

**MOFCOM Announcement No. 78 of 2017 on Ruling of the Midterm Review of
Dumping and Dumping Margin of Imports of Solar-grade Polycrystalline Silicon
Originated in the Republic of Korea**

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On January 20, 2014, the Ministry of Commerce issued the Announcement No. 5 of 2014, deciding to impose anti-dumping duties on imports of solar-grade polycrystalline silicon originated in the U.S. and the Republic of Korea since January 20, 2014.

On February 14, 2016, Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd., Jiangxi LDK PV Silicon Technology Co., Ltd., China Silicon Corporation Ltd. and Chongqing Daqo New Energy Co., Ltd. on behalf of the industry of solar-grade polycrystalline silicon (hereinafter referred to as the "Applicants of Domestic Industry") submitted an official application to the Ministry of Commerce, claiming that the dumping margin of exports of solar-grade polycrystalline silicon originated in the Republic of Korea to China increased after the final ruling, largely beyond the anti-dumping duty rate in the final ruling and requesting a mid-term review investigation on anti-dumping measures applicable to imports of solar-grade polycrystalline silicon originated in the Republic of Korea and the dumping margin.

In accordance with Article 49 of the Anti-Dumping Regulations of the People's Republic of China and the Interim Rules on Midterm Review of Dumping and Dumping Margin, the Ministry of Commerce reviewed qualifications of the Applicants of Domestic Industry, export and normal price of products under investigation and the necessity of sequentially taking the anti-dumping measures according to the original level of measure and required the Applicants to submit relevant evidence materials. The Applicants of Domestic Industry submitted the evidence as required within a specified time limit.

On November 22, 2016, the Ministry of Commerce issued the case-filing announcement, deciding to carry out the midterm review on anti-dumping measures applicable to imports of solar-grade polycrystalline silicon originated in the Republic of Korea (hereinafter referred to as the "Products under Investigation") and the dumping margin. The review scope covered the normal value, export price and dumping margin of the imports of solar-grade polycrystalline silicon originated in the Republic of Korea. The Products under Investigation were the same as those subject to original anti-dumping measures, which were solar grade polycrystalline silicon. The products were listed under the tariff number of 28046190 in the Customs Import and Export Tariff of the People's Republic of China, and the electronic grade polycrystalline silicon used for manufacturing semiconductor products such as discrete devices and integrated circuits were not included in the scope of the review.

According to the results of the review of dumping and dumping margin of the imports of solar-grade polycrystalline silicon originated in the Republic of Korea, the Ministry of Commerce recommended to the Customs Tariff Commission of the State Council on adjustment to the anti-dumping duties. In accordance with Article 50 of the Anti-dumping Regulations of the People's Republic of China and the provisions of the Interim Rules of the Ministry of Commerce on Midterm Review of Dumping and Dumping Margin, relevant matters are hereby announced as follows:

I. Ruling of the Review

Upon investigation, the Ministry of Commerce ruled that dumping of the Products under Investigation existed during the investigation period of the review.

II. Levy of Anti-dumping Duties

In accordance with relevant provisions of the Anti-Dumping Regulations of the People's Republic of China, the Customs Tariff Commission of the State Council decided, as of November 22, 2017, to adjust the rates of anti-dumping duties on imports of solar-grade polycrystalline silicon originated in the Republic of Korea as follows:

1. OCI Company Ltd. 4.4%
2. Hankook Silicon Co., Ltd. 9.5%
3. Hanwha Chemical Corporation 8.9%
4. SMP Ltd. 88.7%
5. Woongjin Polysilicon Co., Ltd. 113.8%
6. KCC Corp. and Korean Advanced Materials(KAM Corp.) 113.8%
7. Innovation Silicon Co., Ltd. 113.8%
8. All Others 88.7%

III. Methods of Levying Anti-dumping Duties

As of November 22, 2017, import operators shall pay relevant anti-dumping duties to the Customs of the People's Republic of China when importing the Products under Investigation. The anti-dumping duties shall be levied by means of ad valorem on the basis of dutiable value authorized by China Customs, and the formula is: anti-dumping duties = dutiable value authorized by China Customs X rate of anti-dumping duties. The import value-added tax shall be levied by means of ad valorem with the dutiable value authorized by China Customs plus the tariff and anti-dumping duties as the taxable value.

IV. Administrative Reconsideration and Administrative Litigation

Any person who refuses to accept the ruling herein may, according to Article 53 of the Anti-dumping Regulations of the People's Republic of China, apply for an administrative reconsideration or initiate litigation to the people's court according to the law.

V. The Announcement shall take effect as of November 22, 2017.

Ministry of Commerce of the People's Republic of China
November 21, 2017