



10 August 2021

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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT  
ON SAFEGUARDS ON INITIATION OF AN INVESTIGATION  
AND THE REASONS FOR IT**

UNITED STATES

*Crystalline Silicon Photovoltaic Cells  
Whether or Not Partially or Fully Assembled into Other Products*

*Supplement*

The following communication, dated and received on 9 August 2021, is being circulated at the request of the delegation of the United States.

Pursuant to Article 12.1(a) of the WTO Agreement on Safeguards (Safeguards Agreement), the United States notifies that it has initiated an investigation to determine whether the measure on crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) continues to be necessary to prevent or remedy serious injury and whether there is evidence that the domestic industry is making a positive adjustment to import competition.

**1. Specify the date when the investigation was initiated**

The U.S. International Trade Commission (Commission) initiated the investigation on August 6, 2021. A copy of the notice instituting the investigation is attached<sup>1</sup> and includes the scheduling of a public hearing, deadlines for the filing of written submissions, and any applicable rules of procedure.

**2. Provide the precise description of the product involved**

The products subject to the measure are solar products, as identified in the Presidential Proclamation of January 23, 2018. The measure and Presidential Proclamation were both notified in G/SG/N/8/USA/9/Suppl.4 - G/SG/N/10/USA/7 - G/SG/N/11/USA/6 (dated 26 January 2018). The measure was subsequently amended through exclusions and other actions taken and notified in G/SG/N/10/USA/7/Suppl.1 (dated 24 September 2018), G/SG/N/8/USA/9/Suppl.5 - G/SG/N/10/USA/7/Suppl.2 - G/SG/N/11/USA/6/Suppl.1 (dated 22 May 2019), G/SG/N/8/USA/9/Suppl.5/Corr.1 - G/SG/N/10/USA/7/Suppl.2/Corr.1 - G/SG/N/11/USA/6/Suppl.1/Corr.1 (dated 27 May 2019), G/SG/N/8/USA/9/Suppl.6 - G/SG/N/10/USA/7/Suppl.3 - G/SG/N/11/USA/6/Suppl.2 (dated 7 June 2019), G/SG/N/10/USA/7/Suppl.6 (dated 9 October 2019), G/SG/N/10/USA/7/Suppl.10 (dated 22 April 2020), and G/SG/N/10/USA/7/Suppl.11 (dated 15 June 2020).

<sup>1</sup> A copy of the notice has been submitted electronically. To consult this document, please contact Ms. Richards ([anne.richards@wto.org](mailto:anne.richards@wto.org)) or Ms. Naville ([delphine.naville@wto.org](mailto:delphine.naville@wto.org)) of the Rules Division.

**3. Provide the reasons for the initiation of the investigation**

Following receipt of a petition filed on behalf of Auxin Solar Inc. and Suniva, Inc. on August 2, 2021, including an amendment thereto filed on August 5, 2021, and a petition filed on August 4, 2021 on behalf of Hanwha Q CELLS USA, Inc, LG Electronics USA, Inc., and Mission Solar Energy, the Commission has initiated this investigation, pursuant to section 204(c) of the Trade Act of 1974 ("Trade Act") (19 U.S.C. sec. 2254(c)), for the purpose of determining whether the action taken by the President under section 203 of the Trade Act with respect to crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) continues to be necessary to prevent or remedy serious injury and whether there is evidence that the domestic industry is making a positive adjustment to import competition.

If the Commission makes an affirmative determination, Section 203(e)(1)(B)(i) of the Trade Act (19 U.S.C. sec 2254(e)(1)(B)(i)) authorizes the President to extend the application of the safeguard measure if the President determines that the measure continues to be necessary to prevent or remedy the serious injury, and there is evidence that the domestic industry is making a positive adjustment to import competition.

**4. Provide a point of contact for the investigation and identify the preferred means for corresponding**

The point of contact for the investigation is:

Jordan Harriman  
Office of Investigations  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436  
Tel: (202-205-2610)

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**5. Provide the deadlines and procedures for importers, exporters and other interested parties to present evidence and their views, including (i) deadlines and procedures for Members and exporters to identify themselves as interested parties, if so required, to participate in the investigation and (ii) the date of the intended public hearing as provided for in Article 3.1**

Persons wishing to participate in the investigation must file an entry of appearance with the Secretary to the Commission, not later than 21 days after publication of the notice in the Federal Register.

Each party who is an interested party may submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is October 27, 2021. Parties may also file posthearing briefs by November 10, 2021.

The Commission has scheduled a hearing for November 3, 2021. Information about the place and form of the hearing, including how to participate in and/or view the hearing, will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

Requests to appear at the hearings should be filed in writing with the Secretary to the Commission on or before October 28, 2021.

All parties and nonparties desiring to appear at the hearings and make oral presentations should participate in prehearing conferences to be held on October 29, 2021, if deemed necessary.

Parties may file written testimony in connection with their presentation at the hearing. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 business days prior to the date of the hearing.

The attached notice provides further information regarding deadlines and procedures applicable to this investigation.

The Commission's Handbook on E-Filing, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's rules with respect to electronic filing.

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