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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

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主旨：陳報美國國際貿易委員會(ITC)建議，延長「晶矽太陽能電池及模組」防衛措施4年事，敬請查參。

說明：

一、本組本(110)年11月24日經美字第1100001430號函諒達。

二、本案背景：

(一)美國於2018年2月起對進口「太陽能電池與模組」採取4年防衛措施。美國廠商本年8月向ITC申請延長該防衛措施4年。

(二)ITC於本年11月24日決議，該防衛措施對於美國業者仍持續有必要性，並預計於本(12)月8日將其調查報告提交美國總統決定是否延長該措施。美國貿易代表署(USTR)將於明(2022)年1月4日召開本案公聽會。

三、ITC於本月9日公布調查報告，建議延長「晶矽太陽能(CSPV)電池及模組」防衛措施4年，要點如下：

(一)建議延長該防衛措施4年；

(二)對於CSPV電池，維持2.5GW關稅配額，對於該配額數量

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內之進口免徵防衛關稅；對於超過配額之進口，自2022年2月7日起防衛關稅(謹註，目前防衛關稅15%)降低0.25%，後續3年之2月7日起皆降低0.25%。

(三)每季執行上述CSPV電池關稅配額；

(四)對於CSPV模組，維持目前防衛關稅(謹註，目前防衛關稅15%)，自2022年2月7日起防衛關稅降低0.25%，後續3年之2月7日起皆降低0.25%。

四、檢送相關報導(該報告連結https://www.usitc.gov/publications/other/pub5266.pdf)，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)電子公文交換章 2021/12/13 08:46:21

國際 濟縫章

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ITC recommends extending Section 201 solar duties for four years

December 9, 2021 at 7:05 PM

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The U.S. International Trade Commission is recommending that President Biden extend for an additional four years safeguard measures on solar products imposed by the previous administration.

The commission on Wednesday released a report on its investigation into whether to extend the tariffs on imports of crystalline silicon photovoltaic modules and cells that are due to expire in February. The ITC on Nov. 24 announced its unanimous determination that continued relief was necessary, but did not recommend specific measures. Whether to extend the remedy is up to the discretion of the president.

The duties, imposed by the Trump administration in 2018 under Section 201 of the Trade Act of 1974, were set at 30 percent in 2018 and scheduled to decline by 5 percentage points in each of the following three years. Last year, however, then-President Trump announced that he would set the 2021 tariffs at 18 percent instead of 15 percent, as originally planned – a move reversed last month by the Court of International Trade. The first 2.5 gigawatts of solar cells were exempted from tariffs in each of the four years.

The ITC opened its probe earlier this year after receiving petitions from U.S. solar panel manufacturers to extend the relief.

According to the report, the commissioners determined that since the measures were put in place, the domestic industry "has upgraded and expanded its production capacity to produce CSPV modules, increased production, U.S. shipments, and employment, regained some market share, and improved its capacity utilization."

At the same time, the report states, the industry's "weak financial performance" along with pandemic-related challenges and an exclusion for bifacial modules prevented it from making "additional adjustments." The exclusion for two-sided modules was in place for 34 months before Trump revoked it; CIT, in its recent decision, reinstated it.

Accordingly, the commission recommended that the president maintain the tariff on imports of modules with decreases of 0.25 percentage points scheduled for Feb. 7 for each of the next three years.

The commission also recommended maintaining the tariff-rate quota on cells with an in-quota volume level of 2.5 gigawatts and duties on above-quota volumes that decline by 0.25 percentage points each year.

Commissioner David Johanson, the report notes, independently recommended "limited phasing down of the ad valorem tariff rates of the extended measure, consisting of a reduction of one percentage point per year in the above-quota tariff rate for imports of CSPV cells and one percentage point per year in the tariff rate for imports of CSPV modules."

The domestic industry was split on whether to raise the quota on cells, which Trump had set above the level recommended by the majority of ITC commissioners. The quota has not been reached in any of the years that the measures have been in effect.

Representatives from U.S. solar manufacturers Auxin Solar and Suniva argued during an ITC hearing last month that the quota had rendered the remedy on cells meaningless. Suniva produced both cells and modules until 2017, when it filed for bankruptcy. It has since reorganized, exited bankruptcy and said it could restart that production.

LG Electronics USA, Hanwha Q Cells USA and Mission Solar Energy, however, urged the commission to raise the TRQ, saying it was essential to efforts to boost manufacturing in the U.S. and meet climate change goals in the absence of U.S. cell production.

The commissioners noted that the domestic industry's "cell capacity, production, capacity utilization, U.S. shipments, and market share all declined between 2018 and 2020." But they found evidence nonetheless of "positive adjustment" by the industry with regard to cell production, noting that Suniva emerged from bankruptcy in 2019 and that it "and others" could begin cell production in the U.S. if safeguard relief were extended.

Cell imports are expected to exceed the 2.5-gigawatt quota possibly as soon as February 2022, according to the report.

Accordingly, cell producers would begin to see relief at that time if the safeguard is extended and the in-quota level held steady, the commissioners wrote.

To forestall possible attempts by importers to try to front-load cell imports at the beginning of each year, the commissioners recommended administering the quota on a quarterly basis, rather than annually.

Auxin Solar CEO Mamun Rashid lauded the commission's determination last month, saying in a statement at the time that it "confirms what we have been saying for years – that U.S. solar manufacturing needs a runway to fully come back from a decade's worth of predatory trade practices that have decimated the industry."

But the Solar Energy Industries Association, a national trade association that represents "solar and solar + storage industries," is urging President Biden to reject the ITC's recommendations, warning that they would impede efforts to meet climate goals.

"Growing American solar manufacturing is critical to our long-term clean energy future, but years of tariffs have not moved the needle nearly enough to justify the USITC's recommendation today," SEIA President and CEO of the Solar Energy Industries Association Abigail Ross Hopper said in a statement about the report.

Solar energy is a key aspect of the Biden administration's efforts to meet climate goals. A September report from the Energy Department found that solar power could provide up to 45 percent of U.S. electricity by 2050. It provides just 4 percent today.

The administration also has indicated a focus on concerns about forced labor in the solar supply chain.

A large share of the world's polysilicon, a key material in many solar products, comes from Xinjiang, where China has come under fire for its detainment of Uyghur Muslims. U.S. Customs and Borders Protection in June issued a withhold-release order on silica-based products made by Hoshine Silicon Industry Co., Ltd., and its subsidiaries based on "information reasonably indicating" the company uses forced labor in the region, according to a White House statement.

In an effort to help diversify the global supply chain, the U.S. International Development Finance Corporation announced on Dec. 7 that it had approved $500 million of debt financing for First Solar, Inc., the largest U.S. solar manufacturing company, to build a plant in Tamil Nadu, India. The DFC provides financing for projects in developing countries in areas including energy, healthcare, critical infrastructure and technology, among others.

"DFC is thrilled to be in a position to support First Solar's new venture in India, which will boost solar panel manufacturing capacity for a key ally and help mobilize the industry to take up better standards that align with U.S. values," DFC Acting Chief Executive Officer Dev Jagadesan said in a statement.

DFC Chief Climate Officer Jake Levine on Thursday said during a meeting of the Renewable Energy and Energy Efficiency Advisory Committee that First Solar uses a technology based on cadmium telluride, which "does not rely on polysilicon supplies at all." Accordingly, he said, the company can source "from outside of the suspect regions with which we are concerned."

Eliminating forced labor from the supply chain, he said, is "a really hard problem substantively to address."

"Number one, the way the solar supply chain works is that there's a lot of blending upstream of primary inputs, which are likely the subject of the forced labor," he said. "And number two, the Chinese at every single stage of the solar supply chain – starting from polysilicon to ingots and wafers to cells to modules – dominate the market," the result, he said, of "many, many decades of very deliberate industrial policy."

Accordingly, he said, diversifying the supply chain is key.

The First Solar plant's projected capacity of 3.3 gigawatts, he added, is "big by any standard, but when you compare it to the gap that needs to be filled, it's tiny."– *Margaret Spiegelman* (mspiegelman@iwpnews.com)