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12-000215

ABOUT**CSMS #12-000215**[Back](#)**Title: New Requirements For All Importers of Solar Panels****Date: 6/13/2012 8:40:04 AM****To: Automated Broker Interface, ACE Portal Accounts****LOOK at 2nd page**

New Requirements For All Importers of Solar Panels

Antidumping and countervailing duties are required on imports of solar cells and panels from China, including solar panels produced in a third-country from Chinese solar cells.

Importers of solar panels from all countries that do not contain Chinese solar cells are required to certify that the imported solar panels do not contain Chinese solar cells, and to provide this certification at the request of U.S. Customs and Border Protection (CBP). If an importer does not provide this certification at the request of CBP, the U.S. Department of Commerce has instructed CBP to collect antidumping and countervailing duties on the corresponding imports of solar panels.

Importers of solar panels exported from China not containing Chinese solar cells are also required to maintain a certification from the exporter. If importers of this merchandise do not provide both the importer and exporter certification at the request of CBP, the U.S. Department of Commerce has instructed CBP to collect antidumping and countervailing duties on the corresponding imports of solar panels.

These certifications should not be provided as part of the entry document package, unless specifically requested by CBP. CBP may also request additional documentation supporting the certification.

For more information, see AD/CVD messages 2153302, 2158303, 2087303 and 2163303 available on ACE and ADDCVD Search (<http://addcvd.cbp.gov/>)

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MESSAGE NO: 2153302

MESSAGE DATE: 06/01/2012

MESSAGE STATUS: ACTIVE

CATEGORY: ANTIDUMPING

TYPE: PRE-PRELIMINARY

PUBLIC X NON-PUBLIC

SUB-TYPE: AFF-AFFIRMATIVE

FR CITE: 77 FR 31309

FR CITE DATE: 05/25/2012

REFERENCE MESSAGE#(S):

CASES#(S): A-570-979

EFFECTIVE DATE: 02/25/2012 COURT CASE #:

PERIOD OF REVIEW: 04/01/2011 TO 09/30/2011

PERIOD COVERED: TO

LIFTING OF SUSPENSION DATE:

TO: { DIRECTORS OF FIELD OPERATIONS, PORT DIRECTORS }

FROM: { DIRECTOR AD/CVD & REVENUE POLICY & PROGRAMS }

RE: NOTICE OF AFFIRMATIVE PRELIMINARY DETERMINATION AND CRITICAL CIRCUMSTANCES

IN THE ANTIDUMPING DUTY INVESTIGATION OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS FROM CHINA (A-570-979)

1. ON 05/25/2012, COMMERCE PUBLISHED IN THE FEDERAL REGISTER (77 FR 31309) ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE,

POSTPONEMENT OF FINAL DETERMINATION, AND AFFIRMATIVE PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES IN THE ANTIDUMPING DUTY INVESTIGATION OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT

ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC).

2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, AND MODULES, LAMINATES, AND PANELS, CONSISTING OF CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT PARTIALLY OR FULLY

ASSEMBLED INTO OTHER PRODUCTS, INCLUDING, BUT NOT LIMITED TO, MODULES, LAMINATES, PANELS AND BUILDING INTEGRATED MATERIALS.

THIS INVESTIGATION COVERS CRYSTALLINE SILICON PHOTOVOLTAIC CELLS OF THICKNESS EQUAL TO OR GREATER THAN 20 MICROMETERS, HAVING A P/N JUNCTION

FORMED BY ANY MEANS, WHETHER OR NOT THE CELL HAS UNDERGONE OTHER

PROCESSING, INCLUDING, BUT NOT LIMITED TO, CLEANING, ETCHING, COATING, AND/OR ADDITION OF MATERIALS (INCLUDING, BUT NOT LIMITED TO, METALLIZATION AND CONDUCTOR PATTERNS) TO COLLECT AND FORWARD THE ELECTRICITY THAT IS GENERATED BY THE CELL.

MERCHANDISE UNDER CONSIDERATION MAY BE DESCRIBED AT THE TIME OF IMPORTATION AS PARTS FOR FINAL FINISHED PRODUCTS THAT ARE ASSEMBLED AFTER IMPORTATION, INCLUDING, BUT NOT LIMITED TO, MODULES, LAMINATES, PANELS, BUILDING-INTEGRATED MODULES, BUILDING-INTEGRATED PANELS, OR OTHER FINISHED GOODS KITS. SUCH PARTS THAT OTHERWISE MEET THE DEFINITION OF MERCHANDISE UNDER CONSIDERATION ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE THIN FILM PHOTOVOLTAIC PRODUCTS PRODUCED FROM AMORPHOUS SILICON (A-SI), CADMIUM TELLURIDE (CDTE), OR COPPER INDIUM GALLIUM SELENIDE (CIGS).

ALSO EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, NOT EXCEEDING 10,000MM² IN SURFACE AREA, THAT ARE PERMANENTLY INTEGRATED INTO A CONSUMER GOOD WHOSE FUNCTION IS OTHER THAN POWER GENERATION AND THAT CONSUMES THE ELECTRICITY GENERATED BY THE INTEGRATED CRYSTALLINE SILICON PHOTOVOLTAIC CELL. WHERE MORE THAN ONE CELL IS PERMANENTLY INTEGRATED INTO A CONSUMER GOOD, THE SURFACE AREA FOR PURPOSES OF THIS EXCLUSION SHALL BE THE TOTAL COMBINED SURFACE AREA OF ALL CELLS THAT ARE INTEGRATED INTO THE CONSUMER GOOD.

MODULES, LAMINATES, AND PANELS PRODUCED IN A THIRD-COUNTRY FROM CELLS PRODUCED IN THE PRC ARE COVERED BY THIS INVESTIGATION; HOWEVER, MODULES, LAMINATES, AND PANELS PRODUCED IN THE PRC FROM CELLS PRODUCED IN A THIRDCOUNTRY ARE NOT COVERED BY THIS INVESTIGATION.

MERCHANDISE COVERED BY THIS INVESTIGATION IS CURRENTLY CLASSIFIED IN THE HARMONIZED TARIFF SYSTEM OF THE UNITED STATES ("HTSUS") UNDER SUBHEADINGS

8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, AND 8501.31.8000. THESE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES; THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

~~3. AS NOTED IN PARAGRAPH 2, MODULES, LAMINATES, AND PANELS PRODUCED IN A~~