



MOFCOM Announcement No.2 of 2019 on Case-filing of the Final Review of the Anti-dumping Measures against Imports of Solar-grade Polysilicon Originating in the United States and the Republic of Korea

January 19, 2019 - 16:04 BJT (15:04 GMT) MOFCOM

On January 20, 2014, the Ministry of Commerce of the People's Republic of China (the "MOFCOM") issued Announcement No.5 of 2014, deciding to carry out final anti-dumping measures on imports of solar-grade polysilicon originating in the United States and the Republic of Korea for five years from January 20, 2014. On November 21, 2017, the MOFCOM issued Announcement No.78 of 2017, deciding to adjust the anti-dumping duty rate on imports of solar-grade polysilicon originating in the Republic of Korea.

On October 9, 2018, the MOFCOM issued Announcement No.77 of 2018, announcing that the anti-dumping measures against imports of solar-grade polysilicon originating in the United States and the Republic of Korea will expire on January 19, 2019. In accordance with the Anti-dumping Regulations of the People's Republic of China, if it is determined upon review that the termination of collection of anti-dumping duties may lead to the continuance or re-occurrence of dumping and injury, the period for collection of anti-dumping duties may be properly extended. The domestic industry or any natural person, legal person or relevant organization on behalf of the domestic industry may file a written application for expiry review to the MOFCOM 60 days prior to the expiration of the anti-dumping measures since the date hereof.

On November 16, 2018, the MOFCOM received a formal application for expiry review on anti-dumping measures officially submitted by six companies including Jiangsu GCL Power Silicon Technology Development Co., Ltd. on behalf of the industry of solar-grade polysilicon in China. The applicants claimed that, if the anti-dumping measures against imports of solar-grade polysilicon originating in the United States and the Republic of Korea are terminated, the dumping behavior and injury to the industry in China might continue or reoccur, and requested the MOFCOM to maintain the anti-dumping measures against imports of solar-grade polysilicon originating in the United States and the Republic of Korea.

In accordance with the relevant provisions of the Anti-dumping Regulations of the People's Republic of China, the MOFCOM reviewed the qualifications of the applicant, the products under investigation, similar domestic products, the imports of the products under investigation during the implementation of the anti-dumping measures, the possibility of continuity or reoccurrence of dumping, the possibility of continuity or reoccurrence of damages or related evidence. Current evidence shows that the applicant meets the provisions specified in Article 11, Article 13 and Article 17 of the Anti-dumping Regulations of the People's Republic of China on industry and industry representativeness, and therefore, it is eligible to apply on behalf of Chinese solar-grade polysilicon industry. The investigation authority believes that the applicants' claims and the prima facie evidence submitted are in conformity with the requirements for an expiry review.

According to Article 48 of the Anti-dumping Regulations of the People's Republic of China, the MOFCOM decides to conduct an expiry review investigation into the anti-dumping measures imposed on the imports of solar-grade polysilicon originating in the United States and the Republic of Korea as of January 20, 2019. Relevant matters are hereby announced as follows:

I. Continuous Implementation of the Anti-dumping Measures

As suggested by the MOFCOM and decided by the Customs Tariff Commission of the State Council, during the expiry review investigation of the anti-dumping measures, the imports of solar-grade polysilicon originating in the United States will still be subject to anti-dumping duties at the scope and rate released in MOFCOM Announcement No.5 of 2014 and the imports of solar-grade polysilicon originating in the Republic of Korea will still be subject to anti-dumping duties at the scope and rate released in MOFCOM Announcement No.78 of 2017.

II. Review Investigation Period

The anti-dumping investigation period for this review is from January 1, 2018 to December 31, 2018, and the investigation period for industrial damages is from January 1, 2014 to December 31, 2018.

III. Product Scope Covered by the Review

Products covered by the review are the same as the products to which the anti-dumping measures as released in the MOFCOM Announcement No.5 of 2014 are subject.

IV. Review Contents

This review aims to make clear that whether dumping and injury may continue or occur again in the case of the termination of the anti-dumping measures imposed on the imports of solar-grade polysilicon originating in the United States and the Republic of Korea.

V. Registration for Participating in the Investigation

Any interested party may register with the Trade Remedy and Investigation Bureau of the Ministry of Commerce for

participating in this round of anti-dumping expiry review within 20 days after the date of release hereof. Interested parties participating in the investigation are required to provide basic identity information, quantity and amount of the products under investigation exported to or importing from China, quantity and amount of similar products produced and sold and relationship during the dumping investigation period and other illustrative materials based on the Reference Format of the Registration to Participate in the Investigation, which can be downloaded from the Trade Remedy and Investigation Bureau sub-website of the MOFCOM website (<http://trb.mofcom.gov.cn>).

For the purposes hereof, the interested parties are individuals and organizations as defined in Article 19 of the Anti-dumping Regulations of the People's Republic of China.

VI. Access to Public Information

The interested parties can download the unclassified text of the application submitted by the applicants through the relevant websites, or search, read, transcribe and copy the same in the MOFCOM Trade Relief Public Information Office (Tel.: 0086-10-65197856). In the process of investigation, the interested parties can refer to public information about the case through the relevant websites, or search, read, transcribe and copy the same in the MOFCOM Trade Relief Public Information Office.

VII. Comments

If any interested party has any comments on the product scope and category, the qualification of the applicants, countries covered by the investigation regarding this investigation and other related questions, it may submit its opinions in written form to Trade Remedy and Investigation Bureau of the Ministry of Commerce within 20 days after the date of release hereof.

VIII. Investigation Methods

In accordance with Article 20 of the Anti-dumping Regulations of the People's Republic of China, the MOFCOM may get to know the related situation and conduct investigation via questionnaire, sampling, hearing, site investigation and other manners from the interested parties.

In order to obtain the information required for the investigation of this case, the MOFCOM usually issues questionnaires within 10 working days from the deadline for registering for participating in the investigation as prescribed herein, to overseas importers or producers and domestic manufacturers and importers. Interested parties registered can download the questionnaire from the relevant sites.

Other interested parties who do not register for participating in the investigation can download the questionnaire from the related websites, or obtain the same from the Trade Remedy and Investigation Bureau of the Ministry of Commerce and fill in the same as required.

All the companies are required to submit complete and accurate answers within the time as specified. Answers shall include all the information as required by the questionnaires.

IX. Submission and Processing of Confidential Information

Where it is necessary to keep confidential the information submitted by the interested parties to the MOFCOM, they may request the MOFCOM to make confidential treatments and explain the reasons. If the MOFCOM agrees on its request, the interested party applying for confidentiality shall provide non-confidential summary of the confidential information at the same time. Non-confidential summary shall contain sufficient and meaningful information to enable other interested parties to have a reasonable understanding of the confidential information. If the non-confidential summary cannot be provided, reasons shall be made clear. If the interested party does not require for confidential treatment for the information it has submitted, the MOFCOM will consider the said information as public information.

X. Consequences of Non-cooperation

In accordance with Article 21 of the Anti-dumping Regulations of the People's Republic of China, when the MOFCOM makes an investigation, an interested party shall faithfully reflect situations and provide relevant materials. If an interested party fails to do so, fails to provide necessary information within a reasonable time, or seriously impedes an investigation in any other way, the MOFCOM may give a ruling according to facts already obtained and the best information available.

XI. Investigation Period

This investigation starts on January 20, 2019, and ends prior to January 19, 2020.

XII. Contact Information

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