

C-552-842  
Investigation  
**Public Document**  
OVI: FS

May 21, 2024

**MEMORANDUM TO:** The File

**THROUGH:** Erin Kearney *EK*  
Program Manager  
AD/CVD Operations, Office VI

**FROM:** Frank Schmitt  
International Trade Compliance Analyst  
AD/CVD Operations, Office VI

**RE:** Less-Than-Fair-Value Investigation of Crystalline Silicon  
Photovoltaic Cells, Whether or Not Assembled into Modules, from  
the Socialist Republic of Vietnam

**SUBJECT:** Extension of Due Date to Respond to Quantity and Value (Q&V)  
Questionnaire and Revision to Q&V Questionnaire

---

The Department of Commerce (Commerce) has extended the deadline for the submission of Q&V questionnaire responses. The initial deadline for the submission of Q&V questionnaire was May 28, 2024. Commerce has extended this deadline by seven days. Accordingly, Q&V questionnaire responses are due to Commerce no later **than 5:00 pm Eastern Time on June 4, 2024.**

Beginning on May 15, 2024, Commerce uploaded a copy of the Q&V questionnaire to be distributed to designated recipients and made available on the Announcements page of Enforcement and Compliance's website. This version of the Q&V questionnaire contained text that requires revision. **We provide the revisions below in bolded text.** A version of the revised Q&V questionnaire is attached to this memorandum. *See Attachment I.*

The fourth bullet under the heading: "Specifically, do not report POI sales of the following," originally stated:

- Solar cells completed in Cambodia, Malaysia, Thailand, or Vietnam from a Chinese wafer, and then the solar cells are sent to another inquiry country (Cambodia, Malaysia, Thailand, or Vietnam) for assembly into a solar module with three or more Chinese components, and the solar module is then exported to the United States.

This bullet should instead read as follows:

- **Solar cells completed in Cambodia, Malaysia, Thailand, or Vietnam from a Chinese wafer, and then the solar cells are sent to another inquiry country (Cambodia, Malaysia, Thailand, or Vietnam) for assembly into a solar module with three or more of the Chinese components that are listed in the second bullet point above, and the solar module is then exported to the United States.**

The third bullet item under the heading “For purposes of the chart below, *include* the following POI sales in the chart below:” originally stated:

- Solar modules consisting of solar cells that were produced with wafers produced outside of China with polysilicon sourced from China.

This bullet item should instead read as follows:

- **Solar modules consisting of solar cells produced in {Insert either Cambodia, Malaysia, Thailand, or Vietnam, as applicable} that were produced with wafers produced outside of China with polysilicon sourced from China.**

The fourth bullet item under the heading “For purposes of the chart below, *include* the following POI sales in the chart below:” originally stated:

- Solar cells made in Thailand, even if made from wafers from China, that are then exported to a non-inquiry country and further assembled into solar modules. Only include these sales in the chart below if you had knowledge that the cells made in Thailand were destined for the United States at the time they were exported to the non-inquiry country.

This bullet item should instead read as follows:

- **Solar cells made in {Insert either Cambodia, Malaysia, Thailand, or Vietnam, as applicable} even if made from wafers from China, that are then exported to a non-inquiry country, other than China, and further assembled into solar modules. Only include these sales in the chart below if you had knowledge that the cells made in Thailand were destined for the United States at the time they were exported to the non-inquiry country.**

The fifth bullet item under the heading “For purposes of the chart below, *include* the following POI sales in the chart below:” originally stated:

- Solar modules completed in {Insert either Cambodia/Malaysia/Thailand/Vietnam, as applicable} that are produced with solar cells that were produced outside of Cambodia/Malaysia/Thailand/Vietnam, even if the solar cell was produced with a Chinese wafer.

This bullet item should be deleted, and Q&V questionnaire recipients should not respond to this item.

**Attachment I**  
**Revised Quantity and Value Questionnaire**

C-552-842  
Investigation  
Public Document  
Office VI: FS

May 21, 2024

Re: Less-Than-Fair-Value Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the Socialist Republic of Vietnam

To Whom it May Concern:

On May 14, 2024, the U.S. Department of Commerce (Commerce) initiated an antidumping duty investigation to determine whether Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the Socialist Republic of Vietnam (Vietnam) benefit from countervailable subsidies conferred by the Government of Vietnam.

In advance of the issuance of the countervailing duty questionnaire, Commerce asks that you respond to the questions in Attachment I to this letter. Specifically, we are requesting information on the quantity and U.S. dollar sales value of all your sales to the United States during the period January 1, 2023, through December 31, 2023, covered by the scope of this investigation. The scope of the investigation is included in Attachment II to this letter, and general instructions for responding to this letter are contained in Attachment III. Please be advised that receipt of this letter does not indicate that you will be chosen as a mandatory respondent because Commerce may find it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(e)(2) of the Tariff Act of 1930, as amended (the Act). Your response to this letter may be subject to on-site verification by Commerce officials.

Please note that you may receive two similar letters: one for a countervailing duty investigation and one for an antidumping duty investigation. If so, please note these letters request the same information but for different time periods. In addition, they must be filed under different case numbers in Commerce's online filing system. You must reply separately to EACH letter.

Your response to this quantity and value questionnaire is due to Commerce no later **than 5:00 pm Eastern Time on June 4, 2024**. Due to time constraints in this investigation, Commerce will be limited in its ability to extend the deadline for the response to the attached Quantity and Value Questionnaire. All submissions to Commerce must be accompanied by a Certificate of Accuracy from company officials and, if represented by legal counsel or other firm, a Certificate of Accuracy from the representative. Additionally, all submissions to Commerce must be served on the appropriate interested parties. Note that Commerce has amended certain requirements pertaining to the service of documents in section 351.303(f) of our regulations.<sup>1</sup> A list of interested parties are regularly updated and maintained as record documents in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) at <https://access.trade.gov>. Certificates of service and accuracy are in Attachment IV.

<sup>1</sup> See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).



General instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III.

**Note well:**

Parties should be aware that the likelihood of Commerce granting an extension will decrease the closer the extension request is filed to the applicable time limit because Commerce must have time to consider the extension request and decide on its disposition. Parties should not assume that they will receive an extension of a time limit if they have not received a response from Commerce. For submissions that are due at 5:00 p.m., if Commerce is not able to notify the party requesting the extension of the disposition of the request by 5:00 p.m., then the submission would be due by the opening of business (8:30 a.m.) on the next business day. *See* 19 CFR 351.103(b).<sup>2</sup> If a party requests an extension because of ACCESS/technical filing difficulties to which it did not receive a response from Commerce by 5:00 p.m., and the filing difficulties persist past 8:30 a.m. on the next business day, the party should contact the case analyst.

If a party is experiencing issues with an ACCESS filing, the party should contact the ACCESS Help Desk by telephone to troubleshoot the filing issues. When experiencing filing issues on the day a submission is due, the filing party should also contact the case analyst if known, otherwise the official in charge, informing them of the filing difficulties. The submission for which a party is having difficulties filing on ACCESS should not be emailed to the case analyst or the official in charge.

Help Desk  
(202) 482-3150  
access@trade.gov  
<https://access.trade.gov>

In the unlikely event that you have received this questionnaire after the deadline to respond, you **MUST** contact the Commerce official identified in the questionnaire within 5 days of receipt of the questionnaire to receive further instructions and a revised deadline for submission of the required information. Failure to do so may result in the presumption that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and Commerce may use an inference that is adverse to your interests in selecting from the facts otherwise available, in accordance with section 776(b) of the Act.

If you fail to respond or fail to provide the requested quantity and value information, please be aware that Commerce may find that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and may use an inference that is adverse to your interests in selecting from the facts otherwise available, in accordance with section 776(b) of the Act.

In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating AD rates) or

---

<sup>2</sup> *Id.* (emphasis added).

found to be cross-owned (*i.e.*, treated as a single entity for purposes of calculating subsidy rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing or cross-ownership analyses and will not treat companies as collapsed or cross-owned at the respondent selection phase of this investigation for purposes of respondent selection. Therefore, please do not report aggregate quantity and value data for all the companies that you may believe should be treated as a single entity. Instead, report the company's quantity and value data separately. Data pertaining to other, possibly affiliated, companies should be reported separately by those companies.

Should you have any questions about this matter, please contact Frank Schmit at (202) 482-4880.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Kearney', with a long horizontal flourish extending to the right.

Erin Kearney  
Program Manager  
AD/CVD Operations, Office VI  
Enforcement and Compliance

Attachments

C-552-842  
Total Number of Pages: {INSERT TOTAL NUMBER OF PAGES}  
Investigation  
AD/CVD Operations  
Office VI  
Investigation  
{INDICATE TYPE OF DOCUMENT, SEE ATTACHMENT III.B.E.}

---

**OFFICE OF AD/CVD ENFORCEMENT  
QUANTITY AND VALUE QUESTIONNAIRE**

---

**REQUESTER(S):** **Insert Name of Company**  
**Company Address**  
**Contact Name and Title**  
**Contact Telephone Number**  
**Contact Fax Number**  
**Contract Email Address**

**REPRESENTATION:** **INSERT NAME OF COUNSEL, LAW FIRM AND  
CONTACT INFO**

**CASE:** Crystalline Silicon Photovoltaic Cells, Whether or Not  
Assembled into Modules, from the Socialist Republic of  
Vietnam

**PERIOD OF INVESTIGATION:** January 1, 2023, through December 31, 2023

**DUE DATE FOR Q&V RESPONSE:** June 4, 2024, at 5:00pm Eastern Time

**DATE OF INITIATION:** May 14, 2024

**OFFICIALS IN CHARGE:**

NAME: Frank Schmitt  
PHONE: (202) 482-4880  
E-MAIL: Frank.Schmitt@trade.gov

NAME: Erin Kearney  
PHONE: (202) 482-0167  
E-MAIL: Erin.Kearney@trade.gov

## ATTACHMENT I

## FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES

In providing the information in the chart below, please provide the total quantity in watts and total value (in U.S. dollars) of all your sales to the United States during the period January 1, 2023, through December 31, 2023, of merchandise covered by the scope of this investigation (see Attachment II).<sup>3</sup>

Please include only sales exported by your company directly to the United States. However, if your company made sales to third countries for which you have knowledge that the merchandise was ultimately destined for the United States, please separately identify these sales quantities and the location (*i.e.*, countries) to which you made the sales.

Even if you believe that you should be treated as a single entity along with other exporters, please do not report aggregate data for all of the companies that you believe should be treated as a single entity but separately report your company's quantity and value data below. The quantity and value data pertaining to other, possibly affiliated companies, that you believe should be treated together with your company as a single entity should be separately reported by those companies.

When providing the information requested below, please do not report POI sales to the United States of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules that are subject to the *AD/CVD Orders on Solar Cells from China*<sup>4</sup> as a result of the *Solar Cells from China Final Circumvention Determinations*.<sup>5</sup>

Specifically, **do not** report POI sales of the following:

- Solar cells produced with Chinese wafers in Cambodia, Malaysia, Thailand, or the Socialist Republic of Vietnam (Vietnam), that are not assembled into solar modules.
- Solar modules consisting of solar cells that were produced in Cambodia, Malaysia, Thailand, or Vietnam from wafers produced in China and where ***more*** than two of the following components in the solar modules were produced in China: (1) silver paste; (2) aluminum frames (3) glass; (4) backsheets; (5) ethylene vinyl acetate sheets; and (6) junction boxes.

<sup>3</sup> Please use the invoice date when determining which sales to include within the period noted above. Generally, Commerce uses invoice date as the date of sale, as that is when the essential terms of sale are set. If you believe that another date besides the invoice date would provide a more accurate representation of your company's sales during the designated period, please report sales based on that date and provide a full explanation.

<sup>4</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (collectively, *AD/CVD Orders on Solar Cells from China*).

<sup>5</sup> See *Antidumping and Countervailing Duty Orders on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Scope Determination and Final Affirmative Determinations of Circumvention With Respect to Cambodia, Malaysia, Thailand, and Vietnam*, 88 FR 57419 (August 23, 2024) (*Solar Cells from China Final Circumvention Determinations*).



- Solar cells or solar modules that meet the descriptions above, and that are transshipped from Cambodia, Malaysia, Thailand, or Vietnam to the United States through another third country.
- Solar cells completed in Cambodia, Malaysia, Thailand, or Vietnam from a Chinese wafer, and then the solar cells are sent to another inquiry country (Cambodia, Malaysia, Thailand, or Vietnam) for assembly into a solar module with three or more of the Chinese components that are listed in the second bullet point above, and the solar module is then exported to the United States.

For purposes of the chart below, ***include*** the following POI sales in the chart below:

- Solar cells produced with non-Chinese wafers in Vietnam, that are not in solar modules, for which the importer and exporter filed the Chinese component certification in Appendix VI of the *Solar Cells from China Final Circumvention Determinations*.
- Solar modules consisting of solar cells, that were produced in Vietnam from wafers produced in China and where two or ***less*** than two of the following components in the solar modules were produced in China: (1) silver paste; (2) aluminum frames (3) glass; (4) backsheets; (5) ethylene vinyl acetate sheets; and (6) junction boxes, for which the importer and exporter filed the Chinese component certification in Appendix VI of the *Solar Cells from China Final Circumvention Determinations*.
- Solar modules consisting of solar cells produced in Vietnam that were produced with wafers produced outside of China with polysilicon sourced from China.
- Solar cells made in Vietnam, even if made from wafers from China, that are then exported to a non-inquiry country,<sup>6</sup> other than China, and further assembled into solar modules. Only include these sales in the chart below if you had knowledge that the cells made in Vietnam were destined for the United States at the time they were exported to the non-inquiry country.
- Sales of subject merchandise to the United States by firms found not to be circumventing in the *Solar Cells from China Final Circumvention Determinations*, for the which the importer and exporter filed the certification in Appendix V of the *Solar Cells from China Final Circumvention Determinations*.

---

<sup>6</sup> Non-inquiry country refers to a country other than Cambodia, Malaysia, Thailand, or Vietnam.

<b>Market: United States</b>	<b>Total Quantity (Watts)</b>	<b>Terms of Sale<sup>7</sup></b>	<b>Total Value (U.S. Dollars)<sup>8</sup></b>
1. Sales of Subject Merchandise to the United States			
2. Sales to Third Countries Destined to the United States			
Total			

---

<sup>7</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>8</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

## ATTACHMENT II

### DESCRIPTION OF PRODUCTS UNDER INVESTIGATION

The merchandise covered by this investigation is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

This investigation covers crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the investigation.

Excluded from the scope of the investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the investigation are crystalline silicon photovoltaic cells, not exceeding 10,000 mm<sup>2</sup> in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the investigation are panels with surface area from 3,450 mm<sup>2</sup> to 33,782 mm<sup>2</sup> with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the investigation are:

- 1) Off grid CSPV panels in rigid form with a glass cover, with the following characteristics: (A) a total power output of 100 watts or less per panel; (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel; (C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8 mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors; (E) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and (F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

- 2) Off grid CSPV panels without a glass cover, with the following characteristics: (A) a total power output of 100 watts or less per panel; (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel; (C) do not include a built-in inverter; (D) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and (E) each panel is (1) permanently integrated into a consumer good; (2) encased in a laminated material without stitching, or (3) has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB-A connector.

In addition, the following CSPV panels are excluded from the scope of the investigation: off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water: (A) a total power output of no more than 80 watts per panel; (B) a surface area of less than 5,000 square centimeters (cm<sup>2</sup>) per panel; (C) do not include a built-in inverter; (D) do not have a frame around the edges of the panel; (E) include a clear glass back panel; and (F) must include a permanently connected wire that terminates in a twoport rectangular connector.

Additionally excluded from the scope of this investigation are off-grid small portable crystalline silicon photovoltaic panels, with or without a glass cover, with the following characteristics: (1) a total power output of 200 watts or less per panel; (2) a maximum surface area of 16,000 cm<sup>2</sup> per panel; (3) no built-in inverter; (4) an integrated handle or a handle attached to the package for ease of carry; (5) one or more integrated kickstands for easy installation or angle adjustment; and (6) a wire of not less than 3 meters either permanently connected or attached to the package that terminates in an 8 mm diameter male barrel connector.

Also excluded from the scope of this investigation are off-grid crystalline silicon photovoltaic panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water: (A) a total power output of no more than 180 watts per panel at 155 degrees Celsius; (B) a surface area of less than 16,000 square centimeters (cm<sup>2</sup>) per panel; (C) include a keep-out area of approximately 1,200 cm<sup>2</sup> around the edges of the panel that does not contain solar cells; (D) do not include a built-in inverter; (E) do not have a frame around the edges of the panel; (F) include a clear glass back panel; (G) must include a permanently connected wire that terminates in a two-port rounded rectangular, sealed connector; (H) include a thermistor installed into the permanently connected wire before the twoport connector; and (I)

include exposed positive and negative terminals at opposite ends of the panel, not enclosed in a junction box.

Modules, laminates, and panels produced in a third-country from cells produced in a subject country are covered by the investigation; however, modules, laminates, and panels produced in a subject country from cells produced in a third-country are not covered by the investigation.

Also excluded from the scope of this investigation are all products covered by the scope of the antidumping and countervailing duty orders on *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012).

Merchandise covered by the investigation is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8541.42.0010 and 8541.43.0010. Imports of the subject merchandise may enter under HTSUS subheadings 8501.71.0000, 8501.72.1000, 8501.72.2000, 8501.72.3000, 8501.72.9000, 8501.80.1000, 8501.80.2000, 8501.80.3000, 8501.80.9000, 8507.20.8010, 8507.20.8031, 8507.20.8041, 8507.20.8061, and 8507.20.8091. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the investigation is dispositive.

## ATTACHMENT III

### GENERAL INSTRUCTIONS

#### Instructions for Filing the Response

The following instructions apply to all documents you submit to Commerce during the course of this proceeding.

#### A. Due Date

1. All submissions must be made electronically using Commerce's ACCESS website at <https://access.trade.gov>, unless an exception applies. To determine if your response qualifies for manual filing, see the section on "Manual Filing" below. All laws, regulations, and other descriptive materials that supplement your responses should be submitted on the same date as the initial response.
2. The **business proprietary** response should be submitted on the day specified on the cover page of this questionnaire. The **public version** of the response may be filed one business day after the proprietary response.
3. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time (ET) on the due date, unless an earlier time is specified. Where applicable, a submitter must manually file a document between the hours of 8:30 a.m. and 5:00 p.m. ET on the due date, unless an earlier time is specified.

#### B. Format

1. You are required to state in the upper right-hand corner of your cover letter the following information in the following format:
  - a. on the first line, indicate the case number stated on the cover page to this questionnaire;
  - b. on the second line, indicate the total number of pages in the document including cover pages, appendices, and any unnumbered pages;
  - c. on the third line, indicate the specific segment of the proceeding, (*e.g.*, investigation, administrative review, scope inquiry, suspension agreement, *etc.*)

and, if applicable, indicate the complete period of review (MM/DD/YY - MM/DD/YY);

- d. on the fourth line, indicate Commerce office conducting the proceeding;
- e. on the fifth and subsequent lines, indicate whether any portion of the document contains business proprietary information and, if so, list the page numbers containing business proprietary information; and indicate the business proprietary/public status of the document and whether you agree or object to release of the submitted information under **administrative protective order** (APO) by stating one of the following:
  - “Business Proprietary Document -- May Be Released Under APO,”
  - “Business Proprietary Document -- May Not Be Released Under APO,”
  - “Business Proprietary/APO Version-- May Be Released Under APO,” as applicable,
  - “Public Version,” or
  - “Public Document.”
2. Please include a “Re:” line on the cover letter of your response, or any other submissions you make during this proceeding. In the Re: line, briefly summarize the purpose of your submission, *e.g.*, “response to questionnaire,” “case brief.”
3. Prepare your response in typed form and in English. *See* 19 CFR 351.303(d) and (e) for these and other formatting requirements. Include an original and translated version of all pertinent portions of non-English language documents that accompany your response, including financial statements.
4. It is your responsibility to contact the official in charge if subsequent to your filing there are events that affect your response, *e.g.*, changes in your cost accounting system are relevant to antidumping proceedings, and changes as a result of an audit are relevant to both antidumping and countervailing duty proceedings.

C. Manual Filing

**\*\* On the date of this questionnaire, alternative arrangements for manual filing must be made. If you are unable to file your submission electronically in ACCESS such that alternative arrangements are needed, please contact an official in charge at least 72 hours before the due date. For data files larger than 50 MB, email the ACCESS Help Desk at [access@trade.gov](mailto:access@trade.gov) so that they may assist you in reducing the size of your file.\*\***

1. All submissions must be filed electronically. Only under the following four circumstances will Commerce accept a hardcopy response that is manually filed:

- Documents exceeding 500 pages in length may be filed manually (in paper form) in the APO/Dockets Unit. This is referred to as a “bulky document.”
  - Data files greater than 50 MB must be filed manually on CD-ROM or DVD.
  - If the ACCESS system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour between 12:00 p.m. and 4:30 p.m. ET or for any duration of time between 4:31 p.m. and 5:00 p.m. ET, then a person may manually file the document in the APO/Dockets Unit. Commerce will provide notice of such technical failures on the ACCESS Help Desk line at (202) 482-3150 and on the Enforcement and Compliance website, which is <https://www.trade.gov/us-antidumping-and-countervailing-duties>.
  - Apart from the above, if you are unable to comply with the electronic filing requirement, as provided in 19 CFR 351.103(c) of Commerce’s regulations, and in accordance with section 782(c) of the Tariff Act of 1930, as amended (the Act), you must promptly notify the official in charge and submit a full written explanation of the reasons you are unable to file the document electronically. You must also suggest alternative forms in which to submit the information. Commerce will consider the ability of a submitter and may modify the electronic filing requirement on a case-by-case basis.
2. All manually filed documents must be accompanied by a cover sheet generated in ACCESS. For manually filed bulky documents, separator sheets must also be generated and used.
  3. If your response qualifies as a bulky document and you opt to file it manually, you must file two identical paper copies of the document. For all other authorized manual submissions, only one paper copy is required.
  4. Manual submissions must be addressed and submitted to:

**Secretary of Commerce**

**Attention: Enforcement and Compliance, AD/CVD Operations Office IV  
APO/Dockets Unit, Room 18022  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230**

**D. Certification**

1. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they



have read the submission and that the information submitted is accurate and complete. Commerce cannot accept questionnaire responses that do not contain the certification statements. Forms for such certification are included as appendices to this questionnaire. You may photocopy this form and submit a completed copy with each of your submissions.

2. Provide the required **certificate of service** (included as an appendix) with each business proprietary document and public version submitted to Commerce.
3. Signed certifications of accuracy and certificates of service should be scanned and appended to the appropriate electronic documents filed in ACCESS.

E. Business Proprietary Information and Summarization of Business Proprietary Information

1. Request business proprietary treatment for information submitted that you do not wish to be made publicly available. As a general rule, Commerce places all correspondence and submissions received in the course of an antidumping or countervailing duty proceeding in a public reading file. However, information deemed to be proprietary information will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to 19 CFR 351.304, 351.305, and 351.306. You must submit the request for proprietary treatment at the same time as the claimed business proprietary information is submitted to Commerce.
2. Utilize the “one-day lag rule” under 19 CFR 351.303(c)(2) if you wish an additional day to review the final bracketing of business proprietary information in a document and to prepare the required public version. The filing requirements under the one-day lag rule provide for a party to file only the business proprietary document within the applicable time limit (19 CFR 351.303(c)(2)(i)). By the close of business one business day after the date the business proprietary document is filed, the person must file the complete final business proprietary document (19 CFR 351.303(c)(2)(ii)). The final business proprietary document must be identical to the original document except for any bracketing corrections.
3. By the close of business one business day after the date the business proprietary document is filed (refer to the “one-day lag rule” in the preceding paragraph), submit the public version of your response (19 CFR 351.303(c)(2)(iii)). A public version must contain:
  - a. a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence, and/or

- b. an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

**Note:** *The summarization requirement does not apply solely to the narrative portion of your response. It applies equally to worksheets and other appendices to your response, and even to sales and cost databases submitted in antidumping proceedings. Generally, numerical data, such as that provided in sales and cost databases in antidumping proceedings, are adequately summarized only if grouped or presented in terms of indices or figures ranged within 10 percent of the actual figure. If a particular portion of data is voluminous, use ranged figures for at least one percent of the voluminous portion.*

*Responses, or portions thereof, that are not adequately summarized may be rejected from the record of this proceeding.*

4. Submit the statements required regarding limited release of business proprietary information under the provisions of an APO. U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
  - a. a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
  - b. a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. As discussed above, you must state in the upper right-hand corner of the cover letter accompanying your questionnaire response whether you agree or object to release of the submitted information under APO (e.g., May Be Released Under APO or May Not Be Released Under APO). (See 19 CFR 351.304 for specific instructions.<sup>9</sup>)

---

<sup>9</sup> If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information. See 19 CFR 351.304(d). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

5. Place brackets (“[ ]”) around information for which you request business proprietary treatment. Place double brackets (“[[ ]]”) around information for which you request proprietary treatment and which you do not agree to release under APO.<sup>10</sup>
6. Provide to all parties whose representatives have been granted APO access and who are listed on Commerce’s most recent APO Service List, a complete copy of the submission – proprietary document and public version, except for that information which you do not agree to release under APO.<sup>11</sup> (APO service lists, as well as public service lists, are regularly updated and maintained as record documents in ACCESS at <https://access.trade.gov>.) If you exclude information because you do not agree to release it under APO, you must submit the complete business proprietary version, wherein information in double brackets has been excluded. This version of the response must be marked “Business Proprietary/APO Version – May Be Released Under APO” on the cover page. For parties that do not have access to information under APO, please provide a public version only.

Note: A chart summarizing AD/CVD document filing requirements can be found at <https://access.trade.gov/Resources/filing/index.html>. ACCESS filing instructions are [https://access.trade.gov/help/Handbook\\_on\\_Electronic\\_Filing\\_Procedures.pdf](https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf). Detailed and supplemental information concerning APOs, including the APO Handbook, a complete set of APO regulations, and APO application forms and service lists, can be found at <https://www.trade.gov/administrative-protective-orders>.

---

<sup>10</sup> Commerce will not disclose proprietary customer names under APO during an antidumping or countervailing duty investigation until either an order is published or the investigation is suspended. To ensure that proprietary customer names are properly treated in this case, place double brackets (“[[ ]]”) around all proprietary customer names in your submissions to Commerce during the course of this investigation.

<sup>11</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice; *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020) and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

## ATTACHMENT IV

### CERTIFICATIONS OF FACTUAL ACCURACY AND CERTIFICATE OF SERVICE

---

#### CERTIFICATIONS OF FACTUAL ACCURACY

**§ 351.303 Filing, document identification, format, translation, service, and certification of documents.**

\* \* \* \* \*

(g) *Certifications.* Each submission containing factual information must include the following certification from the person identified in paragraph (g)(1) of this section and, in addition, if the person has legal counsel or another representative, the certification in paragraph (g)(2) of this section. The certifying party must maintain the original signed certification for a period of five years from the date of filing the submission to which the certification pertains. The original signed certification must be available for inspection by U.S. Department of Commerce officials. Copies of the certifications must be included in the submission filed at Commerce.

(1) For the person(s) officially responsible for presentation of the factual information:

**(i) COMPANY CERTIFICATION:\***

I, **(PRINTED NAME AND TITLE)**, currently employed by **(COMPANY NAME)**, certify that I prepared or otherwise supervised the preparation of the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE)** pursuant to the **(INSERT ONE OF THE FOLLOWING OPTIONS IN { }): {THE (ANTIDUMPING OR COUNTERVAILING) DUTY INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (DATES OF PERIOD OF REVIEW) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}**). I certify that the public information and any business proprietary information of **(CERTIFIER'S COMPANY NAME)** contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\* For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

**(ii) GOVERNMENT CERTIFICATION:\*\***

I, **(PRINTED NAME AND TITLE)**, currently employed by the government of **(COUNTRY)**, certify that I prepared or otherwise supervised the preparation of the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE)** pursuant to the **(INSERT ONE OF THE FOLLOWING OPTIONS IN {} : {THE (ANTIDUMPING OR COUNTERVAILING) DUTY INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (DATES OF PERIOD OF REVIEW) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)})**. I certify that the public information and any business proprietary information of the government of **(COUNTRY)** contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*\* For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

(2) For the legal counsel or other representative:

**REPRESENTATIVE CERTIFICATION:\*\*\***

I, (PRINTED NAME), with (LAW FIRM or OTHER FIRM), (INSERT ONE OF THE FOLLOWING OPTIONS IN {}: {COUNSEL TO} or {REPRESENTATIVE OF}) (COMPANY NAME, OR GOVERNMENT OF COUNTRY, OR NAME OF ANOTHER PARTY), certify that I have read the attached submission of (IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE) pursuant to the (INSERT ONE OF THE FOLLOWING OPTIONS IN {}: {THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (DATES OF PERIOD OF REVIEW) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}). In my capacity as (INSERT ONE OF THE FOLLOWING OPTIONS IN {}: {COUNSEL} or {ADVISER, PREPARER, OR REVIEWER}) of this submission, I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\*\*\* For multiple representative certifications, all representatives and their firms should be listed in the first sentence of the certification and all representatives should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, e.g., "I" should be changed to "we" and "my knowledge" should be changed to "our knowledge."

## CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that a copy of the

(name of certifying official)

foregoing submission on behalf of \_\_\_\_\_,

(company name)

dated \_\_\_\_\_, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

Name and address

(Public Version)

On Behalf of

Name and address

---

(Signature of Certifying Official)