

PUBLIC VERSION RECORD

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Public Version

The Director
Operations 3
Level 5 Customs House
Anti-Dumping Commission
5 Constitution Ave
Canberra City ACT 2601
By email: Operations3@adcommission.gov.au

Attn: Mr. Sanjay Sharma

Dear Sir,

Re: Case ADC 239 – Anti-dumping Investigation into the Alleged Dumping of Certain Crystalline Silicon Photovoltaic Modules or Panels Exported from the People's Republic of China – Request for Individual Treatment

On behalf of our client **Shanghai JA Solar Technology Co., Ltd. and Hefei JA Solar Technology Co., Ltd.** (collectively, “JA”) who are not sampled but chooses to timely complete the exporter questionnaire, we hereby requests its own individual treatment.

According to the Customs Act 1901, the Commission must examine its exportations unless to do so would prevent the timely completion of the investigation. The extent to which the Commission will be able to extend the investigation to the non-sampled exporters will be determined by:

- the level of cooperation from the four selected exporters;
 - the number of residual exporters seeking an individual dumping margin determination; and
 - the available resources within the Commission to undertake either on-site or remote verification.
1. It is unclear whether all of the four selected exporters timely submitted the complete exporter questionnaire response. Should anyone of them only submit incomplete response, the Commission is able to reject such selected exporters and extend to non-sampled exporters.
 2. According to the available information up to now, there are seven non-sampled exporters including our client seeking an individual dumping margin determination. If the Commission would like to extend the investigation to these non-sampled exporters, our client should be the

one selected due to JA's difference and uniqueness among competitors listed as under.

- a) JA is one of eight Chinese exporters who are responsible for the largest volume of exports of modules to Australia.
- b) Shanghai JA Solar Technology Co., Ltd. and Hefei JA Solar Technology Co., Ltd. are the subsidiaries of JA Solar Holdings Ltd. JA Solar Holdings Ltd. is a listed company at Nasdaq, which is transparent to the public in all aspects and is under good management. JA has a very healthy finance situation for the further growth.
- c) JA has participated cooperatively in the anti-dumping and anti-subsidy investigations initiated by the U.S., EU and India, and JA knows well how to cooperate with the investigating authority. It will much easier for the Commission to investigate JA than other non-sampled companies.
- d) With a selectively optimized vertical integration model, JA manufacturing facilities encompass the whole photovoltaic supply chain including ingots, wafers, cells, modules and comprehensive PV system project development services. JA is one of the world largest solar cell producers and is the best model for the Commission to learn the Chinese industry information of solar cell which is the major input of the modules. Besides, JA is a top 10 PV module supplier in the whole world for the last two years.

TOP 10 c-Si cell manufacturer in the world

Rank	2010	2011	2012	2013
1	JASOLAR	JASOLAR	Yingli	Yingli
2	Suntech	Suntech	JASOLAR	JASOLAR
3	Sharp	Trina	Trina	Trina
4	Q-Cells	Yingli	Suntech	NEO Solar
5	Trina	Motech solar	Motech solar	Motech
6	Yingli	Hareon	Gintech Solar	Jinko
7	Motech	Gintech solar	Canadian Solar	Gintech
8	Gintech	Q-Cells	Jinko	Canadian Solar
9	Kyocera	NEO Solar	NEO Solar	Hareon
10	Others	Canadian Solar	Sunpower	Sunpower

Source: IMS & SolarBuzz

Top 10 PV Module Suppliers in 2012

2012 Rank	Module Supplier	Change from 2011
1	Yingli Green Energy	+1
2	First Solar	+2
3	Suntech	-2
4	Trina Solar	-1
5	Canadian Solar	-
6	Sharp Solar	-
7	Jinko Solar	+2
8	JA Solar	+7
9	SunPower	-1
10	Hanwha SolarOne	-3

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Analysis featured in forthcoming Marketbuzz 2013 Report

**Top 10 PV Module Suppliers in 2013**

2013 Rank	Module Supplier	Change from 2012
1	Yingli Green Energy	-
2	Trina Solar	+1
3	Sharp Solar	+3
4	Canadian Solar	-
5	Jinko Solar	+3
6	ReneSola	+7
7	First Solar	-2
8	Hanwha SolarOne	+2
9	Kyocera	+5
10	JA Solar	-3

JA's production capacity of solar module is 2.8 GW, production capacity of solar cell is 2.8 GW and production capacity of wafer is 1.0 GW. Other non-sampled voluntary responding Chinese exporters' production capacity of solar module, solar cell and wafer is much lower than JA's. For example, Jiangsu Seraphim Solar System Co., Ltd's production capacity of solar module is 380 MW, production capacity of solar cells is 123 MW and production capacity of wafer is 150 MW. Ningbo Qixin Solar Electrical Appliance Co., Ltd's production capacity of solar module is 500 MW and production capacity of solar cells is 250 MW. Other non-sampled voluntary responding Chinese exporters are small or medium size companies, and are not representative enterprises in the PV industry, which is not suitable to be chosen to extend the investigation to.

- e) [CONFIDENTIAL TEXT DELETED – the purchase information of raw material of JA], which is much different from other Chinese exporters.
- f) JA's modules exported to Australia are unique. [CONFIDENTIAL TEXT DELETED – the difference between JA's products to Australia and other Chinese exporters' products to Australia].

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All these mentioned above make our client representative and different from other non-sampled Chinese exporters who timely filed the exporter questionnaire response.

3. We would be of the view that the Commission has available resources to undertake either on-site or remote verification on non-sampled exporters. There are only four selected exporters which is a small number. Further, there are only two companies within our client which need to be examined by the Commission and remote verification may be used by the Commission if necessary. Accordingly, the individual examination on our client would not be an excessive burden on the Commission.

Our client has made a good-faith effort to respond to the Exporter Questionnaire to the best of their capability. Considering the above, we would kindly request the Commission to individually examine our client and make an individual dumping margin determination for our client.

Sincerely yours,



Stone Zhang



Lifer Dai

Counsel for Shanghai JA Solar Technology Co., Ltd. and Hefei JA Solar Technology Co., Ltd.