



NOTICE: Due to a lapse in federal funding, this website is not being updated. [Learn more.](#)



U.S. Department of Commerce

MENU

[All news](#)[Press releases](#)[Blog](#)[Speeches](#)[Fact sheets](#)[Op-eds](#)[Photos and videos](#)[Livestreams](#)[Archives](#)[Media contacts](#)[Home » News » Press Releases](#)

Department of Commerce Issues Final Determination of Circumvention Inquiries of Solar Cells and Modules from China

 [Trade enforcement](#)

Today, the U.S. Department of Commerce announced the final determinations in the circumvention inquiries of solar cells and modules from the People's Republic of China (China). Commerce found that certain Chinese producers are shipping their solar products through

FOR IMMEDIATE RELEASE

Friday, August 18, 2023

[Office of Public Affairs](#)

Cambodia, Malaysia, Thailand,

publicaffairs@doc.gov

and/or Vietnam for minor

processing in an attempt to avoid

paying antidumping and

countervailing duties (AD/CVD). The final determination affirms the

preliminary findings in most respects and underscores the importance of

rigorously enforcing trade law. Specifically, Commerce found that five

companies were attempting to avoid the payment of U.S. duties by

completing minor processing in third countries, and that three companies

were not circumventing. Commerce also found that certain unexamined

companies were circumventing.

These final decisions will not have an immediate impact on the border.

Pursuant to the [Presidential Proclamation issued on June 6, 2022](#), duties

will not be collected on any solar module and cell imports from these four

countries until June 2024, as long as the imports are consumed in the U.S.

market within six months of the termination of the President's

Proclamation. This provides U.S. solar importers with sufficient time to

adjust supply chains and ensure that sourcing is not occurring from

companies found to be violating U.S. law. Solar cells made in one of the

four Southeast Asian countries, even if made from wafers from China, that

are then exported to a non-inquiry country and further assembled into

modules or other products there, before exportation to the United

States, [are not subject to Commerce's final circumvention findings](#).

Under U.S. law, Commerce may conduct a circumvention inquiry when

evidence suggests that merchandise subject to an existing AD/CVD order is

completed or assembled in third countries from parts and components

imported from the country subject to the order. AD/CVD orders are

designed to provide relief to the U.S. domestic industries when they are

facing unfair competition. Today's final determinations underscore

Commerce's commitment to holding China accountable for its trade

distorting actions, which undermine American industries, workers, and

businesses.

After a thorough, transparent, and data-driven investigation of eight

companies across the four countries, Commerce found that five of the eight

companies investigated are attempting to bypass U.S. duties by doing

minor processing in one of the Southeast Asian countries before shipping to the United States.

The final findings are as follows:

Third Country	Company	Finding
Cambodia	BYD Hong Kong	Circumventing
	New East Solar	Circumventing
Malaysia	Hanwha Q CELLS	Not Circumventing
	Jinko Solar	Not Circumventing
Thailand	Canadian Solar	Circumventing
	Trina Solar	Circumventing
Vietnam	Boviet Solar	Not Circumventing
	Vina Solar	Circumventing

Further, for those companies in Malaysia, Thailand and Vietnam that did not respond to Commerce’s request for information in this investigation, they were found to be circumventing. Because Commerce found that circumvention was occurring through each of the four Southeast Asian countries, Commerce continues to make “country-wide” circumvention findings, which simply designates each country as one through which solar cells and modules are being circumvented from China. This does not constitute a ban on imports from those countries. Companies in these countries will be permitted to certify that they are not circumventing the AD/CVD orders, in which case the circumvention findings will not apply.

For more information on antidumping and countervailing duties, visit the [International Trade Administration’s FAQs](#).

Public records on this investigation can be found at access.trade.gov under case number A-570-979.

BUREAUS AND OFFICES

International Trade Administration

TAGS

 [Antidumping \[AD\]](#)  [Countervailing duty \[CVD\]](#)

Explore

[Issues](#)

[News](#)

[Data and reports](#)

[Work with us](#)

Get in touch

[Contact us](#)

[Open government](#)

[FOIA](#)

About us

[Our mission](#)

[Bureaus and offices](#)

[Privacy program](#)



1401 Constitution Ave NW
Washington, DC 20230

[Archives](#) • [Agency Financial Report](#) • [Comment policy](#) • [Digital strategy](#) •
[Information quality](#) • [No Fear Act](#) • [Inspector General](#) • [Plain language](#) • [Privacy policy](#)
• [Payment Integrity](#) • [Section 508 Accessibility Statement](#) • [USA.gov](#) • [Vote.gov](#) •
[Vulnerability Disclosure Policy](#) • [Whistleblower Protection](#) • [WhiteHouse.gov](#)

Sign up for email updates

To receive the latest updates from the Department of Commerce, please enter your email address below. We offer a complimentary email subscription service through GovDelivery. When you submit the form, you will leave the Department's website.

★Email Address

Subscribe