



A-583-853
Administrative Review
POR: 02/01/2018 – 01/31/2019
Public Document
E&C/OIV: Team

December 16, 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: Decision Memorandum for the Preliminary Results of the 2018-
2019 Antidumping Duty Administrative Review: Certain
Crystalline Silicon Photovoltaic Products from Taiwan

I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on certain crystalline silicon photovoltaic products (solar products) from Taiwan covering the period of review (POR) February 1, 2018 through January 31, 2019.¹ This administrative review covers 36 respondents. We preliminarily determine that companies subject to this review made sales of the subject merchandise in the United States at prices below normal value (NV) during the POR.

II. BACKGROUND

On February 8, 2019, Commerce published a notice of opportunity to request an administrative review of the *Order* for the 2018-2019 review period.² On February 28, 2019, Commerce received timely requests to conduct an administrative review from Mega Sunergy Co., Ltd.,³

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 18777 (May 2, 2019) (*Initiation Notice*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 2816 (February 8, 2019).

³ See Mega Sunergy Co., Ltd.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan, Case No. A-583-853, Request for Administrative Review," dated February 28, 2019.



EEPV Corp.,⁴ Inventec Solar Energy Corporation,⁵ E-TON Solar Tech. Co., Ltd.,⁶ KOOTATU Tech. Corp.,⁷ Lof Solar Corp.,⁸ Ming Hwei Energy Co., Ltd.,⁹ United Renewable Energy Co., Ltd.,¹⁰ Neo Solar Power Corporation,¹¹ Gintech Energy Corporation,¹² Solartech Energy Corporation,¹³ Win Win Precision Technology Co., Ltd.,¹⁴ Canadian Solar International Limited,¹⁵ the petitioner,¹⁶ and Suniva Inc.¹⁷ On May 2, 2019, we published a notice initiating an AD administrative review of solar products from Taiwan covering 36 respondents.¹⁸

⁴ See EEPV Corp.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan- Request for Administrative Review," dated February 28, 2019.

⁵ See Inventec Solar Energy Corporation's Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Request for Administrative Review," dated February 28, 2019.

⁶ See E-TON Solar Tech. Co., Ltd.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Request for Administrative Review," dated February 28, 2019.

⁷ See KOOTATU Tech. Corp.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

⁸ See Lof Solar Corp.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

⁹ See Ming Hwei Energy Co., Ltd.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

¹⁰ See United Renewable Energy Co., Ltd.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ See Win Win Precision Technology Co., Ltd.'s Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

¹⁵ See Canadian Solar International Limited's Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan, Case No. A-583-853: Request for Administrative Review – 2018-2019 Review Period," dated February 28, 2019.

¹⁶ The petitioner in this proceeding is SolarWorld Americas Inc.; on June 3, 2019, SolarWorld Americas Inc. notified Commerce that it was purchased by Sunpower Corporation, and that it is now SunPower Manufacturing Oregon, LLC. The petitioners requested that Commerce conduct administrative reviews of the sales of subject merchandise of 33 producers and/or exporters: AU Optronics Corporation, Baoding Jiasheng Photovoltaic Technology Co. Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co. Ltd., Boviet Solar Technology Co., Ltd., Canadian Solar Inc., Canadian Solar International Limited, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., Canadian Solar Solutions Inc., EEPV Corp., E-TON Solar Tech. Co., Ltd., Gintech Energy Corporation, Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Inventec Energy Corporation, Inventec Solar Energy Corporation, Kyocera Mexicana S.A. de C.V., Lixian Yingli New Energy Resources Co., Ltd., Motech Industries, Inc., Neo Solar Power Corporation, Shenzhen Yingli New Energy Resources Co., Ltd., Sino-American Silicon Products Inc. and Solartech Energy Corporation, Sunengine Corporation Ltd., Sunrise Global Solar Energy, Tianjin Yingli New Energy Resources Co., Ltd., TSEC Corporation, United Renewable Energy Co., Ltd., Vina Solar Technology Co., Ltd., Win Win Precision Technology Co., Ltd., Yingli Energy (China) Co., Ltd., Yingli Green Energy International Trading Company Limited. See Petitioners' Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019.

¹⁷ See Suniva Inc.'s Letter, "Crystalline Silicon Photovoltaic Products from Taiwan; Request for Administrative Review," dated February 28, 2019. Suniva requested review of the same companies requested by the petitioner, and also Mega Sunergy Co., Ltd.

¹⁸ The *Initiation Notice* listed 40 companies in this administrative review. However, (1) Commerce collapsed Sino-American Silicon Products Inc. and Solartech Energy Corp. in the 2014-2016 administrative review of the order (See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review*; 2014-2016, 82 FR 31555 (July 7, 2017)); (2) Commerce listed "EEPV CORP." and "EEPV

On May 2, 2019, we released U.S. Customs and Border Protection (CBP) data for U.S. imports of solar products from Taiwan, for comments regarding respondent selection.¹⁹ We received no comments. On May 17, 2019, we selected two mandatory respondents, Motech Industries Inc. (Motech), and the collapsed entity that combined Sino-American Silicon Products Inc. and Solartech Energy Corp entity (SAS-SEC).²⁰ On May 20, 2019, we issued the initial AD questionnaire to the mandatory respondents Motech and SAS-SEC. On May 22, 2019, Suniva withdrew its review request for all of the companies in its initial request, all of which were covered by other review requests. On May 31, 2019, AU Optronics Corporation, Vina Solar Technology Co. Ltd, Canadian Solar Inc., Canadian Solar International Limited, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc. timely filed letters certifying that they did not ship subject merchandise to the United States during the POR.²¹ On June 17, 2019, Motech responded to the initial AD questionnaire in a letter stating that it did not ship subject merchandise to the United States during the POR, and without U.S. sales, there can be no defined window period for home market sales reporting, and no CONNUM-specific costs, as defined in the initial AD questionnaire.²² During June 2019, SAS-SEC provided timely responses to the relevant sections of the initial AD questionnaire.²³ Between April 2019 and October 2019, we issued supplemental questionnaires to SAS-SEC, and SAS-SEC provided timely responses, as requested.²⁴

Corp.” which refer to the same company; (3) Canadian Solar International, Ltd. and Canadian Solar International Limited refer to the same company; (4) Canadian Solar Solution Inc. is an erroneous spelling of Canadian Solar Solutions Inc. Regarding Canadian Solar International Limited and Canadian Solar Solutions Inc., *see* Canadian Solar et al.’s Letter, “Crystalline Silicon Photovoltaic Products from Taiwan, Case No. A-583-853: No Shipment Letter,” dated May 31, 2019 (Canadian Solar No Shipments Letter) at footnote 1.

¹⁹ *See* Memorandum, “Certain Crystalline Silicon Photovoltaic Products from Taiwan: Release of Customs and Border Protection Data,” dated May 2, 2019 (CBP Data Memorandum).

²⁰ *See* Memorandum, “2018-2019 Antidumping Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from Taiwan: Respondent Selection,” dated May 17, 2019.

²¹ *See* Letters from AU Optronics Corporation, Vina Solar Technology Co. Ltd, and Canadian Solar Inc., dated May 31, 2019.

²² *See* Motech’s Letter, “Certain Crystalline Silicon Photovoltaic Products from Taiwan: Response to May 20, 2019 Questionnaire,” dated June 17, 2019.

²³ *See* SAS-SEC’s Letters, “Certain Crystalline Silicon Photovoltaic Products from Taiwan, SAS-Solartech’s Section A Questionnaire Response,” dated June 17, 2019 (SAS-SEC’s AQR); “Certain Crystalline Silicon Photovoltaic Products from Taiwan, SAS-Solartech’s Sections B, C and D Questionnaire Response,” dated July 10, 2019 (SAS-SEC’s BCDQR), and “Certain Crystalline Silicon Photovoltaic Products from Taiwan: SAS-Solartech’s Section A Responses – Financial Statement Translations,” dated June 24, 2019.

²⁴ *See* SAS-SEC’s Letters, “Certain Crystalline Silicon Photovoltaic Products from Taiwan: SAS-Solartech’s Supplemental Questionnaire Responses,” dated September 6, 2019 (SAS-SEC’s A SQR); “Certain Crystalline Silicon Photovoltaic Products from Taiwan: SAS-Solartech’s Supplemental Questionnaire Response,” dated September 13, 2019, Certain Crystalline Silicon Photovoltaic Products from Taiwan: SAS-Solartech’s Supplemental Questionnaire Responses,” dated October 8, 2019 (SAS-SEC’s 2BCD SQR), and “Certain Crystalline Silicon Photovoltaic Products from Taiwan: SAS-Solartech’s Supplemental Questionnaire Responses,” dated November 12, 2019.

On October 30, 2019, we extended the preliminary results of this review to no later than December 5, 2019.²⁵ On December 5, 2019, we extended the preliminary results of this review to no later than December 17, 2019.²⁶

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 10,000mm² 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 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).²⁷ Also excluded from 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, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS

²⁵ See Memorandum, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review," dated October 30, 2019.

²⁶ See Memorandum, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review," dated December 5, 2019.

²⁷ 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).

subheadings are provided for convenience and customs purposes; the written description of the scope of the order is dispositive.

IV. COMPANIES NOT SELECTED FOR INDIVIDUAL EXAMINATION

After respondent selection, there are 28 companies that are unexamined or non-selected respondents. These 28 companies are Baoding Jiasheng Photovoltaic Technology Co. Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co. Ltd., Boviet Solar Technology Co., Ltd., Canadian Solar Solutions Inc., EEPV Corp., E-TON Solar Tech. Co., Ltd., Gintech Energy Corporation, Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Inventec Energy Corporation, Inventec Solar Energy Corporation, KOOTATU Tech. Corp., Kyocera Mexicana S.A. de C.V., Lixian Yingli New Energy Resources Co., Ltd., Lof Solar Corp., Mega Sunergy Co., Ltd., Ming Hwei Energy Co., Ltd., Neo Solar Power Corporation, Shenzhen Yingli New Energy Resources Co., Ltd., Sunengine Corporation Ltd., Sunrise Global Solar Energy, Tianjin Yingli New Energy Resources Co., Ltd., TSEC Corporation, United Renewable Energy Co., Ltd., Win Win Precision Technology Co., Ltd., Yingli Energy (China) Co., Ltd., and Yingli Green Energy International Trading Company Limited. None of these 28 companies: (1) was selected as a mandatory respondent;²⁸ (2) was the subject of a withdrawal of request for review;²⁹ (3) requested to participate as a voluntary respondent; or (4) submitted a claim of no shipments. As such, these 28 companies remain as unexamined respondents.

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act). Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies that were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

In this review, we have preliminarily calculated a weighted-average dumping margins for SAS-SEC that is not zero, *de minimis*, or determined entirely on the basis of facts available.

²⁸ See Respondent Selection Memorandum.

²⁹ We note that on August 1, 2019, the petitioner attempted to withdraw its requests for review of Gintech Energy Corporation, Neo Solar Power Corporation, SAS-SEC, and United Renewable Energy Co., Ltd. However, the petitioner's withdrawal letter was not filed timely. See Petitioner's Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Request for Permission to File and Withdrawal of Request for Administrative Review, dated August 1, 2019. Gintech Energy Corporation, Neo Solar Power Corporation, Solartech Energy Corporation, and United Renewable Energy Co., Ltd. had timely filed a letter withdrawing their requests for review a day earlier, but the petitioner's filing missed the 90-day deadline by one day, pursuant to 19 CFR 351.213(d)(1).

Accordingly, we have preliminarily assigned to the 28 companies not individually examined in this review SAS-SEC's margin, 2.57 percent.³⁰

V. PRELIMINARY DETERMINATION OF NO SHIPMENTS

Seven companies filed timely statements reporting that they made no shipments of subject merchandise to the United States during the POR, including the selected mandatory respondent Motech.³¹ On June 4, 2019, Commerce requested five sets of entry documents pertaining to Motech, which had been listed in the CBP Data Memorandum.³² On July 5, 2019, Commerce placed the requested entry documents on the record.³³ On July 22, 2019, Motech commented on the entry documents, stating that the documentation is consistent with its claim that it had no sales of subject merchandise to the United States during the POR.³⁴ On August 5, 2019, Commerce issued a no-shipment inquiry to CBP requesting that it review these no-shipment claims of AU Optronics Corporation, Canadian Solar Inc., Canadian Solar International Ltd., Canadian Solar Manufacturing (Changshu) Inc., Canadian Solar Manufacturing (Luoyang) Inc., Canadian Solar Solution Inc., and Vina Solar Technology Co., Ltd. CBP responded with certain information concerning the no-shipment claims of one company.³⁵ On September 5, 2019, we requested entry documents pertaining to this company,³⁶ and we received the documentation on October 28, 2019.³⁷ On November 4, 2019, Canadian Solar Inc., Canadian Solar International Ltd., Canadian Solar Manufacturing (Changshu) Inc., Canadian Solar Manufacturing (Luoyang) Inc., and Canadian Solar Solutions Inc., commented on these entry documents, stating that the documentation is consistent with its claim that it had no sales of subject merchandise to the

³⁰ See Memorandum, "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Preliminary Analysis Memorandum for Sino-American Silicon Products Inc., Solartech Energy Corporation, and Sunshine PV Corp." dated concurrently with this memorandum (SAS-SEC's Preliminary Analysis Memorandum).

³¹ See certifications of no shipments filed by AU Optronics Corporation (AU Certification), Canadian Solar Inc., Canadian Solar International Limited, Canadian Solar Manufacturing (Changshu) Inc., Canadian Solar Manufacturing (Luoyang) Inc. and Vina Solar Technology Co., Ltd. (Vina Certification), dated May 31, 2019 (Canadian Solar Certification). Regarding Motech Industries Ltd., see Letter from Motech Industries Ltd., "Certain Crystalline Silicon Photovoltaic Products from Taiwan: Response to May 20, 2019 Questionnaire," dated June 17, 2019 (Motech Certification).

³² See Memorandum, "Request for U.S. Entry Documents - Certain Crystalline Silicon Photovoltaic Products from Taiwan (A-583-853)," dated June 4, 2019.

³³ See Memorandum, "Release of U.S. Customs and Border Protection Information Relating to Motech Industries Inc. in the 2018-2019 Certain Crystalline Silicon Photovoltaic Products from Taiwan," dated July 15, 2019 (Motech Entries).

³⁴ See Motech's Letter "Certain Crystalline Silicon Photovoltaic Products from Taiwan – Comments on CBP Entry Documentation," dated July 22, 2019.

³⁵ See Memorandum, "No shipment inquiry with respect to the companies below during the period 2/01/2018 through 1/31/2019," dated August 26, 2019.

³⁶ See Memorandum, "Request for U.S. Entry Documents - Certain Crystalline Silicon Photovoltaic Products from Taiwan (A-583-853)," dated September 5, 2019.

³⁷ See Memorandum, "Release of U.S. Customs and Border Protection Information Relating to September 5, 2019 Entry Document Request in the 2018-2019 Certain Crystalline Silicon Photovoltaic Products from Taiwan," dated October 28, 2019 (Canadian Solar Entries).

United States during the POR.³⁸ Based on the certifications submitted by these companies³⁹ and our analysis of CBP information,⁴⁰ we preliminarily determine that these seven companies had no shipments during the POR. Because these companies certified that they made no shipments of subject merchandise to the United States during the POR, and the information from CBP does not contradict their claims, we preliminarily determine that these companies did not have any reviewable transactions during the POR. Consistent with Commerce's practice, we will not rescind the review, but, rather, will complete the review and issue instructions to CBP based on the final results.⁴¹

VI. DISCUSSION OF THE METHODOLOGY

We are conducting this administrative review of the order in accordance with section 751(a) of the Act and 19 CFR 351.213.

A. *Collapsing of Affiliated Companies*

As noted above, Sino-American Silicon Products Inc. and Solartech Energy Corporation were collapsed and treated as a single entity during the first administrative review (*i.e.*, SAS-SEC). In the final results of the third administrative review of this proceeding, we included Sunshine PV Corporation in the SAS-SEC entity.⁴² SAS-SEC reported that on October 1, 2018, Solartech Energy Corporation merged with Gintech Energy Corporation and Neo Solar Power Corporation, and thus Solartech Energy Corporation ceased to exist on that date.⁴³ Sunshine PV Corporation also ceased business operations at the same time.⁴⁴ Thus, we find that the facts supporting Commerce's prior collapsing analysis remained in effect for the portion of the POR in which the single entity of Sino-American Silicon Products Inc., Solartech Energy Corporation, and Sunshine PV Corporation remained in existence.

³⁸ See Letter from Canadian Solar Inc., Canadian Solar International Limited, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang) Inc., Canadian Solar Solutions Inc., and Canadian Solar (USA) Inc., "Crystalline Silicon Photovoltaic Products from Taiwan, Case No. A-583-853: Response to Customs Entry Documentation," dated November 4, 2019.

³⁹ See AU Certification, Canadian Solar Certification, and Vina Certification.

⁴⁰ See Motech Entries and Canadian Solar Entries.

⁴¹ See, *e.g.*, *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306, 51307 (August 28, 2014).

⁴² See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017-2018*, 84 FR 39802 (August 12, 2019) and the accompanying Issues and Decision Memorandum at footnote 4.

⁴³ See SAS-SEC AQR at A-10 (SAS), A-2 (SEC); see also SAS-SEC's Letter, "Certain Crystalline Silicon Photovoltaic Products from Taiwan – Notification of Reporting Issue, dated June 3 2019; see also *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 37836 (August 2, 2019) (Commerce determined that United Renewable Energy Co., Ltd. is the successor-in-interest to Gintech Energy Corporation, Neo Solar Power Corporation, and Solartech Energy Corporation).

⁴⁴ See SAS-SEC's A SQR at 5.

B. *Comparisons to Normal Value*

Pursuant to section 773(a) of the Act and 19 CFR 351.414(c)(1) and (d), in order to determine whether the respondents' sales of the subject merchandise from Taiwan in the United States were made at less than NV, Commerce compared the export price (EP) and/or the constructed export price (CEP) to NV as described in the "Export Price and Constructed Export Price" and "Normal Value" sections of this memorandum.

C. *Determination of the Comparison Method*

Pursuant to 19 CFR 351.414(c)(1), Commerce calculates weighted-average dumping margins by comparing weighted-average NVs to weighted-average EPs or CEPs (*i.e.*, the average-to-average (A-A) method) unless the Secretary determines that another method is appropriate in a particular situation. In less-than-fair-value investigations, Commerce examines whether to compare weighted-average NVs with the EPs or CEPs of individual sales (*i.e.*, the average-to-transaction (A-T) method) as an alternative comparison method using an analysis consistent with section 777A(d)(1)(B) of the Act. Although section 777A(d)(1)(B) of the Act does not strictly govern Commerce's examination of this question in the context of administrative reviews, Commerce nevertheless finds that the issue arising under 19 CFR 351.414(c)(1) in administrative reviews is, in fact, analogous to the issue in less-than-fair-value investigations.⁴⁵

In recent investigations, Commerce applied a "differential pricing" analysis for determining whether application of the average-to-transaction method is appropriate in a particular situation pursuant to 19 CFR 351.414(c)(1) and section 777A(d)(1)(B) of the Act.⁴⁶ Commerce finds that the differential pricing analysis used in recent investigations may be instructive for purposes of examining whether to apply an alternative comparison method in this administrative review. Commerce will continue to develop its approach in this area based on comments received in this and other proceedings, and on Commerce's additional experience with addressing the potential masking of dumping that can occur when Commerce uses the average-to-average method in calculating a respondent's weighted-average dumping margin.

The differential pricing analysis used in these preliminary results examines whether there exists a pattern of export prices (or CEPs) for comparable merchandise that differ significantly among purchasers, regions, or time periods. The analysis evaluates all export sales by purchasers, regions, and time periods to determine whether a pattern of prices that differ significantly exists. If such a pattern is found, then the differential pricing analysis evaluates whether such

⁴⁵ See *Ball Bearings and Parts Thereof from France, Germany, and Italy: Final Results of Antidumping Duty Administrative Reviews; 2010-2011*, 77 FR 73415 (December 10, 2012), and accompanying IDM at Comment 1; see also *JBF RAK LLC v. United States*, 790 F. 3d 1358, 1363-65 (Fed. Cir. 2015) ("the fact that the statute is silent with regard to administrative reviews does not preclude Commerce from filling gaps in the statute to properly calculate and assign antidumping duties.") (citations omitted); and *Apex Frozen Foods Private Ltd. v. United States*, 37 F. Supp. 3d 1286 (CIT 2014).

⁴⁶ See, e.g., *Xanthan Gum from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 78 FR 33351 (June 4, 2013); see also *Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 79 FR 54967 (September 15, 2014), or *Welded Line Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 80 FR 61362 (October 13, 2015).

differences can be taken into account when using the average-to-average method to calculate the weighted-average dumping margin. The analysis incorporates default group definitions for purchasers, regions, time periods, and comparable merchandise. Purchasers are based on the reported consolidated customer codes. Regions are defined using the reported destination code, *i.e.*, zip code, and are grouped into regions based upon standard definitions published by the U.S. Census Bureau. Time periods are defined by the quarter within the POR based upon the reported date of sale. For purposes of analyzing sales transactions by purchaser, region, and time period, comparable merchandise is defined using the product control number and all characteristics of the U.S. sales, other than purchaser, region, and time period, that Commerce uses in making comparisons between EP or CEP and NV for the individual dumping margins.

In the first stage of the differential pricing analysis used here, the “Cohen’s *d* test” is applied. The Cohen’s *d* coefficient is a generally recognized statistical measure of the extent of the difference between the mean, *i.e.*, weighted-average price, of a test group and the mean, *i.e.*, weighted-average price, of a comparison group. First, for comparable merchandise, the Cohen’s *d* coefficient is calculated when the test and comparison groups of data for a particular purchaser, region, or time period each have at least two observations, and when the sales quantity for the comparison group accounts for at least five percent of the total sales quantity of the comparable merchandise. Then, the Cohen’s *d* coefficient is used to evaluate the extent to which the prices to the particular purchaser, region, or time period differ significantly from the prices of all other sales of comparable merchandise. The extent of these differences can be quantified by one of three fixed thresholds defined by the Cohen’s *d* test: small, medium or large (0.2, 0.5, and 0.8, respectively). Of these thresholds, the large threshold provides the strongest indication that there is a significant difference between the mean of the test and comparison groups, while the small threshold provides the weakest indication that such a difference exists. For this analysis, the difference is considered significant, and the sales in the test group are found to pass the Cohen’s *d* test, if the calculated Cohen’s *d* coefficient is equal to or exceeds the large, *i.e.*, 0.8, threshold.

Next, the “ratio test” assesses the extent of the significant price differences for all sales as measured by the Cohen’s *d* test. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s *d* test account for 66 percent or more of the value of total sales, then the identified pattern of prices that differ significantly supports the consideration of the application of the average-to-transaction method to all sales as an alternative to the average-to-average method. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s *d* test accounts for more than 33 percent and less than 66 percent of the value of total sales, then the results support consideration of the application of an average-to-transaction method to those sales identified as passing the Cohen’s *d* test as an alternative to the average-to-average method, and application of the average-to-average method to those sales identified as not passing the Cohen’s *d* test under the “mixed method.” If 33 percent or less of the value of total sales passes the Cohen’s *d* test, then the results of the Cohen’s *d* test do not support consideration of an alternative to the average-to-average method.

If both tests in the first stage, *i.e.*, the Cohen’s *d* test and the ratio test, demonstrate the existence of a pattern of prices that differ significantly such that an alternative comparison method should be considered, then in the second stage of the differential pricing analysis, Commerce examines whether using only the average-to-average method can appropriately account for such

differences. In considering this question, Commerce tests whether using an alternative comparison method, based on the results of the Cohen's *d* and ratio tests described above, yields a meaningful difference in the weighted-average dumping margin as compared to that resulting from the use of the average-to-average method only. If the difference between the two calculations is meaningful, then this demonstrates that the average-to-average method cannot account for differences such as those observed in this analysis, and, therefore, an alternative comparison method would be appropriate. A difference in the weighted-average dumping margins is considered meaningful if (1) there is a 25 percent relative change in the weighted-average dumping margins between the average-to-average method and the appropriate alternative method where both rates are above the *de minimis* threshold, or (2) the resulting weighted-average dumping margins between the average-to-average method and the appropriate alternative method move across the *de minimis* threshold.

Interested parties may present arguments and justifications in relation to the above-described differential pricing approach used in these preliminary results, including arguments for modifying the group definitions used in this segment of the proceeding.⁴⁷

D. *Results of the Differential Pricing Analysis*

For SAS-SEC, based on the results of the differential pricing analysis, we preliminarily find that 51.43 percent of the value of U.S. sales pass the Cohen's *d* test,⁴⁸ and confirms the existence of a pattern of prices that differ significantly among purchasers, regions, or time periods. Further, Commerce preliminarily determines that the A-A method cannot account for such differences, because the weighted-average margin crosses the *de minimis* threshold when calculated using the A-A method and when calculated using an alternative comparison method based on applying the A-T method to those U.S. sales which passed the Cohen's *d* test and the A-A method to those sales which did not pass the Cohen's *d* test. Thus, for these preliminary results, we are applying the A-T method to those U.S. sales which passed the Cohen's *d* test and the A-A method to those sales which did not pass the Cohen's *d* test to calculate the weighted-average dumping margin for SAS-SEC.

VII. DATE OF SALE

Section 351.401(i) of Commerce's regulations states that, in identifying the date of sale of the subject merchandise or foreign like product, Commerce normally will use the date of invoice, as recorded in the exporter or producer's records kept in the ordinary course of business. Additionally, Commerce may use a date other than the date of invoice if it is satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale. Finally, Commerce has a long-standing practice of finding that, where the shipment date precedes the invoice date, the shipment date better reflects the date on which the material terms of sale are established.

⁴⁷ The Court of Appeals for the Federal Circuit (CAFC) in *Apex Frozen Foods v. United States*, 862 F. 3d 1322 (Fed. Cir. July 12, 2017) affirmed much of Commerce's differential pricing methodology. We ask that interested parties present only arguments on issues which have not already been decided by the CAFC.

⁴⁸ See SAS-SEC's Preliminary Analysis Memorandum at 7.

SAS-SEC reported the earlier of the date of invoice or the date of shipment as the date of sale for its home market and U.S. sales.⁴⁹ Further, we found that the date of sale reported in SAS-SEC's home market and U.S. sales databases comported with the reporting methodology provided in its narrative. Therefore, we preliminarily determine to use SAS-SEC's reported date of sale as the date of sale for SAS-SEC's home market and U.S. sale transactions.

VIII. PRODUCT COMPARISONS

In accordance with section 771(16) of the Act, we considered all products that respondents produced and sold in Taiwan during the POR that fit the description in the "Scope of Order" section of this memorandum to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales.

In making product comparisons, we matched subject merchandise and foreign like product based on whether the products were prime or non-prime and the physical characteristics reported by SAS-SEC in the following order of importance: Product Form, Crystal/Dopant Type, Total Power Output, Frame Form, Cell Technology, Cell Backing, Backing Material, Front Material, Junction Box, Inverter, and Battery⁵⁰ For the respondents' sales of solar products in the United States, the reported control number identifies the characteristics of solar products, as exported by SAS-SEC. Regarding prime and non-prime products, SAS-SEC reported that a certain type of its downgraded products have only minor cosmetic defects and are used for the same end use application as the prime grade products, *i.e.*, in the construction of modules.⁵¹ However, SAS-SEC reported that other downgraded products cannot be used for the same end use application as the prime grade products, but rather are used in individual cell applications (*e.g.*, hobby applications, etc.).⁵² Commerce has a standard practice for instances in which downgraded product cannot be used for the same applications as the prime product, and the downgraded product's market value is significantly impaired. In such instances, Commerce's practice is to separate prime and non-prime comparison market sales when performing our standard cost test, and include non-prime sales that pass the cost test in the margin calculation by attempting to match these sales to non-prime sales in the U. S. market.⁵³ Because the record reflects that SAS-SEC products can be categorized as prime and non-prime using these criteria, we will separate the sales of these different grades into prime and non-prime sale categories on this basis.⁵⁴

⁴⁹ See SAS-SEC's BCDQR at B-25, C-21 (SAS) and B-26, C-21 (Solartech).

⁵⁰ See SAS-SEC's Preliminary Analysis Memorandum at 9, and Attachment B, page 11.

⁵¹ See SAS-SEC's 2BCD SQR at 1-2 (SAS), 1-2 (SEC).

⁵² *Id.*

⁵³ See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review*; 2016-2017, 83 FR 30401 (June 28, 2018) and the accompanying Issues and Decision Memorandum at Comment 4.

⁵⁴ See SAS-SEC's Preliminary Analysis Memorandum at 8.

IX. EXPORT PRICE

Export Price

Section 772(a) of the Act defines EP as “the price at which subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States,” as adjusted under section 772(c) of the Act.

We calculated EP for SAS-SEC based on packed prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for movement expenses, *i.e.*, inland freight to the port of exportation, brokerage and handling in country of manufacture, and international freight, in accordance with section 772(c)(2)(A) of the Act.⁵⁵

X. NORMAL VALUE

A. *Home Market Viability*

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we normally compare the respondent’s volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with sections 773(a)(1)(A) and (B) of the Act. If we determine that no viable home market exists, we may, if appropriate, use a respondent’s sales of the foreign like product to a third-country market as the basis for comparison market sales in accordance with section 773(a)(1)(C) of the Act and 19 CFR 351.404.

In order to determine whether there was a sufficient volume of sales in the home market or in the third country to serve as a viable basis for calculating NV, we compared SAS-SEC’s volume of home-market sales of the foreign like product to the respective volume of U.S. sales of the subject merchandise in accordance with sections 773(a)(1)(B) and (C) of the Act. We found that SAS-SEC’s individual aggregate sales volume of foreign like product in the home market was greater than five percent of the respective company’s sales of subject merchandise to the United States.⁵⁶ Therefore, in accordance with section 773(a)(1)(C) of the Act, Taiwan constitutes a viable home market for SAS-SEC. Accordingly, Taiwan was selected for SAS-SEC as the comparison market for purposes of analysis in this review.

B. *Affiliated-Party Transactions and Arm’s-Length Test*

Commerce may calculate NV based on a sale to an affiliated party only if it is satisfied that the price to the affiliated party is comparable to the price at which sales are made to parties not

⁵⁵ See SAS-SEC’s Preliminary Analysis Memorandum at 5-6.

⁵⁶ See SAS-SEC’s AQR at Exhibit A-1 (SAS) and Exhibit A-1 (SEC).

affiliated with the exporter or producer, *i.e.*, sales were made at arm's-length prices.⁵⁷ Commerce excludes home-market sales to affiliated customers that are not made at arm's-length prices from our margin analysis because Commerce considers them to be outside the ordinary course of trade.⁵⁸ Consistent with 19 CFR 351.403(c) and (d) and our practice, “{Commerce} may calculate normal value based on sales to affiliates if satisfied that the transactions were made at arm's length.”⁵⁹

During the POR, SAS-SEC made sales of solar products in Taiwan to affiliated parties, as defined in section 771(33) of the Act. Consequently, we tested these sales to ensure that they made such sales at arm's-length prices in accordance with 19 CFR 351.403(c). To test whether SAS-SEC made sales to affiliated parties at arm's-length prices, we compared the unit prices of sales to affiliated and unaffiliated customers net of all direct selling expenses and packing. Pursuant to 19 CFR 351.403(c) and in accordance with Commerce's practice, where the price to an affiliated party was, on average, within a range of 98 to 102 percent of the price of the same or comparable merchandise sold to the unaffiliated parties at the same level of trade (LOT), we determined that the sales made to the affiliated party were at arm's length.⁶⁰ Sales to affiliated customers in the home market that were not made at arm's-length prices were excluded from our analysis because we consider these sales to be outside the ordinary course of trade.⁶¹

C. *Level of Trade*

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, we will calculate NV based on sales of foreign like products at the same LOT as the U.S. sales. Sales are made at different LOTs if they are made at different marketing stages (or their equivalent).⁶² Substantial differences in selling activities are a necessary, but not a sufficient, condition for determining that there is a difference in the stages of marketing.⁶³ To determine whether the comparison-market sales were at different stages in the marketing process than the U.S. sales, we reviewed the distribution system in each market (*i.e.*, chain of distribution), including selling functions, class of customer (customer category), and the level of selling expenses for each type of sale.

⁵⁷ See 19 CFR 351.403(c).

⁵⁸ See section 773(a)(5) of the Act; see also *NTN Corp. v. United States*, 306 F. Supp. 2d 1319, 1332 (CIT 2004) (affirming Commerce's discretion to apply the arm's-length test to determine whether to exclude certain home market sales to affiliated parties in the NV calculation).

⁵⁹ See *China Steel Corp. v. United States*, 264 F. Supp. 2d 1339, 1365 (CIT 2003) (affirmed on remand, 306 F. Supp. 2d 1291 (CIT 2004) (citing *Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 55352, 55355 (September 7, 2011)).

⁶⁰ See *Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186, 69187 (November 15, 2002).

⁶¹ See section 771(15) of the Act; see also 19 CFR 351.102(b)(35).

⁶² See 19 CFR 351.412(c)(2).

⁶³ *Id.*; see also *Notice of Final Determination of Sales at Less Than Fair Value Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731, 61732 (November 19, 1997).

Pursuant to section 773(a)(1)(B)(i) of the Act, in identifying LOTs for EP and comparison market sales (*i.e.*, NV based on either home market or third country prices),⁶⁴ we consider the starting prices before any adjustments. For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act.⁶⁵

Pursuant to section 773(a)(7)(A) of the Act, when we are unable to match U.S. sales of the foreign like product in the comparison market at the same LOT as the EP or CEP, Commerce may compare the U.S. sale to sales at a different LOT in the comparison market. In comparing EP or CEP sales at a different LOT in the comparison market, where available data make it possible, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales only, if the NV LOT is at a more advanced stage of distribution than the LOT of the CEP and there is no basis for determining whether the difference in LOTs between NV and CEP affects price comparability (*i.e.*, no LOT adjustment is possible), Commerce will grant a CEP offset, as provided in section 773(a)(7)(B) of the Act.⁶⁶

SAS reported that it made sales through three channels of distribution in both the home market and U.S. market,⁶⁷ and SEC made sales through one channel of distribution in both the home market and U.S. market.⁶⁸ Although SAS-SEC collectively reported more than one channel of distribution in both the U.S. market and the home market, SAS-SEC reported no differences in levels of trade between those channels of distribution and did not claim to have different LOTs.⁶⁹

Because we determine that substantial differences in SAS-SEC's selling activities do not exist between the home market sales channels, we determine that SAS-SEC's sales in the home market during the POR were made at the same LOT. Further, because we determine that substantial differences in SAS-SEC's selling activities do not exist between the U.S. market sales channels, we determine that SAS-SEC's sales in the U.S. market during the POR were made at the same LOT.

Finally, we compared the U.S. LOT to the home market LOT, and found that the selling functions SAS-SEC performed for its U.S. and home market customers do not differ significantly.⁷⁰ Specifically, SAS-SEC performed the same selling functions in the home market, which are grouped in one LOT, as it performed in the U.S. market, which are also grouped in one LOT, at similar levels of intensity. Thus, we preliminarily determine that SAS-SEC's U.S. sales and home market sales during the POR were made at the same LOT and, as a result, no LOT adjustment pursuant to section 773(a)(7)(A) is warranted.

⁶⁴ Where NV is based on constructed value (CV), we determine the NV LOT based on the LOT of the sales from which we derive selling, general, and administrative expenses and profit for CV, where possible. *See* 19 CFR 351.412(c)(1).

⁶⁵ *See Micron Tech., Inc. v. United States*, 243 F. 3d 1301, 1314-16 (Fed. Cir. 2001).

⁶⁶ *See, e.g., Certain Orange Juice from Brazil: Final Results of Antidumping Duty Administrative Review and Notice of Intent Not to Revoke Antidumping Duty Order in Part*, 75 FR 50999 (August 18, 2010), and accompanying IDM at Comment 7.

⁶⁷ *See* SAS-SEC's AQR at A-42 and Exhibit A-9 (SAS).

⁶⁸ *See* SAS-SEC's AQR at A-20 and Exhibit A-9 (SEC).

⁶⁹ *See* SAS-SEC's AQR at A-20 (SAS) and A-20 (SEC).

⁷⁰ *See* SAS-SEC's AQR at Exhibit A-8 (SAS) and Exhibit A-8 (SEC).

D. *Cost of Production Analysis*

Section 773(b)(2)(A)(ii) of the Act controls all determinations in which the complete initial questionnaire has not been issued as of August 6, 2015. It requires Commerce to request CV and cost of production (COP) information from respondent companies in all AD proceedings.⁷¹ Accordingly, Commerce requested this information from each of the respondents.

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of costs of materials and fabrication for the foreign like product, plus amounts for general and administrative (G&A) expenses and interest expenses.⁷²

We examined SAS-SEC's cost data and determined that our quarterly cost methodology is not warranted. Therefore, we have applied our standard methodology of using annual average costs based on SAS-SEC's cost reported data, except that we re-allocated the total reported cost of manufacturing for the POR to each model to reflect other off-grade products at reduced value.⁷³ Additionally, we limited SAS-SEC's scrap offsets to an amount reflecting the amount estimated to have been generated during the POR.⁷⁴

2. Test of Comparison Market Sales Prices

On a product-specific basis, pursuant to section 773(b) of the Act, we compared the adjusted weighted-average COPs to the home market sales prices of the foreign like product, in order to determine whether the sales prices were below the COPs. For purposes of this comparison, we used COPs exclusive of selling and packing expenses. The prices were exclusive of any applicable billing adjustments, discounts and rebates, movement charges, actual direct and indirect selling expenses, and packing expenses.

3. Results of the COP Test

In determining whether to disregard home market sales made at prices below the COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether: (1) within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. In accordance with sections 773(b)(2)(B) and (C) of the Act, where less than 20 percent of the respondent's comparison market sales of a given product are at prices less than the COP, we do not disregard any below-cost sales of that product because we determine that in such instances the below-cost sales were not made within an extended period of time and in "substantial quantities." Where 20 percent or more of a respondent's sales of a given product

⁷¹ See *Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015*, 80 FR 46793, 46794-95 (August 6, 2015).

⁷² See SAS-SEC's Preliminary Analysis Memorandum at 8.

⁷³ See *supra*, Part VI. Product Comparison; see also SAS-SEC's Preliminary Analysis Memorandum at 8.

⁷⁴ See SAS-SEC's Preliminary Analysis Memorandum at 9-10.

are at prices less than the COP, we disregard the below-cost sales because: (1) they were made within an extended period of time in “substantial quantities,” in accordance with sections 773(b)(2)(B) and (C) of the Act; and (2) based on our comparison of prices to the weighted-average COPs for the POR, they were at prices which would not permit the recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Where we found that more than 20 percent of a company’s home market sales for a given product were made at prices less than the COP and, in addition, such sales did not provide for the recovery of costs within a reasonable period of time, we excluded these sales and used the remaining sales, if any, as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

E. Calculation of NV Based on Comparison-Market Prices

Commerce based NV for SAS-SEC on comparison market prices where there was an appropriate number of sales at prices above the COP. We calculated NV based on the reported term of sale to unaffiliated and affiliated customers where the sale was made at arm’s length. We made deductions from the starting price for quantity discounts, rebates and movement expenses, including inland freight from the plant to the distribution warehouse, warehousing, and inland freight from the plant or distribution warehouse to the unaffiliated customer in the third country under section 773(a)(6)(B)(ii) of the Act as appropriate. We made adjustments under section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410 for differences in circumstances of sale. Specifically, we deducted direct selling expenses incurred for home market sales, *i.e.*, credit expenses and warranty expenses, and added U.S. direct selling expenses, *i.e.*, credit expenses, commissions, and bank charges where appropriate. We deducted comparison-market packing costs and added U.S. packing costs, in accordance with section 773(a)(6)(A) and (B) of the Act.

When comparing U.S. sales with comparison-market sales of similar, but not identical, merchandise, we also made adjustments for differences in merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. We based this adjustment on the difference in the variable cost of manufacturing for the foreign like products and merchandise under consideration.⁷⁵

XI. CURRENCY CONVERSION

We made currency conversions into U.S. dollars in accordance with section 773A of the Act and 19 CFR 351.415(a), based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. The exchange rates are available on the Enforcement and Compliance website at <http://enforcement.trade.gov/exchange>.

⁷⁵ See 19 CFR 351.411(b).

XII. RECOMMENDATION

We recommend applying the above methodology for these preliminary results.

☒

☐

Agree

Disagree

12/16/2019

X 

Signed by: JEFFREY KESSLER
Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance