

...Announcement of the Ministry of Commerce No. 2 of 2020 on the final review of the anti-subsidy measures against imported solar-grade polysilicon originating in the United States

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

On January 18, 2019, the Ministry of Commerce issued Announcement No. 3 of 2019 and decided to conduct a final review investigation of the countervailing measures applicable to imported solar-grade polysilicon originating in the United States from January 20, 2019.

The Ministry of Commerce investigated the possibility of subsidies for imported solar-grade polysilicon originating in the United States and the possibility of continuing or recurring damage to the domestic solar-grade polysilicon industry if the countervailing measures were terminated, and in accordance with the "People's Republic of China Countervailing Regulations" (Hereinafter referred to as the "Anti-Subsidy Regulations") Article 47 makes a review ruling (see annex). The related matters are announced as follows:

I. Review ruling

The Ministry of Commerce ruled that if the countervailing measures are terminated, subsidies for imported solar-grade polysilicon originating in the United States may continue or recur, and damage to the domestic solar-grade polysilicon industry may continue or recur.

Countervailing Measures

According to Article 49 of the Countervailing Regulations, the Ministry of Commerce has proposed to the State Council Customs Tariff Commission to continue to implement countervailing measures based on the results of the investigation. The State Council Tariff Commission has made a decision based on the recommendations of the Ministry of Commerce. Since January 2020, Starting from the 20th, anti-subsidy taxes will continue to be levied on imported solar-grade polysilicon originating in the United States for a period of five years.

The range of products subject to the countervailing duty is the product to which the original countervailing measures were applied, which is consistent with the product scope in the Ministry of Commerce's Announcement No. 4 of 2014. details as follows:

Name of the product under investigation: solar-grade polysilicon. English name: Solar-Grade Polysilicon.

Specific description of the products under investigation: rod-shaped polysilicon, bulk polycrystalline silicon, and granular polycrystalline silicon products produced using chlorosilane as a raw material and (improved) Siemens method and silane method are used to produce crystalline silicon photovoltaic cells.

The electrical parameters of the products under investigation are: resistivity of basic phosphorus $<300 \text{ ohm} \cdot \text{cm} (\Omega \cdot \text{cm})$; resistivity of basic boron $<2600 \text{ ohm} \cdot \text{cm} (\Omega \cdot \text{cm})$; carbon concentration $> 1.0 \times 10^{16} (\text{at} / \text{cm}^3)$; n Type minority carrier lifetime $<500\mu\text{s}$; donor impurity concentration $> 0.3 \times 10^{-9}$; acceptor impurity concentration $> 0.083 \times 10^{-9}$.

Main use: It is mainly used for the production of solar-grade single crystal silicon rods and directional solidified polycrystalline silicon ingots, and is the main raw material for the production of crystalline silicon photovoltaic cells.

The product is classified under the "Import and Export Tariff of the People's Republic of China": 28046190. Electronic grade polysilicon used in the production of semiconductor products such as integrated circuits and discrete devices under this tariff code is not within the scope of this survey.

The tax rate for continuing to levy countervailing duties is the same as that provided by the Ministry of Commerce's Announcement No. 4 of 2014. details as follows:

1. Hemlock Semiconductor Corporation 2.1%

(Hemlock Semiconductor Corporation)

2.REC Solar Grade Silicon Co., Ltd. 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 2.1%

(All Others)

Methods of Levying Countervailing Duties

From January 20, 2020, import operators shall pay corresponding countervailing duties to the customs of the People's Republic of China when importing solar-grade polysilicon originating in the United States. The countervailing duty is levied at the customs-approved duty-paid value. The calculation formula is: countervailing duty amount = customs duty-paid price × countervailing duty rate. The import value-added tax is ad valorem based on the tax-paid price approved by the customs plus customs and countervailing duties as the taxable value.

4. Administrative review and administrative litigation

According to Article 52 of the "Anti-Subsidy Regulations", if you are not satisfied with the review decision, you may apply for administrative reconsideration in accordance with the law or file a lawsuit in a people's court.

This announcement will be implemented from January 20, 2020.

Attachment: Ministry of Commerce of the People's Republic of China's final review ruling on countervailing measures applicable to imported solar-grade polysilicon originating in the United States

Ministry of Commerce

January 19, 2020