

22<sup>nd</sup> August 2014

The Commissioner  
Anti-Dumping Commission  
Customs House  
1010 Latrobe Street  
Docklands, VIC 3008

**Application for Exemption for Electus Distribution Pty Ltd**  
**Re: Investigation ADC 239 – alleged dumping of PV Modules and Panels being exported from China**

To The Director of The Anti-Dumping Commission,

Electus Distribution Pty Ltd (hereby Electus) is the import and wholesale distribution company of the Jaycar Electronics Group, which imports a wide range of over 7000 different electronic, electrical and similar products that are predominantly sold through the Jaycar Electronics retail chain stores in Australia, as well as distributed to multiple external retail chain store groups and independent retailers. Within this wide range of products is a core range of solar photovoltaic (PV) panels and modules that are sold at wholesale and retail level predominantly to the outdoor (camping, RV, caravan, marine, etc) recreational market, as well as to the general purpose solar market.

Electus (and Jaycar Electronics) has been involved in the sale of solar PV modules and panels into the Australian marketplace for over 15 years, and has positioned itself as one of the major retailers/wholesalers to the aforementioned outdoor recreational and general purpose solar market. The range of solar PV panels and modules that Electus sold during the investigation period, and up to the present day, reflects the particular applications and requirements typically found in the outdoor recreational and general purpose solar markets; which are almost exclusively intended for charging a 12V or 24V (typically lead acid) re-chargeable battery. To match with this range of solar PV panels and modules, Electus also supplies a range of solar charge controllers, 12V lead-acid batteries, connectors, leads and accessories that match with the solar PV panels and modules for the main applications of these outdoor recreational and general purpose markets.

Obviously, supplying solar PV products to the retail market means that the end user applications are varied in type, scale and configuration beyond the ability to count – however the overwhelming majority of end user applications of solar PV products that Electus supply are for the application of charging a lead-acid 12V or 24V battery, with an extra-low voltage (ELV) solar array, in a stand-alone system that is usually under 500W in total power (the vast majority would be under 150W). These systems are also not associated with the domestic or commercial supply of 240Vac power to premises, as is the case in the domestic/commercial rooftop solar PV market.

As such, the solar PV products that we supply are rather small in size and power compared to those found in the rooftop solar market – for example the two most popular solar products (by quantity) we supply are a 5W mono-crystalline solar module, and a 120W portable “fold-up” solar charging kit designed for portable camping/travelling use; comprised of two 60W mono-crystalline modules attached together a hinge and latches and fitted with a charge controller and long battery charging output lead. Neither of these products are intended for use in a rooftop solar system in any way.

Our understanding is that the applicant for this anti-dumping investigation, Tindo Manufacturing (being the **only** manufacturer in Australia), only produces 250W (and similar size) solar PV modules intended for the domestic rooftop and utility scale solar PV systems, which are not “like goods” to the goods that are required for the outdoor recreational and general purpose solar markets that Electus supply to. This is outlined by the following points:

- **Different PV Cells:** Tindo Manufacturing’s production appears to be entirely based on use of 6” (156x156mm) crystalline solar cells. The overwhelming majority of the solar modules that are required in the outdoor recreational and general purpose solar markets utilise a 5” (125x125mm) crystalline solar cell, and in at least half of the solar modules required in this market use “cut-down” cells to produce the final module with electrical output characteristics required for charging a 12V or 24V battery.
- **Different Module Configuration:** Further to the difference in solar PV cells used in the production by Tindo Manufacturing, the solar PV modules that Tindo produces comprise 60 cells in the module, which produces an electrical output that is not ideal for the purposes of charging a 12V or 24V battery as required in the outdoor recreational and general purpose markets. The vast majority of solar modules required in the outdoor recreational and general purpose market comprise 36-cells, and in some cases 32-cells, 72-cells or 108-cells (either full cells, or cut-down cells).
- **Different construction:** The solar PV modules produced by Tindo Manufacturing are constructed with a thick, rigid aluminium frame, with a large surface area to collect solar irradiation (as they are a large 250W solar PV module). This type of construction is ideal for the domestic rooftop solar and utility scale solar markets, but is too large and cumbersome for the outdoor recreational and general purpose markets. In these markets that Electus supplies to, solar PV modules are typically much smaller (most are between 5W and 120W), with thinner aluminium frames and significantly smaller dimensions and weights. There are also requirements in the outdoor and general purpose markets for solar PV modules that are bendable (laminated to a semi-rigid backing plate with no rigid aluminium frame) and for “portable” modules that are two modules attached together with a hinge, handle and latch so they can be folded up and carried, and are fitted with charge controllers and battery charging output leads for directly charging a 12V battery. It would appear that Tindo Manufacturing does not have the ability to manufacture solar modules of this type, as their production is solely focussed on an entirely different market space.

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Below is a table of the current range of solar PV products supplied by Electus to the Australian market, which shows the large variation in module power and size, cell configurations and types, and demonstrates the distinct difference to the goods produced by Tindo Manufacturing.

To make the comparison of the goods that Electus supplies against the goods that Tindo Manufacturing produces, the main product from Tindo has also been included on the table below.

<b>Model</b>	<b>Description</b>	<b>Power (W)</b>	<b>Cell type</b>	<b>Cell Count</b>
ZM9091	5W Mono C-Si, aluminium frame	5	Cut-down 5"	36-cell
ZM9093	10W Mono C-Si, aluminium frame	10	Cut-down 5"	36-cell
ZM9094	20W Mono C-Si, aluminium frame	20	Cut-down 5"	36-cell
ZM9095	40W Mono C-Si, aluminium frame	40	Cut-down 5"	36-cell
ZM9096	65W Mono C-Si, aluminium frame	65	Cut-down 6"	36-cell
ZM9097	80W Mono C-Si, aluminium frame	80	5"	36-cell
ZM9098	120W Mono C-Si, aluminium frame	120	Cut-down 5"	108-cell
ZM9099	175W Mono C-Si, aluminium frame	175	5"	72-cell
ZM9085	120W Mono C-Si, aluminium frame	120	6"	36-cell
ZM9086	90W Mono C-Si, aluminium frame	90	5"	36-cell
ZM9087	145W Mono C-Si, aluminium frame	145	Cut-down 5"	108-cell
ZM9088	200W Mono C-Si, aluminium frame	200	5"	72-cell
ZM9130	80W Mono C-Si, Portable fold up, with charge controller	80	Cut-down 5"	36-cell (x2)
ZM9132	40W Mono C-Si, Portable fold-up, with charge controller	40	Cut-down 5"	36-cell (x2)
ZM9134	120W Mono C-Si, Portable fold-up, with charge controller	120	Cut-down 5"	36-cell (x2)
ZM9136	180W Mono C-Si, Portable fold-up type	180	5"	36-cell
ZM9112	20W Mono C-Si, semi-flexible design	20	Cut-down 5"	36-cel
ZM9116	100W Mono C-Si, semi-flexible design	100	5"	32-cell
<b>Tindo</b>	<b>250W Poly C-Si, Aluminium frame</b>	<b>250</b>	<b>6"</b>	<b>60-cell</b>

Given these points above, it is the belief of Electus Distribution Pty Ltd that Tindo Manufacturing do not manufacture "like goods" to the solar PV modules and panels that are required by the end-users in the outdoor recreational and general purpose solar markets. Tindo Manufacturing appears to be solely focused on supplying the domestic rooftop and utility scale solar markets.

We are therefore unable to purchase any product from Tindo Manufacturing, as their goods do not in any way fit the requirements of the market we are selling to.

There are more than likely several other importers, distributors and wholesalers who are in a similar situation to Electus, in that they are importing solar PV panels and modules for use in similar battery charging applications for the outdoor recreational market, completely removed from the domestic/commercial "grid connected" or rooftop solar industries.

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Given the scope and terms of the anti-dumping investigation, and the wordings therein, we believe that this particular solar market (the recreational and outdoor markets) has been completely forgotten, and as such stakeholders such as ourselves are likely completely unaware of this pending investigation – as we were only made aware **by a chance conversation** with a business contact more heavily involved in the rooftop solar industry.

It is also our belief that any industry groups notified in this investigation have no representation for our particular segment of the solar market, and as such an entire market sector has potentially been eliminated from any involvement or input into this anti-dumping investigation.

Part of the reason that we believe this particular anti-dumping investigation has not considered this particular market sector is that the tariff classifications for solar PV panels and modules are very broad in their scope – in fact the one classification covers ALL solar PV panels and cells in the one classification, which is far too broad in our opinion.

The current tariff classification is 8541.40.00 Statistical Code 53, which reads:

<b>8541.40.00</b>		<b>- Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light emitting diodes</b>	<b>Free</b>
	<i>53</i>	<i>No</i>	<i>Goods, as follows: (a) assembled solar arrays; (b) solar cells</i>

Solar PV panels are produced with power outputs ranging from 0.1Watt and smaller, up to 350Watt and larger – with construction methods varying from thin film flexible modules, to glass encapsulated aluminium framed crystalline modules, and dimensions from smaller than a finger nail to the size of a large office window (and bigger).

We then further refer this to the terms of the Anti-Dumping Notice no.2014/38, which specifies the goods under investigation for this proposed anti-dumping levy:

### **The Goods**

The following is a description of the goods covered by the investigation:

Certain crystalline silicon photovoltaic modules or panels, whether exported assembled or unassembled, and whether or not they have an inverter, capable of producing any power in terms of watt.

You can plainly see from these terms that effectively ANY AND ALL solar PV modules imported into Australia are captured under this investigation and proposed anti-dumping levy, which is grossly unfair and anti-competitive given the extremely narrow scope and manufacturing ability of the single Australian manufacturer of Solar PV modules.

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We therefore believe that due to the extremely broad scope of both the terms of the Anti-Dumping Notice and the tariff classifications, combined with the opposing very narrow manufacturing scope of Tindo Manufacturing (the only manufacturer in Australia), that it is entirely unreasonable to apply any form of anti-dumping levy under the current terms of the investigation.

As clearly indicated above, the particular solar PV modules that are imported for use in the outdoor and recreational solar markets are entirely different to those produced by the Australian industry (Tindo Manufacturing), and as such bear no material or commercial impact to Tindo Manufacturing.

Our proposal is that the terms of the goods under investigation in this anti-dumping notice no. 2014/38 are significantly narrowed as follows:

***Certain crystalline silicon photovoltaic modules or panels, whether exported assembled or unassembled, and whether or not they have an inverter, capable of producing power an output of more than 200W.***

In following these above terms of the goods, the anti-dumping investigation would be appropriately narrowed to the relevant solar markets and industries.

Alternatively, we would expect that Electus Distribution (and any like importers) would be exempt from any levy that is applied as a result of the investigation into alleged dumping of crystalline silicon solar PV modules and panels exported from China.

Sincerely,



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