April 9, 2013

Memorandum To: The File

From: Abdelali Elouaradia
Director, Office 4
Antidumping and Countervailing Duty Operations

Subject: Crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China

Re: Referral of Potential Evasion Concerns to the Department of Homeland Security

The Import Administration (IA) of the U.S. Department of Commerce (the Department) conducted an analysis of certain U.S. Customs and Border Protection (CBP) import data under HTS subheading 8541406020. This HTS subheading covers solar modules. See Attachment I. The antidumping duty (AD) and countervailing duty (CVD) orders on solar cells also cover modules consisting of solar cells. These data indicate that evasion of the AD and CVD orders on Chinese solar cells may be occurring.

More specifically, the data suggest that some importers may either be improperly declaring merchandise as not subject to the AD/CVD orders, or may be understating the value of the imported merchandise declared as subject to the relevant orders. Based upon these data, we identified certain companies the entries of which raise initial concerns warranting further examination. These concerns are focused in two areas: 1) the high volume of Type 1 entries into the United States of solar modules from China, and 2) the high volume of Type 3 entries into the United States of solar modules from China with low average unit values ("AUVs").

Exporters or Manufacturers With a High Volume of Type 1 Entries Relative to other Exporters or Manufacturers With Type 1 Entries:

1. [ ]
2. [ ]
3. [ ]
4. [ ]

Exporters or Manufacturers With a Low AUV Relative to Other Type 1 and Type 3 Entries:
We provided the data and our analysis to CBP for further review and enforcement action if appropriate. Additionally, we requested that CBP ascertain whether the proper certifications and related supporting documentation regarding production are being maintained by the parties. While we provided the information regarding these companies to illustrate our initial concerns, we did not intend to suggest that CBP limit its examination to only these firms if it has possible concerns about additional manufacturers and/or exporters.

CBP indicated to the Department that it has similar concerns, and that recent operations initiated by various ports throughout the country have resulted in the collection of significant additional cash deposits on merchandise subject to the AD/CVD orders.

Business Proprietary Attachment
ATTACHMENT I

Imports of Solar Modules from China Under

HTS Subheading 8541406020

ENTIRE ATTACHMENT BPI