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F.No.6/30/2017-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
Directorate General of Anti-Dumping & Allied Duties
4th Floor, Jeevan Tara Building, 5 Parliament Street,
New Delhi -110001**

Dated 23rd March 2018

Termination Order

Case No. OI- 33/2017

Subject: Antidumping investigation concerning imports of Solar Cells whether or not assembled partially or fully in Modules or Panels or on glass or some other suitable substrates' originating in or exported from China PR, Malaysia and Taiwan.

No.6/30/2017-DGAD: - Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter also referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred to as the Rules) thereof, M/s Indian Solar Manufactures Association (hereinafter referred to as "the petitioner" or "the applicant") had filed an application on behalf of M/s Indosolar Ltd, M/s Jupiter Solar Power Limited, M/s Jupiter International Ltd. and M/s Websol Energy Systems Ltd before the Designated Authority (hereinafter also referred to as the Authority) in accordance with the Act and Rule *supra* for initiation of anti-dumping investigation and imposition of anti-dumping duties concerning imports of "Solar Cells whether or not assembled partially or fully in modules or Panels or on glass or some other suitable substrates" (hereinafter also referred to as the subject goods or product under consideration), originating in or exported from China PR, Taiwan and Malaysia (hereinafter also referred to as the subject countries) alleging dumping of subject goods from subject countries and consequent injury to the domestic industry.

2. The Authority notified the embassies of the subject countries in India about the receipt of the anti-dumping application before proceeding to initiate the investigation in accordance with sub-rule (5) of rule 5 *supra*.
3. The Authority on the basis of prima facie evidence submitted by the applicant, issued a public notice vide Notification No.6/30/2017-DGAD dated 21.07.2017, published in the Gazette of India, Extraordinary, initiating the subject anti-dumping investigation in accordance with the Rule 5 of the AD Rules, to determine the existence, degree and effect of the alleged dumping and to recommend the amount of anti-dumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.
4. The Authority considered 1st April, 2016 to June 2017 (15 months) as the POI (Period of Investigation) to undertake analysis. For the examination of trends, in the context of

injury analysis, the periods covered included Apr'13-Mar'14, Apr'14-Mar'15, Apr'15-Mar'16 and the period of investigation.

5. And whereas, the import information as per secondary sources (Impex Statistics Services) provided in the application by the applicant was relied upon at the initiation stage by the Authority. However, subsequently during the investigation, the Authority relied upon the transaction wise import data obtained from DGCI&S, for determining the volume and value of import of subject goods for the POI and previous years.
6. The Authority post-initiation sent copies of the initiation notification to the embassies of the subject countries in India, known producers/exporters from the subject countries, known importers/users and the domestic industry as per the addresses made available by the applicant and requested them to make their views known in writing within 40 days of the initiation notification as per Rule 6(2) of the AD Rules. Necessary extensions to file such submissions wherever warranted was also granted by the Authority.
7. The Authority provided copies of the non-confidential version of the application to the known producers/exporters and to the embassy of the subject countries in India in accordance with Rule 6(3) of the Rules supra. A copy of the application was also provided to other interested parties, wherever requested. The embassies of the subject countries in India were also requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time limit.
8. Subsequent to initiation and on 17.8.2017, it was communicated to all the producers/exporters of the subject goods that the relevant information should be provided separately for Cell, Module and Thin Film and that the unit of measurement should be Watt.
9. The Authority sent questionnaires to elicit relevant information to 24 known producers/exporters in subject countries in accordance with Rule 6(4) of the AD Rules;
10. In response to the initiation notification and intimation, 155 exporters / producers from subject countries have responded to the Authority by filing Exporter's Questionnaire Response. 19 producer/exporters from China PR also filed Supplementary Questionnaires to claim Market Economy status;
11. Questionnaires were also sent to 25 known importers / users of subject goods in India calling for necessary information. 5 importers/users responded by filing Importer Questionnaire responses;
12. In view of the responses from large number of producers/exporters, especially from China PR and Taiwan, the Authority adopted the procedure for sampling of exporters as provided in Rule 17 (3) of the AD Rules. Accordingly, sampling of producers/exporters was done based on the largest percentage of volume of exports by the responding parties from the subject countries and the same was communicated to the interested parties on 26.9.2017. Since only five parties from Malaysia had filed the EQ Responses, no sampling was done for Malaysian producers/exporters.
13. Interested parties were provided 5 days' time to offer their comments on the sampling done by the Authority. On receipt of comments from the interested parties and after

taking into account the observations/comments of the interested parties, the final sample selected by the Authority was as under:

Country	Producer	Exporter
China PR	<p>Trina Solar Group Changzhou Trina Solar Energy Co., Ltd., China</p> <p>Trina Solar (Hefei) Science and Technology Co., Ltd., China</p> <p>Tulufan Trina Solar Co., Energy Co, Ltd., China</p> <p>Trina Solar (Changzhou) Science & Technology Co., Ltd., China</p> <p>Changzhou Trina Yabang Solar Energy Co., Ltd., China</p> <p>Yancheng Trina Solar Energy Technology Co., Ltd., China</p>	<p>Changzhou Trina Solar Energy Co., Ltd., China</p> <p>Trina Solar Energy Development Pte. Ltd., Singapore</p> <p>Trina Solar (Hefei) Science and Technology Co., Ltd., China</p> <p>Trina Solar (Changzhou) Science & Technology Co., Ltd., China</p> <p>Changzhou Trina Yabang Solar Energy Co., Ltd., China</p> <p>Yancheng Trina Solar Energy Technology Co., Ltd., China</p>
China PR	<p>Canadian Solar Group</p> <p>Canadian Solar Manufacturing (Changshu) Inc</p> <p>Canadian Solar Manufacturing (Luoyang) Inc</p>	<p>Canadian Solar Group</p> <p>Canadian Solar International Limited</p> <p>CSI Solar Power Group Co.,ltd</p> <p>CSI Solar Power (China) Inc.</p>
China PR	<p>JA Solar Group- Modules</p> <p>Hefei JA Solar Technology</p> <p>Shanghai JA Solar Technology Co., Ltd</p>	<p>JA Solar Group- Modules</p> <p>Hefei JA Solar Technology</p> <p>Shanghai JA Solar Technology Co., Ltd</p> <p>JA Solar HongKong Ltd</p> <p>JA Solar International Limited</p> <p>Cleantech Energy Corporation Pte.LTD</p>
China PR	Risen Energy Co., Ltd.	Risen Energy Co., Ltd and Risen Energy (HongKong) Co., Limited.
China PR	Hanwha Q Cells(Qidong) Co. Ltd.	Trienery Global Singapore
China PR	Tongwei Solar (Hefei) Co., Ltd	Tongwei Solar (Hefei) Co., Ltd

China PR	Luoyang Suntech Power Co., Ltd.	Luoyang Suntech Power Co., Ltd.
China PR	Hengdian Group DMEGC Magnetics Co., Ltd	Hengdian Group DMEGC Magnetics Co., Ltd
China PR	Jiangsu Shunfeng Photovoltaic Technology Co., Ltd.	Jiangsu Shunfeng Photovoltaic Technology Co., Ltd.
China PR	NICE Sun PV Co.,Ltd.	NICE Sun PV Co.,Ltd.
Taiwan	Solartech Energy Corporation	Solartech Energy Corporation
Taiwan	Motech Industries Inc.	Motech Industries Inc.
Malaysia	First Solar Malaysia Sdn. Bhd	First Solar FE Holding Pte Ltd Singapore.
Malaysia	Jinko Solar Group- Module	Jinko Solar Technology Sdn. Bhd
Malaysia	TS Solar tech Sdn Bhd.	TS Solar tech Sdn Bhd.
Malaysia	Panasonic Energy Malaysia Sdn Bhd	Panasonic Energy Malaysia Sdn Bhd
Malaysia	JA Solar Group- Cells JA Solar Malaysia Sdn Bhd	JA Solar Malaysia Sdn Bhd Shanghai JA Solar Technology Co., Ltd

14. The Authority made available non-confidential version of the evidences presented by various interested parties in the form of a public file kept open for inspection by the interested parties.

15. The Authority conducted onsite verification of data of following sampled exporters/producers :

- a) All producers/exporters of Trina Solar Group, China
- b) All producers/exporters of J A Solar Group, China
- c) Hanwha Q Cells (Qidong) Co. Ltd., China
- d) Trienery Global Singapore
- e) Tongwei Solar (Hefei) Co., Ltd
- f) All responding Malaysian producers/exporters

16. The data verification in respect of remaining sampled exporters was carried out by way of table study.

17. The Authority, in accordance with Rule 6(6) of the AD Rules, also provided opportunity to all interested parties to present their views orally in hearing held on 12.12.2017. All

the parties attending the oral hearing were requested to file their written submissions and also rejoinders. Such submissions were also examined by the Authority.

18. The Authority notes that the investigation has reached its conclusive stage and everything has been finalised. Now, when the disclosure statement was about to be issued to all the interested parties, M/s Indian Solar Manufacturers Association, representing the applicant domestic industry has made a request to terminate the present investigation.
19. The request to terminate the present investigation has been made by the domestic industry under Rule 14 (a) of the AD Rule vide its letter dated 27.2.2018 citing following reasons *inter alia* ;
- a) Post-initiation the injury being suffered by the Indian producers on account of dumping has aggravated sharply.
 - b) Injury for the POI as claimed may not completely reflect such aggravated situation of injury and considering most recent data would be essential to bring on record such grave injuries currently being suffered by the domestic industry.
 - c) The imports of PUC from subject countries have increased substantially in the recent period coined with further reduction in prices.
 - d) Also, there is one larger producer (MPVSL) who has started production subsequent to the POI determined.
 - e) Data from one more producer and also for a recent period is likely to strengthen claims of injury further.
20. The Authority notes that the Rule 14(a) of the Anti-Dumping Rules read as under ;

14. Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if –

(a) it receives a request in writing for doing so from or on behalf of the domestic industry affected, at whose instance the investigation was initiated;

21. The Authority however notes that the reason cited by the domestic industry for termination of the petition is devoid of any merit. It is noted that every industry operates in dynamic market conditions and that injury position varies almost on day-to-day basis and so it is not something unique to this particular petitioner only. The Authority further notes that in every investigation the injury suffered, if any , by the domestic industry is bound to undergo change during the course of the investigation. The Authority therefore notes that if petitions start getting withdrawn on account of change in the injury to the petitioners during the course of the investigation, then it will lead to a chaotic situation. The Authority thus reiterates that the arguments advanced for withdrawal of the petition are not convincing.
22. However, the Authority notes that Rule 14(a) of the Anti-Dumping Rules does not grant any discretion to the Authority in the matter of termination of investigation, once the domestic industry files a written request for termination of the investigation.

23. Accordingly, in view of the request of the applicant and the provision in Rule 14 (a) of the Anti-Dumping Rules, the Authority is constrained to terminate the present anti-dumping investigation concerning imports of “Solar Cells whether or not assembled partially or fully in modules or Panels or on glass or some other suitable substrates” originating in or exported from China PR, Taiwan and Malaysia initiated on 21.7.2017 vide Notification No.6/30/2017-DGAD.

(Sunil Kumar)
Additional Secretary & Designated Authority