



A-583-853  
Administrative Review  
POR: 02/1/17-01/31/18  
**Public Document**  
E&C/Office II: TEM

DATE: August 5, 2019

MEMORANDUM TO: Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

FROM: James Maeder  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

SUBJECT: Antidumping Duty Administrative Review Certain Crystalline  
Silicon Photovoltaic Products and Final Determination of No  
Shipments from Taiwan: Issues and Decision Memorandum for  
the Final Results; 2017-2018

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## **I. Summary**

The Department of Commerce (Commerce) analyzed the comments submitted by interested parties in the administrative review of the antidumping duty order<sup>1</sup> on certain crystalline silicon photovoltaic products (solar products) from Taiwan covering the period of review (POR) February 1, 2017 through January 31, 2018. Following our analysis of the comment received, we have made no changes to the *Preliminary Results*.<sup>2</sup> We recommend that you approve the position described in the “Discussion of the Issue” section of this memorandum. Below is the issue for which we have received comments and rebuttal comments from interested parties:

**Comment: Rate Applicable to Sunrise Global Solar Energy**

## **II. Background**

Commerce published the *Preliminary Results* on April 15, 2019.<sup>3</sup> The administrative review covers 31 exporters of the subject merchandise, including two mandatory respondents, Motech Industries, Inc. (Motech) and the collapsed entity of Sino-American Silicon Products Inc. and

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<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012).

<sup>2</sup> See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017-2018*, 84 FR 15179 (April 15, 2019) (*Preliminary Results*).

<sup>3</sup> *Id.*



Solartech Energy Corporation (SAS-SEC).<sup>4</sup> On May 15, 2019, Commerce received comments from SAS-SEC.<sup>5</sup> No other party submitted comments. Based on our analysis of the comments received, we have made no changes to the margin calculations for these final results. We continue to find that Motech and SAS-SEC sold solar products in the United States below normal value during the POR. We recommend that you approve the position described in the “Discussion of the Comment” section of this memorandum.

### **III. Scope of the Order**

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Subject merchandise includes 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.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by this order. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by this order.

Excluded from the scope of this order 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 order are crystalline silicon photovoltaic cells, not exceeding 10,000mm<sup>2</sup> 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 cells. 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.

Further, also excluded from the scope of this order are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People’s Republic of China (PRC).<sup>6</sup> Also excluded from

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<sup>4</sup> In the 2014-2016 administrative review of the Order, Commerce collapsed Sino-American Silicon Products Inc. and Solartech Energy Corp., and treated the companies as a single entity for purposes of the proceeding. See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review*; 2014-2016, 82 FR 31555 (July 7, 2017). Because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. Additionally, we have determined to collapse Sino-American Silicon Products Inc. and Solartech Energy Corp. with Sunshine PV Corporation. See *Preliminary Results*, 84 FR at 15182.

<sup>5</sup> See SAS-SEC Submission, “Certain Crystalline Silicon Photovoltaic Products from Taiwan: Case Brief,” dated May 15, 2019 (SAS-SEC Case Brief).

<sup>6</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012).

the scope of this order are modules, laminates, and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from the PRC.

Merchandise covered by the order 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, 8541.40.6015, 8541.40.6020, 8541.40.6025, 8541.40.6030, 8541.40.6035, and 8501.31.8000.<sup>7</sup> These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the order is dispositive.

#### **IV. Discussion of Comment**

##### **Comment: Rate Applicable to Sunrise Global Solar Energy**

###### *SAS-SEC's Comments*

- The record of this review shows that Sunrise Global Solar Energy merged with Sino-American Silicon Products Inc. effective August 1, 2014.<sup>8</sup>
- Since the first administrative review of this proceeding, Commerce has considered Sunrise Global Solar Energy to be part of the SAS-SEC collapsed entity.<sup>9</sup>
- In the *Preliminary Results*, Commerce assigned the review-specific average rate of 4.39 percent to Sunrise Global Solar Energy, rather than the 1.00 percent rate calculated for SAS-SEC. It appears that Commerce inadvertently overlooked this issue when it assigned Sunrise Global Solar Energy the review-specific average rate in the *Preliminary Results*.<sup>10</sup>

We received no other comments on this issue.

**Commerce Position:** We disagree with SAS-SEC that Commerce currently considers Sunrise Global Solar Energy to be part of the SAS-SEC collapsed entity. In the first administrative review of this proceeding, Commerce did collapse SAS-SEC and Sunrise Global Solar Energy, but only for a single day, the first day of the POR (*i.e.* July 31, 2014).<sup>11</sup> As SAS-SEC explained in the first administrative review, and Commerce found, after July 31, 2014, Sunrise Global Solar Energy ceased to exist.<sup>12</sup> Further, if a company named Sunrise Global Solar Energy currently exists, it cannot be the same entity that Commerce collapsed with SAS-SEC in the first

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<sup>7</sup> On August 7, 2018, Commerce added the following HTSUS numbers to the ACE Case Reference File to reflect 2018 HTSUS updates at the request of U.S. Customs and Border Protection (CBP): 8541.40.6015, 8541.40.6035. On November 7, 2018, Commerce added the following HTSUS numbers to the ACE Case Reference File to reflect 2018 HTSUS updates at the request of CBP: 8541.40.6025.

<sup>8</sup> See SAS-SEC Case Brief at 1.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.*

<sup>11</sup> See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2014-2016*, 82 FR 31555 (July 7, 2017) and the accompanying IDM at Comment 3.

<sup>12</sup> *Id.*

administrative review, because that entity no longer exists.<sup>13</sup> Accordingly, for the final results, we have assigned a margin of 4.39 percent to Sunrise Global Solar Energy, the rate calculated for all companies not individually examined in this administrative review.

**V. Recommendation**

We recommend adopting the above position. If this recommendation is accepted, we will publish the final results in the *Federal Register*.



Agree



Disagree

8/5/2019

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Signed by: JEFFREY KESSLER

Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

<sup>13</sup> *Id.* (“For the reasons noted above, we collapsed SAS-Solartech with Sunrise Global and assigned SAS-Solartech’s assessment rate to all entries made by Sunrise Global during the POR in these final results. However, the cash deposit will remain specific to SAS-Solartech, given the fact that Sunrise Global ceased to exist after its merger with SAS on August 1, 2014.”)