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## 駐美國代表處經濟組 函

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主旨：陳報美國太陽能公司向美國國際貿易委員會(USITC)提出申請，請求延長「太陽能電池與模組」防衛措施4年事，敬請查參。

說明：

### 一、本案背景：

(一)美國於2018年2月起針對進口「太陽能電池與模組」採取4年防衛措施(2018年2月至2022年2月)：對於太陽能電池設定2.5 GW配額，超過配額加徵關稅，第1年加徵關稅為30%，每年下降5%，第4年(本年2月起)為15%。對於太陽能模組加徵關稅，第1年為30%，每年下降5%，第4年為15%。另，該防衛措施之產品排除清單包含「雙面太陽能板」。

(二)美國於去(2020)年10月調整該防衛措施，將第4年防衛措施關稅由15%調高至18%，且「產品排除清單」移除雙面太陽能板。

二、美國太陽能公司Auxin Solar及Suniva於本(8)月2日向美國國際貿易委員會(USITC)提出申請(petition)，請求延



國際貿易局 110/08/04



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長對「太陽能電池與模組」防衛措施4年，Auxin Solar並發布聲明，要點如下：

- (一)Auxin Solar執行長Mamun Rashid表示，延長本案防衛措施對於美國重建在太陽能製造及發展的領導地位極為重要，且有助於美國達成再生能源獨立(American renewable energy independence)。USITC應建議(recommend)延長防衛措施4年，以強化美國太陽能產業。Auxin Solar致力於回流(re-shoring)太陽能供應鏈。
- (二)美國曾為太陽能產業之領導者，惟美國業者遭受低價進口產品之嚴重打擊。在美國對中國及台灣「晶矽太陽能」(CSPV)電池及模組課徵之平衡稅及反傾銷稅無法阻止低價產品進口後，USITC於2017年認定進口太陽能電池及模組對於美國產業造成嚴重損害，美國並於2018年對進口相關產品採取防衛措施。
- (三)本案防衛措施若不延長，將於明(2022)年2月6日屆期。申請延長防衛措施將促使USITC認定本案防衛措施對於防止或救濟國內業者嚴重損害是否持續有必要性，以及是否有證據顯示國內產業正對於進口競爭進行正面之調整(making a positive adjustment to import competition)。USITC將於本年12月8日前將其認定提交總統，屆時由總統決定是否延長該防衛措施4年。
- (四)延長本案防衛措施有其必要性，蓋Auxin Solar及Suniva尚未完成因應進口競爭之相關計畫。Auxin Solar及Suniva投資計畫遭到以下因素影響：進口商在本案防衛措施實施前囤積(stockpiling)進口產品、Covid-19疫情造成經濟困境、中國廠商掠奪性訂價(China's predatory pricing)、防衛措施之「排除產品清單」

導致大量及低價之進口(例如該清單原先包括雙面太陽能板)等。以上因素導致防衛措施未能達到預期效果，即美國業者從進口造成之嚴重損害中恢復。

三、檢送該聲明、相關報導，併請卓參。

正本：經濟部國際貿易局

副本：行政院經貿談判辦公室、經濟部、陳政務次長室(請經濟部代陳)、經濟部工業局  
(均含附件)

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# Auxin Solar Requests Extension of Safeguard Relief on Certain Imported Solar Cells and Modules

California-based Manufacturer Files Petition with U.S. International Trade Commission to Revitalize Domestic Supply Chain for Solar Energy Production

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**Auxin Solar** →

Aug 02, 2021, 09:00 ET

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SAN JOSE, Calif., Aug. 2, 2021 /PRNewswire/ -- Auxin Solar, an American owned, operated and headquartered manufacturer of solar panels, today filed a petition with the U.S. International Trade Commission (ITC) to extend safeguard relief for crystalline silicon photovoltaic (CSPV) cells and modules. The safeguard relief was initially established in 2018 to strengthen America's solar industry and to address the serious injury caused by surging imports. Auxin filed the petition alongside the original petitioner, Suniva, Inc.

*"Extending this safeguard is essential for America to reclaim its lead in solar energy manufacturing and development, and it represents a critical step to achieve the broader goal of American renewable energy independence," said **Mamun Rashid, co-founder and chief executive officer at Auxin Solar.** "This is about national security and realizing the promise of green energy independence. We believe the Commission should recommend extending the safeguard remedy for another four years to strengthen the domestic solar industry. Auxin Solar is committed to re-shoring the solar supply chain and filed this petition in the hope that policymakers are committed to the promise of green energy independence and the good-paying manufacturing jobs that will result."*

The United States has historically been a leader in the solar industry, but the domestic industry was decimated by a flood of aggressively priced imports that quickly captured market share. After the imposition of antidumping and countervailing duties on CSPV products from China and Taiwan failed to stop the rapid increase in low-priced imports of

CSPV products, the ITC determined in 2017 that CSPV cells and modules were being imported into the United States in such increased quantities as to be a substantial cause of serious injury to domestic producers. Based on the ITC's findings, the President imposed tariffs on imported CSPV modules and a tariff-rate quota on imported solar cells.

Without an extension, the safeguard remedy will expire on February 6, 2022. Auxin Solar and Suniva's extension petition will prompt the ITC to determine whether the safeguard remedy continues to be necessary to prevent or remedy serious injury and whether there is evidence that the industry is making a positive adjustment to import competition. The ITC will report its determination to the President by December 8, 2021, and at that time the President may choose to extend the safeguard remedy for an additional four years.

The extension of the safeguard remedy is necessary because neither Auxin Solar nor Suniva have been able to complete their plans to positively adjust to import competition. Auxin Solar and Suniva's investment plans were negatively impacted by stockpiling prior to the establishment of the safeguard, economic headwinds caused by COVID-19, China's predatory pricing, and a loophole in the remedy that allowed excluded modules to be imported in high volumes and at cut-rate prices. These combined challenges meant that the safeguard did not have the desired effect to allow companies like Auxin Solar and Suniva to recover from the serious injury caused by imports.

Auxin, a manufacturer of solar modules based in California, participated in the original safeguard investigation and the mid-term monitoring review. Georgia-based Suniva was the original petitioner for safeguard relief and participated in the ITC's mid-term monitoring review.

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SOURCE Auxin Solar

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## U.S. solar companies request extension on Section 201 tariffs

August 2, 2021 at 5:47 PM

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Two U.S. solar panel manufacturers on Monday filed a petition with the U.S. International Trade Commission to extend Trump-era safeguard relief measures on solar products set to expire next year.

In 2018 President Trump imposed a 30 percent tariff on imports of crystalline silicon photovoltaic modules and cells under Section 201 of the Trade Act of 1974. The tariffs were set to decline by 5 percentage points each year, before expiring in February 2022. [Trump announced last year](#), however, that he would set the 2021 tariffs on the products at 18 percent instead of 15 percent, as originally planned. The remedy includes an exemption for the first 2.5 gigawatts of solar cells imported in each of the four years.

California-based Auxin Solar Inc. and Georgia-based Suniva, Inc., filed the request Monday to extend the tariffs for another four years, contending the remedy "has fallen well short of its promise," according to [the petition](#). They are requesting the ITC determine that "there is evidence that the domestic industry is making a positive adjustment to import competition" and that continued safeguard measures are necessary.

"Extending this safeguard is essential for America to reclaim its lead in solar energy manufacturing and development, and it represents a critical step to achieve the broader goal of American renewable energy independence," Auxin Solar co-founder and CEO [Mamun Rashid said in a statement](#).

The petition requests an investigation under Section 204 of the Trade Act of 1974, which would culminate in a report to the president, due on Dec. 8, according to the statement from Auxin Solar. The president would then decide whether to extend the remedy. Section 201 remedies can be extended for up to eight years.

Industry groups have argued [the tariffs are antithetical](#) to the Biden administration's climate goals.

The petitioners argue that the remedy is essential to securing U.S. self-sufficiency in solar energy.

"As the United States recovers from the COVID-19 pandemic and President Biden and Congress continue working on initiatives to build a modern, sustainable infrastructure and an equitable clean energy future, the need for continuing the safeguard -- and fulfilling its original promise -- could not be more apparent," the petitioners wrote. "The need for extending the safeguard and allowing these new green energy policies and initiatives to take hold is necessary to secure America's solar energy independence, since far too much of the value of the production of solar cells and modules is accounted for by imports."

According to Auxin Solar and Suniva, the 2.5 gigawatt exemption granted by the Trump administration has rendered the remedy meaningless for cells. The threshold, which exceeded that recommended by ITC commissioners, has yet to be reached since the remedy was imposed, the petition states.

However, the companies did not request a reduction to the 2.5 gigawatt exemption. Instead, they recommended the ITC recommend the president apply "only minimal liberalization" of tariff rates on out-of-quota cells and modules and keep in-quota cell volumes at the present level.

The companies argue the remedy was further weakened by a post-remedy exclusion granted by Trump to bifacial modules. The exclusion was in place for 34 months until the administration reversed its decision, according to the petition.

Auxin Solar's bifacial module business has been "decimated" by imports, according to the petition. Low-priced bifacial module imports also put downward pressure on prices for monofacial modules, the companies contend.

The companies also point in their petition to import stockpiling ahead of the remedy, pandemic-related disruptions and circumvention of the remedy by Chinese firms as factors that limited the effectiveness of the safeguard.

Developing WTO members that provided less than 3 percent of U.S. solar imports were exempted from the safeguard action and imports from some exempted countries rose significantly, according to the petitioners. Imports from Cambodia, for example, rose "substantially" between January and May 2021, according to the petition -- a rise the companies contend is "entirely attributable to Chinese firms taking advantage" of the country's status as a developing country under the safeguard law.

The companies claim that since the remedy has gone into effect, "several new entrants" have joined the domestic module industry and "companies that tried to produce CSPV cells have exited the market altogether."

The new entrants, according to the petitioners, favor extending the remedy but are focused on cell imports. Suniva and Auxin Solar, "by contrast, are committed to realizing the full promise of the safeguard remedy, including the expansion of America's CSPV supply chain to include not only domestic production of CSPV modules, but also cells and ultimately wafers," the petition states.

"With new domestic polysilicon production, onshoring of cell and wafer production will create a fully integrated domestic solar supply chain," the companies wrote.

Suniva -- an original petitioner in the safeguard investigation -- is not currently in production, but "investment plans will allow it to quickly resume production if the economic headwinds that have stifled these investment plans subside," the petition says. The company declared bankruptcy in 2017, under pressure from low-priced imports, but has since emerged from bankruptcy, the petition adds.

Auxin Solar, which participated in the original safeguard investigation, has remained in production since it was founded in 2008 and is working with partners to invest in new module production equipment and onshore ingot and wafer manufacturing for cells, according to the petition.

Suniva and Auxin Solar wrote in the petition that they expect Huanwha Q-Cells, LG Electronics and Mission Solar, all of which produce modules in the U.S., to join in support of extending the safeguard remedy. -- *Margaret Spiegelman* ([m Spiegelman@iwpnews.com](mailto:m Spiegelman@iwpnews.com))

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