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## 駐美國代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國109年5月5日  
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附件：如文（經美1090000358\_Attach1.pdf）

主旨：陳報美國商務部公告對中國及我國輸美之「太陽光電產品」(Crystalline Silicon Photovoltaic Products)之反傾銷稅第一次快速落日複查終判結果事，敬請查照。

說明：

- 一、美國商務部於本(2020)年5月5日公告旨揭落日複查終判結果，裁定倘去除針對中國及我國涉案產品之反傾銷稅，將導致相關產品再度或持續傾銷，且中國產品之傾銷率為165.04%，我國產品之傾銷率為27.55%。本案後續倘美國國際貿易委員會(ITC)裁定，去除本案反傾銷稅將在可預見之未來，對美國國內產業持續或再次造成實質損害，美國將續課相關反傾銷稅。
- 二、檢附商務部公告文件如附件，併請卓參。

正本：經濟部國際貿易局

副本：電子公文交換章  
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國際貿易局 109/05/06



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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-010, A-583-853]

**Crystalline Silicon Photovoltaic Products from the People's Republic of China and Taiwan:  
Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on crystalline silicon photovoltaic products from the People's Republic of China (China) and Taiwan would likely lead to continuation or recurrence of dumping at the level indicated in the "Final Results of Sunset Reviews" section of this notice.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Abdul Alnoor and Eva Kim, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4554 and (202) 482-8283, respectively.

**SUPPLEMENTARY INFORMATION:**

Background

After publication of the notice of initiation of these sunset reviews of the AD orders<sup>1</sup> on

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<sup>1</sup> See *Antidumping Duty Order: Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China*, 80 FR 8592 (February 18, 2015) and *Antidumping Duty Order: Certain Crystalline Silicon Photovoltaic Products from Taiwan*, 80 FR 8596 (February 18, 2015) (*Orders*).

crystalline silicon photovoltaic products from China and Taiwan,<sup>2</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), SunPower Manufacturing Oregon, LLC and Hanwha Q CELLS USA, Inc. (Hanwha) (domestic interested parties) filed with Commerce timely and complete notices of intent to participate in the sunset reviews,<sup>3</sup> and timely and adequate substantive responses.<sup>4</sup> Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Orders*.<sup>5</sup>

#### Scope of the Orders

The merchandise covered by these *Orders* is crystalline silicon photovoltaic products from China and Taiwan. Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.60.15, 8541.40.6020, 8541.40.6030, 8541.40.60.35 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.<sup>6</sup>

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<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 67 (January 2, 2020).

<sup>3</sup> See Domestic Interested Parties’ Letter, “Crystalline Silicon Photovoltaic Products from China and Taiwan: Intent to Participate in Sunset Reviews,” dated January 13, 2020; see also “Crystalline Silicon Photovoltaic Products from People Republic of China and Taiwan: Hanwha Q CELLS USA, Inc.’s Notice of Intent to Participate in Sunset Reviews,” dated January 17, 2020.

<sup>4</sup> See Domestic Interested Parties’ Letters, “*Crystalline Silicon Photovoltaic Products from China and Taiwan Sunset Reviews: Substantive Response of SPMOR*,” dated February 3, 2020; and “*Certain Crystalline Silicon Photovoltaic Products from China and Taiwan, Inv. Nos. 701-TA-511 and 731-TA-1246 and 1247 (1st Sunset Review); Hanwha Q CELLS USA, Inc.’s Substantive Response*,” dated February 3, 2020.

<sup>5</sup> For a complete description of the background for these sunset reviews, see Commerce Memorandum, “*Issues and Decision Memorandum for the Expedited First Sunset Reviews of the Antidumping Duty Orders on Crystalline Silicon Photovoltaic Products from the People’s Republic of China and Taiwan*,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>6</sup> The full scope of the *Orders* is included in the Issues and Decision Memorandum.

### Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the dumping margins likely to prevail if the *Orders* were to be revoked, is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.<sup>7</sup> A list of the topics discussed in the Issues and Decision Memorandum is attached as an Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the Internet at <http://enforcement.trade.gov/fm/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

### Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 165.04 percent for China and 27.55 percent for Taiwan.

### Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of

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<sup>7</sup> See Issues and Decision Memorandum.

the return or destruction of APO materials, or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: May 1, 2020.

**Joseph A. Laroski Jr.,**

*Deputy Assistant Secretary*

*for Policy and Negotiations.*

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. History of the *Orders*
- V. Legal Framework
- VI. Discussion of the Issues
  - 1. Likelihood of Continuation or Recurrence of Dumping
  - 2. Magnitude of the Margin of Dumping Likely to Prevail
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

[FR Doc. 2020-09668 Filed: 5/5/2020 8:45 am; Publication Date: 5/6/2020]