

# Department of Commerce Issues Final Determinations on Circumvention Inquiries of Solar Cells and Modules Produced in China

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On Aug. 18, 2023, the U.S. Department of Commerce (Commerce) [announced](#) its final determinations regarding the circumvention inquiries of the antidumping (AD) and countervailing duty (CVD) orders on solar cells and modules from the People's Republic of China (China). As a result of Commerce's "country-wide" circumvention findings as relates to Cambodia, Malaysia, Thailand, and Vietnam, solar cells and modules imported to the United States from those four countries will be subject to AD/CVD duties as of June 6, 2024, after President Biden's moratorium expires. This decision stems from the circumvention inquiries initiated by Commerce in April 2022 following a petition by Auxin Solar, Inc.

Commerce determined that solar cells and modules produced from wafers made in China with third-country polysilicon are covered under the final determinations. However, third-country wafers made from Chinese polysilicon are not covered under the findings.

Consequently, companies in Cambodia, Malaysia, Thailand, and Vietnam have the opportunity to certify that they are not involved in circumventing the AD/CVD orders. Doing so would exempt them from the potential application of AD/CVD duties. Until June 6, 2024, certification is available to all companies producing Southeast Asian solar cells and modules. After June 6, 2024, certification is available for entries made by eligible companies where the solar modules either do not use Chinese wafers or are produced using Chinese wafers but no more than two of the following inputs used to manufacture the solar modules were produced in China:

- Silver paste
- Aluminum frames
- Glass
- Backsheets

- Ethylene-vinyl acetate
- Junction boxes

Certification is only available if the solar cells are “used or installed” within 180 days of the expiration of the President’s moratorium, Dec. 3, 2024.

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