

Ministry of Commerce of the People's Republic of China

Notice No.14 (2016)

On 9 October 2015, the Ministry of Commerce released the annual notice No 40 and announced the countervailing measures to the imported polysilicon originated from the EU will expire on 30 April 2016. In accordance with provisions of Regulations of the People's Republic of China on Countervailing Measures, the period for the levy of the countervailing duty may be extended as appropriate if, as a result of review, it is determined that the termination of the countervailing duty would be likely to lead to continuation or recurrence of subsidization and injury. Since the note was published, domestic industry or its representing natural persons, legal persons or organisations concerned may submit written request to the Ministry of Commerce for an expiry review within 60 days before the end of the countervailing 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 countervailing measures terminated, the subsidy imports of polysilicon originating from EU would continue, subsidy injury to the domestic industry would continue and therefore requested the Ministry of Commerce to maintain the countervailing measures to polysilicon from EU.

In accordance with the provisions of the Regulations of the People's Republic of China on Countervailing Measures, the Ministry of Commerce made an investigation to the applicant qualification, the investigated products, domestic same kind of products, imports during the measures are taken, possibilities of continuation of subsidy 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 Regulations of the People's Republic of China on Countervailing Measures.

In compliance with provisions of Article 47 of Regulations of the People's Republic of China on Countervailing Measures, The Ministry of Commerce decided to carry out an investigation on expiry review of countervailing measures of imports of polysilicon originating from EU from 1 May 2016.

The relevant details are hereby made public as follows:

1 Continue of the countervailing measures

According to the suggestions of Ministry of Commerce, the Duty Tariff Committee of the State Council has decided to continually conduct countervailing measures during the expiry review period, in accordance with the Notice No. 26 of 2014, published by Ministry of Commerce to imports of polysilicon originating from EU.

2. Period of review investigation

The subsidy 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. 26 of 2014 by the Ministry of Commerce.

4. Content of review

The content of the review is if terminate the countervailing measures to the polysilicon originating from EU, whether it leads continuation or recurrence of subsidy and industry injury.

Ministry of Commerce may investigate other subsidy projects may be found during the review investigation.

5 Registration to intervene in the case

As concerns the 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 Regulations of the People's Republic of China on Countervailing Measures

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.

Interested parties and interested country (region) 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 and interested country (region) can submit request and reason to MOFCOM for confidential processing of the information. If MOFCOM agrees the request, the interested parties and interested country (region) should submit the non-confidential outline summary of the confidential information. The outline should include sufficient meaningful information of its rationality. If interested parties and interested country (region) cannot provide the outline, it should clarify the reasons. If the interested parties and interested country (region) 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 Regulations of the People's Republic of China on Countervailing Measures, the interested parties and interested country (region) shall provide authentic information and relevant documentation to the Ministry of Commerce in the process of the investigation. In the event that any interested parties and interested country (region) 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://trb.mofcom.gov.cn/article/cs/201604/20160401308449.shtml>

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