

US Producers File Antidumping and Countervailing Duty Petition Against Solar Cells and Panels From Southeast Asia

Update

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The American Alliance for Solar Manufacturing Trade Committee (Alliance) filed a petition with the US International Trade Commission (ITC) and the US Department of Commerce (Commerce) for the imposition of antidumping and countervailing duties (AD/CVD) on US imports of crystalline silicon photovoltaic (c-Si PV) cells, whether or not assembled into modules, from Cambodia, Malaysia, Thailand and Vietnam. The petition is supported by members of the Alliance: Convalt Energy, First Solar, Inc., Hanwha Q CELLS USA, Inc. and Mission Solar Energy LLC.

The timing of the petition aligns with Commerce's recent promulgation of regulations aimed at strengthening AD/CVD duty enforcement and addressing influence by China in third-country markets. The petition seeks relief against Chinese influence and unfair trade practices of Chinese-owned companies in Southeast Asia.

Commerce will impose AD/CVD duties on a product if (i) it determines that there is a reasonable basis to believe or suspect the product is being sold, or is likely to be sold, at less than fair value and (ii) if the ITC determines there is a reasonable indication of material injury to the domestic solar cell and module industry, or threat of injury to such industry, by reason of the subject imports. Following a preliminary determination, Commerce could impose significant duties (including retroactive duties), which may equal or exceed the margins alleged in the petition: 126.07 percent for Cambodia, 81.24 percent for Malaysia, 70.35 percent for Thailand and 271.45 percent for Vietnam.

The petition cites the rapid increase in solar production capacity by Chinese-owned and headquartered companies in Cambodia, Malaysia, Thailand and Vietnam as the source of substantial injury to US solar manufacturers. The petition highlights S&P's recent [report](#) that "Cambodia, Malaysia, Thailand and Vietnam together accounted for 84% of U.S. panel imports in the fourth quarter

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of 2023, up from 78% in the third quarter”^[1] and that from 2021 to 2023, “the value of imports of [c-Si PV] cells and modules from these four countries has soared by more than 140%.” According to the petition, already underpriced c-Si PV cells and modules from Southeast Asian manufacturers will likely only get cheaper as production in this region expands. The petition maintains this will only exacerbate the material injury to US solar manufacturing and US solar producers.

Merchandise included within the scope of investigations are c-Si PV cells, and modules and laminates consisting of c-Si PV cells, “whether or not partially or fully assembled into other products.” The petition excludes a range of products from the scope of the investigations, including PV products produced from different materials, c-Si PV cells not exceeding certain surface areas, off-grid small portable c-Si PV panels and more.

The ITC is expected to reach a preliminary determination within 45 days, with a final determination from Commerce expected in spring 2025, depending on the pendency of the investigation.

^[1] Petition for the Imposition of Antidumping and Countervailing Duties Pursuant to Sections 701 and 731 of the Tariff Act of 1930, As Amended, on Imports of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from Cambodia, Malaysia, Thailand, and the Socialist Republic of Vietnam (Investigation Nos. A-555-003, A-557-830, A-549-851, A-552-841, C-555-004, C-557-831, C-549-852, and C-552-842), dated April 24, 2024.