

# Ministry of Commerce of the People's Republic of China

## Notice No.16 (2016)

On 9 October 2015, the Ministry of Commerce published the annual notice No. 40 and declared the anti-dumping measures to imports of polysilicon originated from the EU will expire on 30 April 2016. In accordance with the provisions of the Anti-Dumping Regulation of the People's Republic of China, the term for the levy of anti-dumping duties may be extended appropriately if, as the result of the review, levy of anti-dumping duties are stopped, it would be likely to lead to the continuation or recurrence of dumping and injury; since domestic industry may submit written request to Ministry of Commerce within 60 days since the notice is published and before the termination of the original anti-dumping measures.

On 29 February 2016, the Ministry of Commerce received an application for an expiry review from the domestic polysilicon industry. The application pretested that if the anti-dumping measures terminated, the dumping imports of polysilicon originated from the EU would continue, dumping injury to the domestic industry would continue and therefore requested the Ministry of Commerce to maintain the anti-dumping measures to polysilicon originated from the EU.

In accordance with the provisions of the Anti-Dumping Regulation of the People's Republic of China, the Ministry of Commerce made an investigation to the applicant qualification, the investigated products, domestic same kind of products, imports during the anti-dumping measures are taken, possibilities of continuation of dumping and possibilities of continuation of injury and related evidence. The prima facie evidences provided by the petitioner are in line with the Article 11, 13 and 17 of the Anti-Dumping Regulation of the People's Republic of China.

In compliance with provisions of Article 48 of Anti-Dumping Regulation of the People's Republic of China, The Ministry of Commerce decided to carry out an investigation on expiry review of anti-dumping measures of imports of polysilicon originated from the EU from 1 May 2016.

The relevant details are hereby made public as follows:

### 1 Continue of the anti-dumping measures

According to the suggestions of Ministry of Commerce, the Duty Tariff Committee of the State Council has decided to continually impose anti-dumping duties during the expiry review period, in accordance with the Notice No.25 2014, published by Ministry of Commerce to imports of polysilicon originated from the EU.

### 2. Period of review investigation

The dumping investigation period of the review is set as 1 January 2015 to 31 December 2015. The industry injury investigation period is set as 1 January 2013 to 31 December 2015.

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### 3. Scope of investigation

Product investigated is the same as in the Notice No. 25 of 2014 by the Ministry of Commerce.

### 4. Content of review

The content of the review is if terminate the anti-dumping measures to the polysilicon originated from the EU, whether it leads continuation or recurrence of dumping and industry injury.

### 5 Registration to intervene in the case

As concerns the dumping investigation, any interested party may, within 20 days of the publication of this Notice, apply to the Bureau of Trade Remedy and Investigation of MOFCOM to intervene in the case; Interested parties should provide information according to the reference of registration form, such as quantity and value of the product, capacity during the injury investigation, output, inventory, construction and expansion plan. The reference registration form can be downloaded at relevant webpage (<http://trb.mofcom.gov.cn>).

The interested parties in the Notice refer to the individuals and organisations defined in the Article 19 of the Anti-Dumping Regulation of the People's Republic of China

### 6 Access to Public Information

The interested parties can download from relevant website or go to the Trade Remedy Public Information Office (phone number: 0086-10-65197878) to search, read and copy non-confidential documents of the case.

### 7 Comments to the case initiation

The interested parties can submit their comments to MOFCOM in written form within 20 days since the notice is published if they have different opinions on the product scope of the investigation, the standing of the petitioners, the alleged countries and regions and other relevant issues.

### 8 Investigation Approaches

The investigation authority can investigate by means of questionnaires, sampling, public hearing, on-the-spot verification etc.

In order to obtain the required information, MOFCOM will normally issue investigation questionnaire to involved foreign exporters or producers, domestic producers or importers within 10 business days since the expiration of the above-mentioned responding time period. The responding interested parties can download the questionnaire from the relevant website.

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Non-registered other interested parties can download the questionnaire from relevant website or ask the Trade Remedy and Investigation Bureau for the questionnaire, and submit information according to the questionnaire.

Companies shall provide complete and accurate questionnaire responses to MOFCOM in specified time limit. The response shall include all information required by the questionnaire.

## 9 Submission and processing of Confidential Information

For confidential information, interested parties can submit request and reason to MOFCOM for confidential processing of the information. If MOFCOM agrees the request, the interested party should submit the non-confidential outline summary of the confidential information. The outline should include sufficient meaningful information of its rationality. If the interested party cannot provide the outline, it should clarify the reasons. If the interested party does not indicate confidential requests when submit information, MOFCOM will conduct the information as non-confidential.

## 10 Result of Non-cooperation

According to the Article 21 of the Anti-Dumping Regulation of the People's Republic of China, the interested parties shall provide authentic information and relevant documentation to the Ministry of Commerce in the process of the investigation. In the event that any interested party does not provide authentic information and relevant documentation, or does not provide necessary information within a reasonable time limit, or significantly impedes the investigation in other ways, the Ministry of Commerce may make determinations on the basis of the facts already known and the best information available.

## 11 Investigation period

The investigation starts from 1 May 2016 and shall normally end before 30 April 2017.

## 12 Contact of MOFCOM

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Ministry of Commerce  
29 April 2016

<http://www.mofcom.gov.cn/article/b/e/201604/20160401308453.shtml>

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