



6 August 2020

(20-5462)

Page: 1/2

Committee on Safeguards

Original: English

**NOTIFICATION UNDER ARTICLE 12.1(B) OF THE AGREEMENT
ON SAFEGUARDS ON FINDING A SERIOUS INJURY OR THREAT
THEREOF CAUSED BY INCREASED IMPORTS**

NOTIFICATION OF THE EXTENSION OF THE EXISTING MEASURE

**NOTIFICATION PURSUANT TO ARTICLE 9, FOOTNOTE 2
OF THE AGREEMENT ON SAFEGUARDS**

INDIA

Solar Cells whether or not assembled in modules or panels

Supplement

The following communication, dated 6 August 2020, is being circulated at the request of the delegation of India.

Pursuant to Article 12.1(c) of the WTO Agreement on Safeguards (Safeguards Agreement), India is notifying its decision to extend the safeguard measure to countries other than those mentioned as exceptions as per Article 9.1 of the Safeguards Agreement.

The present communication is in continuation to document No. [G/SG/N/6/IND/44](#) dated 3 January 2018, [G/SG/N/7/IND/11](#) - [G/SG/N/8/IND/31](#) - [G/SG/N/11/IND/17](#) dated 18 January 2018, [G/SG/N/8/IND/31/Suppl.1](#) - [G/SG/N/10/IND/22](#) - [G/SG/N/11/IND/17/Suppl.1](#) dated 2 August 2018, [G/SG/N/8/IND/31/Suppl.2](#) - [G/SG/N/10/IND/22/Suppl.1](#) - [G/SG/N/11/IND/17/Suppl.2](#) dated 6 August 2018 and [G/SG/N/8/IND/31/Suppl.3](#) - [G/SG/N/10/IND/22/Suppl.2](#) - [G/SG/N/11/IND/17/Suppl.3](#) dated 3 August 2020.

1 PROVIDE PRECISE DESCRIPTION OF PRODUCT INVOLVED

The Product Under Consideration (PUC) is 'Solar Cells whether or not assembled in Modules or Panels'.

2 PROVIDE PRECISE DESCRIPTION OF THE PROPOSED MEASURE

The safeguard duty was initially imposed on 'Solar Cells whether or not assembled in modules or Panels' for 2 years, i.e. from 30 July 2018 to 29 July 2020. Thereafter, based on the *prima facie* evidence submitted by the domestic industry regarding serious injury to domestic industry, the Director General of Trade Remedies (DGTR), having satisfied itself that the domestic industry was adjusting positively to the increased imports, initiated the review investigation for further continuance of safeguard duty and came out with its final findings, recommending extension of Safeguard duty for one more year with effect from 30 July 2020. Pursuant to this, the Government of India, vide its notification No. 02/2020-Customs(SG) dated 29 July 2020, has extended the safeguard duty as mentioned under SI No. 4 below.

3 PROVIDE PROPOSED DATE OF INTRODUCTION OF THE MEASURE

The Safeguard measure has been extended by one year i.e., from 30 July 2020 to 29 July 2021.

4 PROVIDE THE EXPECTED DURATION OF THE MEASURE

The Safeguard duty has been extended for one year with effect from 30 July 2020 at the rate of duty, showing progressive liberalisation, as indicated below:

- a. 14.9% *ad valorem* minus anti-dumping duty payable, if any, when imported during the period from 30 July 2020 to 29 January 2021 (both days inclusive); and
- b. 14.5 % *ad valorem* minus anti-dumping duty payable, if any, when imported during the period from 30 January 2021 to 29 July 2021 (both days inclusive).

5 IF THE EXPECTED DURATION IS OVER ONE YEAR, PROVIDE EXPECTED TIMETABLE FOR PROGRESSIVE LIBERALIZATION OF THE MEASURE

During the original application of the Safeguard measure for 2 years (30 July 2018 to 29 July 2020), the Domestic Industry had shown evidence of positive adjustment to import competition. However, import prices had continued to decline steeply, undercutting the prices of the Domestic Industry. Therefore, the domestic industry was required to be given more time to overcome its fragile financial situation caused by import of the PUC. The domestic producers had presented a revised adjustment plan detailing the steps it was planning to take to reduce its costs further, in order to meet import competition. Accordingly, the extended safeguard measure, made effective from 30 July 2020, has been progressively liberalised as mentioned under Sl. No. 4 above.

6 IF THE NOTIFICATION RELATES TO A DECISION TO APPLY OR EXTEND A SAFEGUARD MEASURE, MEMBERS ARE ENCOURAGED TO PROVIDE THE FOLLOWING INFORMATION

- i. The major exporting Members of imports of the product involved.

During the period of investigation, China PR, Thailand and Vietnam were found to be major exporting countries.

- ii. If there are any exporting Members to which the measure does not apply for any reason other than the application of Article 9.1, the names of such exporting Members and reasons for non-application of the measure.

Import of the PUC is originating from more than one developing country. However, as a percentage of the total imports of the PUC into India, imports from China PR, Thailand and Vietnam individually accounted for more than 3%, while the share of every other developing country individually was less than 3% and collectively for those countries did not exceed 9% of the total imports of the PUC into India. Therefore, the import of PUC originating from developing countries (as listed in Government of India Notification No.19/2016-Customs (NT) dated 5 February 2016), except China PR, Thailand and Vietnam, will not attract the Safeguard Duty under this notification.

7 FURTHER INFORMATION

The Customs notification extending the safeguard measure is available in the Public domain and can be accessed at <http://www.cbic.gov.in>.
