



20 December 2019

(19-8921)

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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.1(C) UPON TAKING
A DECISION TO APPLY OR EXTEND A SAFEGUARD MEASURE**

UNITED STATES

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

Supplement

The following communication, dated 20 December 2019, is being circulated at the request of the delegation of the United States.

Pursuant to Article 12.1(c) of the WTO Agreement on Safeguards (Safeguards Agreement), the United States notifies the Committee that the U.S. International Trade Commission (Commission) has initiated a proceeding to advise the President of the probable economic effect on the domestic crystalline silicon photovoltaic (CSPV) cell and module manufacturing industry of modifying the safeguard measure on imports of CSPV products. The Commission began this proceeding in response to a December 6, 2019 letter from the Office of the United States Trade Representative (USTR) to the Commission.

1. Specify the date when the proceeding was initiated

The Commission initiated the proceeding on 18 December 2019.

A copy of the notice instituting the proceeding is attached* and includes the deadlines for the filing of written submissions and any applicable rules of procedure.

2. Provide the precise description of the product involved

The products covered by this proceeding are described in the Presidential Proclamation published in the Federal Register on 25 January 2018, and 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).

3. Provide the reasons for the initiation of the proceeding

Section 204(a)(4) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. sec. 2254(a)(4)) requires the Commission, upon request of the President, to advise the President of its judgment as to the probable economic effect on the industry concerned of any reduction, modification, or termination of the action taken under section 203 of the Trade Act which is under consideration. On December 6, 2019, USTR, acting under authority delegated by the President, requested that the Commission provide its advice regarding the probable economic effect on the domestic CSPV cell and module manufacturing industry of modifying the safeguard measure. Specifically, the USTR requested that the Commission analyze the effect of increasing the level of the tariff-rate quota applicable to imports of CSPV cells

* To consult this document, please contact Ms Richards (anne.richards@wto.org) or Ms Naville (delphine.naville@wto.org) of the Rules Division.

from the current 2.5 gigawatts (GW) to 4, 5, or 6 GW without other changes to the safeguard measure.

The Commission will provide its report to the USTR by no later than 30 days from the date of the report currently being prepared by the Commission under section 204(a)(2) (19 U.S.C. sec. 2254(a)(2)) of the Trade Act (Investigation No. TA-201-75 (Monitoring), Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled into Other Products: Monitoring Developments in the Domestic Industry).

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

The point of contact for the proceeding is:

Dylan Carlson
Office of Industries
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436
Tel: (202-205-3457)

The public record for this proceeding 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 proceeding and (ii) the date of the intended public hearing as provided for in Article 3.1

Interested parties are invited to file written submissions not later than 5:15pm on January 6, 2020. Interested parties are also invited to file a response to written submissions made by other interested parties. Such responses must be received no later than 5:15pm on January 13, 2020.

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

The Commission's Handbook on E-Filing, available on the Commission's website at https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's rules with respect to electronic filing.
