



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-979, C-570-980]

### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is revoking, in part, the antidumping duty and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect to certain off-grid small portable crystalline silicon photovoltaic (CSPV) panels as described below.

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

**FOR FURTHER INFORMATION CONTACT:** Jose Rivera, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0842.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On December 7, 2012, Commerce published the antidumping duty and countervailing duty orders on solar cells from China.<sup>1</sup> On June 13, 2023, SOURCE Global, PBC (SOURCE

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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) (*AD Order*); see also *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) (*CVD Order*) (collectively, *Orders*).

Global), an importer of the subject merchandise, requested, through changed circumstances reviews (CCR), revocation of the *Orders*, in part, with respect to certain off-grid small portable CSPV panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).<sup>2</sup> SOURCE Global's CCR request included a letter from the American Alliance for Solar Manufacturing (the Alliance), a coalition of domestic producers of solar cells and petitioner in the underlying investigation, which stated that the Alliance did not oppose SOURCE Global's request for changed circumstances reviews and its proposed exclusion language.<sup>3</sup> On July 31, 2023, we published the notice of initiation of the requested CCRs.<sup>4</sup> In the *Initiation Notice*, we invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language.<sup>5</sup> We received no comments or factual information.

In light of the Alliance's statement of lack of interest in maintaining the *Orders* with respect to the off-grid small portable CSPV panels described by SOURCE Global, and in the absence of any other interested party comments addressing the issue of domestic industry support, Commerce preliminarily found that producers accounting for substantially all of the domestic production of the products to which the *Orders* pertain lack interest in the relief provided by those *Orders* with respect to CSPV panels, and announced its intention to revoke, in part, the *Orders* with respect to these products.<sup>6</sup> On September 18, 2023 we published the *Preliminary Results* and provided interested parties an opportunity to comment and to request a public hearing.<sup>7</sup>

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<sup>2</sup> See SOURCE Global's Letter, "Request for Changed Circumstances Review on Certain Off-Grid Small Portable Panels," dated June 13, 2023 (CCR Request).

<sup>3</sup> *Id.* at Exhibit 15.

<sup>4</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders, in Part*, 88 FR 49448 (July 31, 2023) (*Initiation Notice*).

<sup>5</sup> *Id.*, 88 FR at 49450.

<sup>6</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Antidumping and Countervailing Duty Orders, in Part*, 88 FR 63934 (September 18, 2023) (*Preliminary Results*).

<sup>7</sup> *Id.*, 88 FR at 63936.

On October 16, 2023, Commerce received comments from SOURCE Global and the Alliance.<sup>8</sup> Commerce did not receive any hearing requests.

### **Final Results of Changed Circumstances Reviews and Revocation of the *Orders*, in Part**

In its comments, SOURCE Global agreed with, and supported, Commerce's *Preliminary Results* and requested that Commerce apply a revocation date of December 1, 2021 for the *AD Order* and January 1, 2021 for the *CVD Order*.<sup>9</sup> The Alliance, in its comments, did not oppose Commerce's *Preliminary Results* and supported SOURCE Global's proposed effective dates of revocation of December 1, 2021 for the *AD Order* and January 1, 2021 for the *CVD Order*.<sup>10</sup> Because no party submitted comments opposing the *Preliminary Results* of these CCRs, and the record contains no other information or evidence that call the *Preliminary Results* into question, there is no decision memorandum accompanying this notice and Commerce continues to determine, pursuant to sections 751(d)(1) and 782(h)(2) of the Act and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the *Orders*, in part. Specifically, because producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to the off-grid small portable CSPV panels, as described below, Commerce is revoking the *Orders*, in part, with respect to the following off-grid small portable CSPV panels:

Off-grid crystalline silicon photovoltaic panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

- (A) A total power output of no more than 180 watts per panel at 155 degrees Celsius;
- (B) A surface area of less than 16,000 square centimeters (cm<sup>2</sup>) per panel;
- (C) Include a keep-out area of approximately 1,200 cm<sup>2</sup> around the edges of the

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<sup>8</sup> See SOURCE Global's Letter, "Comments on the Preliminary Results," dated October 16, 2023 (SOURCE Global's Comments); and the Alliance's Letter, "Comments on Preliminary Results," dated October 16, 2023 (Alliance's Comments).

<sup>9</sup> See SOURCE Global's Comments at 5-7.

<sup>10</sup> See Alliance's Comments at 2.

- panel that does not contain solar cells;
- (D) Do not include a built-in inverter;
  - (E) Do not have a frame around the edges of the panel;
  - (F) Include a clear glass back panel;
  - (G) Must include a permanently connected wire that terminates in a two-port rounded rectangular, sealed connector;
  - (H) Include a thermistor installed into the permanently connected wire before the two-port connector; and
  - (I) Include exposed positive and negative terminals at opposite ends of the panel, not enclosed in a junction box.

The scope description will, henceforth, include the exclusion language articulated above.

### **Scope of the *Orders***

The merchandise covered by these *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

These *Orders* cover 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.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders*.

Excluded from the scope of the *Orders* 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 the *Orders* 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 cell. 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.

Additionally, excluded from the scope of the *Orders* are panels with surface area from 3,450 mm<sup>2</sup> to 33,782 mm<sup>2</sup> with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the *Orders* are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:
  - (A) a total power output of 100 watts or less per panel;
  - (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel;
  - (C) do not include a built-in inverter;
  - (D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;
  - (E) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and
  - (F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and
2. Off grid CSPV panels without a glass cover, with the following characteristics:
  - (A) a total power output of 100 watts or less per panel;
  - (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel;
  - (C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;
2. encased in a laminated material without stitching, or
3. has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB-A connector.

In addition, the following CSPV panels are excluded from the scope of the *Orders*: off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

- (A) A total power output of no more than 80 watts per panel;
- (B) A surface area of less than 5,000 square centimeters (cm<sup>2</sup>) per panel;
- (C) Do not include a built-in inverter;
- (D) Do not have a frame around the edges of the panel;
- (E) Include a clear glass back panel; and
- (F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the *Orders*; however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by the *Orders*.

Additionally excluded from the scope of these *Orders* are off-grid small portable crystalline silicon photovoltaic panels, with or without a glass cover, with the following characteristics: (1) a total power output of 200 watts or less per panel; (2) a maximum surface area of 16,000 cm<sup>2</sup> per panel; (3) no built-in inverter; (4) an integrated handle or a handle attached to the package for ease of carry; (5) one or more integrated kickstands for easy

installation or angle adjustment; and (6) a wire of not less than 3 meters either permanently connected or attached to the package that terminates in an 8mm diameter male barrel connector.

Also excluded from the scope of these *Orders* are off-grid crystalline silicon photovoltaic panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

- (A) A total power output of no more than 180 watts per panel at 155 degrees Celsius;
- (B) A surface area of less than 16,000 square centimeters (cm<sup>2</sup>) per panel;
- (C) Include a keep-out area of approximately 1,200 cm<sup>2</sup> around the edges of the panel that does not contain solar cells;
- (D) Do not include a built-in inverter;
- (E) Do not have a frame around the edges of the panel;
- (F) Include a clear glass back panel;
- (G) Must include a permanently connected wire that terminates in a two-port rounded rectangular, sealed connector;
- (H) Include a thermistor installed into the permanently connected wire before the two-port connector; and
- (I) Include exposed positive and negative terminals at opposite ends of the panel, not enclosed in a junction box.

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, 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>11</sup>

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<sup>11</sup> See *Orders*.

## **Application of the Final Results of these Reviews**

SOURCE Global requested that Commerce retroactively apply the final results of these reviews to “all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or an automatic liquidation instruction.”<sup>12</sup> Section 751(d)(3) of the Act provides that “{a} determination under this section to revoke an order ... shall apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the administering authority.” Commerce’s general practice is to instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties on, all unliquidated entries of the merchandise covered by a revocation that are not covered by the final results of an administrative review or automatic liquidation.<sup>13</sup>

Consistent with this practice, we are applying the final results of these CCRs to all unliquidated entries of the merchandise covered by the revocations which have been entered, or withdrawn from warehouse, for consumption on or after December 1, 2021 for the *AD Order* and January 1, 2021 for the *CVD Order*. These are the beginning dates of the earliest periods of review not covered by the final results of an administrative review or automatic liquidation instructions (*i.e.*, December 1, 2021, through November 30, 2022 for the *AD Order* and January 1, 2021, through December 31, 2021 for the *CVD Order*).

## **Instructions to CBP**

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<sup>12</sup> See SOURCE Global’s Comments at 5-6.

<sup>13</sup> See, *e.g.*, *Certain Pasta from Italy: Final Results of Countervailing Duty Changed Circumstances Review and Revocation, In Part*, 76 FR 27634 (May 12, 2011); *Stainless Steel Bar from the United Kingdom: Notice of Final Results of Changed Circumstances Review and Revocation of Order, in Part*, 72 FR 65706 (November 23, 2007); *Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation of Order In Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Germany*, 71 FR 66163 (November 13, 2006); *Notice of Final Results of Antidumping Duty Changed Circumstances Reviews and Revocation of Orders in Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Canada and Germany*, 71 FR 14498 (March 22, 2006); and *Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part: Certain Cased Pencils from the People’s Republic of China*, 68 FR 62428 (November 4, 2003).

Because we determine that there are changed circumstances that warrant the revocation of the *Orders*, in part, we will instruct CBP to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties on, all unliquidated entries of the merchandise covered by this partial revocation on or after December 1, 2021 for the *AD Order* and January 1, 2021 for the *CVD Order*.

Commerce intends to issue instructions to CBP no earlier than 35 days after the date of publication of these final results of CCRs in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### **Administrative Protective Order**

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to a judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

### **Notification to Interested Parties**

We are issuing and publishing these final results of CCRs in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222(g).

Dated: March 14, 2024.

### **Ryan Majerus,**

*Deputy Assistant Secretary*

*for Policy and Negotiations,*

*performing the non-exclusive functions and duties*

*of the Assistant Secretary for Enforcement and Compliance.*