \cdot \text{cm} (\Omega \cdot \text{cm})$; based boron resistance $<2600 \text{ Ohm} \cdot \text{cm} (\Omega \cdot \text{cm})$; carbon concentration $> 1.0 \times 10^{16} (\text{at} / \text{cm}^3)$; 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 countervailing duties

According to the relevant provisions of "countervailing regulations" and to make recommendations on the origin of the investigating authorities to impose countervailing duties on U.S. imports of solar-grade polysilicon 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, on the origin of imports of solar-grade polysilicon in the United States to impose countervailing duties. For each company countervailing duty rates levied as follows:

1 Hemlock Semiconductor Corp. 2.1%

(Hemlock Semiconductor Corporation)

2.REC solar grade silicon LLC 0%

(REC Solar Grade Silicon LLC)

3.REC Advanced Silicon Materials Co., Ltd. 0%

(REC Advanced Silicon Materials LLC)

4.MEMC Pasadena Ltd. 0%

(MEMC Pasadena, Inc.)

5.AE Polysilicon Corporation 2.1%

6 other U.S. companies (All Others) 2.1%

In the subsidy investigation period, imports originating in REC Solar Grade Silicon LLC product under investigation valorem subsidy rate of 0.2%, a minimal subsidy; originating in the REC Advanced Silicon Materials Co., Ltd. and MEMC Pasadena limited Company imported product under investigation were not subsidized. The origin of this three companies imported product under investigation apply countervailing duty rate of 0%.

Fourth, the method of levying countervailing duty

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

Fifth, the countervailing duty levied retroactively

Since the provisional countervailing duty margin ended September 20, 2013 until January 10,

Fifth, the countervailing duty levied retroactively

Since the provisional countervailing duty margin ended September 20, 2013 until January 19, 2014, the import operation Zheyi preliminary announcement provided to China Customs, as determined by the final ruling to impose countervailing duties The range of goods and countervailing duties shall be transferred to the countervailing duty rate, press the appropriate VAT rate levied import VAT. During this period the import provisional countervailing duty margin operators provide part beyond the countervailing duty, and the resulting multi-part levy of import VAT, customs be refunded, less intrinsic part is no longer imposed.

Decision on the provisional countervailing measures before the announcement of imports originating in the United States imports of solar-grade polysilicon no retroactive imposition of countervailing duties.

Sixth, the countervailing duty imposed deadline

On the origin of imports of solar-grade polysilicon in the United States to impose countervailing duties of the implementation period from 20 January 2014 onwards for five years.

Seven Review

During the imposition of countervailing duties, according to the relevant provisions of the relevant stakeholders, "Countervailing Regulations", the investigating authority in writing to apply for a review.

Eight administrative reconsideration and administrative litigation

A final determination on the case and decided to impose countervailing duties disagrees, according to the provisions of Article 52, "Countervailing Regulations", may apply for administrative reconsideration or bring a lawsuit to the people's court according to law.

IX This announcement since January 20, 2014.

Accessories: Ministry of Commerce of the origin of imports of solar-grade polysilicon in the U.S. countervailing duty investigations final determination doc.

Ministry of Commerce

January 20, 2014