

Solar Cells and Modules

Section 201 Investigation

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On May 23, 2017, pursuant to a petition filed on behalf of Suniva, Inc., (“Suniva”) the U.S. International Trade Commission (the “Commission”) initiated a Section 201 safeguard investigation on crystalline silicon photovoltaic (CSPV) cells and modules. Unlike antidumping and countervailing duty investigations, Section 201 investigations provide domestic industries relief from *fairly-traded* imports that are being “imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof,” to the domestic industry producing an article that is “like or directly competitive with the imported article.”

A second U.S. producer, SolarWorld Americas Inc., (“SolarWorld”) and the Petitioner in several antidumping and countervailing duty investigations of solar cells and modules from China and Taiwan, recently expressed support for the petition by joining Suniva as a [co-petitioner](#).

The ITC is scheduled to make its determination of serious injury (or threat of serious injury) by September 22, 2017, and submit its final report to the President by November 13, 2017. If the Commission finds the domestic industry is seriously injured (or threatened with serious injury), the President is required to take action to “facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.” The President is authorized to implement several different forms of relief including an increase in or imposition of duties or a tariff-rate quota.