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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 – Application for Exemption

On behalf of our client **Shanghai JA Solar Technology Co., Ltd. and Hefei JA Solar Technology Co., Ltd.** (collectively, "JA") who are cooperating producers and exporters, we hereby request the Commission to exempt the PV modules that are rated 300W+ from the scope under investigation of the above referenced proceedings.

JA, as a top PV module supplier in the whole world, produces and exports solar modules with capacity of all levels including 72 cell modules with power of 300W+. However, the only manufacturer in Australia, Tindo Manufacturing Pty Ltd. ("Tindo"), does not and cannot produce the 300W+ modules. Thus, JA hereunder wishes to highlight that Tindo does not manufacture a "like goods" to the 300W+ PV modules and the reasons are outlined below:

1. Difference in Module Efficiency

Currently, Tindo has certification and the capability to manufacture their Karra modules that are rated from 215W to 260W but are not certified to produce modules exceeding 260W. Notwithstanding with the above mentioned certification, Tindo has only produced and sold Karra 240W and Karra 250W modules since its commencing sales. The 250W modules produced by Tindo comprise 60 individual cells whereas the 300W+ modules that are typically incorporated into design of modern utility scale solar PV facilities comprise 72 cells. This physical difference results in 300W+ modules achieving 20% increase in power output for a nominal increase in

module size. The difference in module efficiency significantly impacts the costs associated with construction and operation of a solar PV facility. Therefore, the 300W+ 72 cell modules cannot be replaced with equivalent goods currently being produced or manufactured by Tindo when they are used for utility scale projects.

Using the nearest term project [CONFIDENTIAL TEXT DELETED - - the project name] developed by JA's Australian customer as an example, the modules purchased for using in this project are the 72 cell modules with power of 310W+. According to JA's customer, the modules required for this utility scale project are not available from the only local manufacturer Tindo. Tindo does not and is not certified by CEC to produce 300W+ 72 cell modules. Besides, if this utility scale project was redesigned to accommodate lower power 60 cell modules, the projects would be considerably more expensive and almost certainly not financially viable due to material increases in costs of other aspects of the project (eg module racking, delivery costs, etc).

2. Differences in Product Characteristics

The physical characteristics of the 300W+ modules that are normally designed for utility scale projects are very different from those of the modules for housing/building rooftop applications produced by Tindo. Attached is an extract from [CONFIDENTIAL TEXT DELETED - - the project name and number of MW of the project] MW Solar Farm (see Attachment A for Project Specifications [CONFIDENTIAL ATTACHMENT]) for the minimum requirements to be eligible for utility commercial application. These specifications clearly show the Tindo Solar Module does not comply on majority of item points.

We list the product characteristics below required by the [CONFIDENTIAL TEXT DELETED - - the project name] Project on JA's modules, which are compared to the product characteristics of modules produced by Tindo (see Attachment B for Tindo's product brochure).

Firstly, Tindo's products have no confirmation on reduced LID (Light Induced Degradation). The industry standard shall be approximately 2-3%. But JA's products are required to be under 1.5% and to be recognized by independent third party testing.

Secondly, Tindo's products are only resistant to 25mm hailstone strikes, while JA's products must meet the industry standard testing which shall be resistant to 50mm hailstone strikes.

Thirdly, Tindo's products have front load test at 2400 Pa, while JA's products have front load test at 5400 Pa.

Fourthly, Tindo's products have weak temperature co-efficient statistics which will prevent quality performance in high temperatures, while JA's products for utility scale projects shall be located throughout Australia and perform well in higher temperatures.

Fifthly, Tindo's products only use an IP65 rated junction box, while JA's products shall meet the manufacturing requirements for commercial applications of an IP67 rated junction box.

Finally, we understand that Tindo's products do not comply with majority of standards and

technical parameters required. Tindo is not certified to ISO 9001, ISO 14001 and BS OHSAS 18001 which is commonly required for utility scale projects.

Based on the differences in product characteristics of Tindo's modules and JA's 300W+ modules, we can find that they are not like goods which can be compared and Tindo is not a qualified supplier for the utility scale PV projects.

3. Difference in Product Usage

Due to the differences between Tindo's modules and JA's 300W+ modules, as far as we know, Tindo's products are primarily designed and sold to the domestic rooftop market and do not compete with modules designed for utility scale projects. This is reflected by the fact that the Tindo products are not certified for ground-mounted systems by the Clean Energy Council rather they are certified for housing/building rooftop applications.

JA's 300W+ modules are normally designed for utility scale projects. JA is a professional supplier of industrial and customized modules used for large solar farms. JA's products are much customized according to project location (humidity, temperature, sunshine-low irradiation). The market of JA's 300W+ modules is not rooftop.

According to our estimate, 80% of the Australian solar modules market is for roof-top and only 20% is for utility scale solar farms. As Tindo and JA focus on different target markets, JA's 300W+ modules do not compete with Tindo's modules on the Australian market.

4. Limits on Tindo's Production Capacity

Tindo's production capacity of modules for one year is up to 60MW. Modern utility scale Solar PV facilities that we are aware of within Australia are typically in the range 20-100 MW. Even if their facility was operating at maximum capacity and 100% of this production was dedicated to supplying one utility scale project, it would not have the ability to meet the required delivery schedule for modules in order to meet the project completion requirements. In the [CONFIDENTIAL TEXT DELETED - - the project name] Project the Australian customer requires JA to produce [CONFIDENTIAL TEXT DELETED - - number of MW of the project] MW modules within [CONFIDENTIAL TEXT DELETED - - number of weeks] weeks (approximately [CONFIDENTIAL TEXT DELETED - - number of modules] pieces of 72 cell high efficiency modules with power of [CONFIDENTIAL TEXT DELETED - - power of modules at watt]) whilst adhering to standards. Tindo's limited production capacity cannot meet this requirement. In any event we note Tindo does not and is not certified to produce 300W+ modules.

Given the above reasons, JA is of the belief that the 300W+ modules should be excluded from the scope of the product under investigation in the above referenced proceedings. Tindo is not able to manufacture products that meet the requirements of the utility scale projects market. Therefore, only when the 300W+ modules used for the utility scale projects are excluded from the product under investigation, the large utility scale projects, especially those already under development,

may not be halted due to cost uncertainty pending the outcome of the investigation. The solar modules with high efficiency imported from the People's Republic of China will cause no damage to the solar module industry of Australia, but will promote the development of the PV industry of Australia.

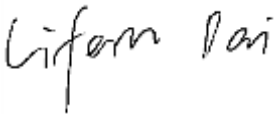
Our proposal is that the terms of the goods under investigation in this anti-dumping investigation are narrowed as follows:

> "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 **less than 300W**."

If you require further information please don't hesitate to contact us.

Sincerely yours,

Stone Zhang



Lifern Dai

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

Attachment A

NOT CAPABLE OF SUMMARY

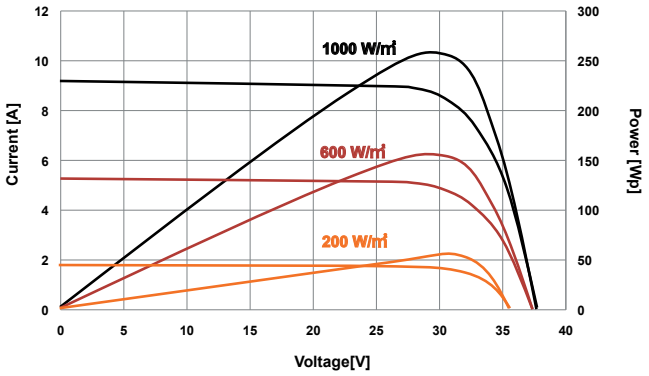
Attachment B

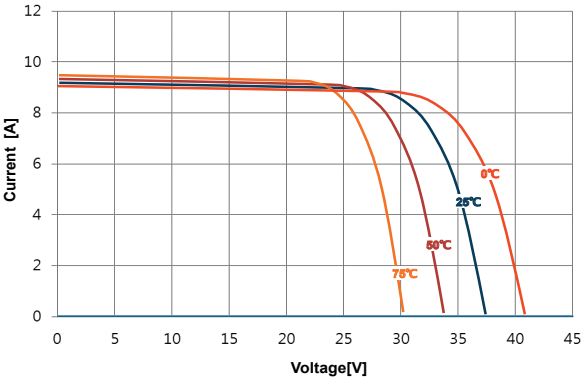
Electrical Characteristics

60Cells Panel Description		Karra-240	Karra-245	Karra-250	Karra-255	Karra-260
Item	Unit					
Max. Power (Pmax)	Wp	240	245	250	255	260
Max. Power voltage (Vmp)	V	29.6	29.8	30	30.2	30.4
Max. Power current (Imp)	A	8.1	8.2	8.3	8.4	8.6
Open circuit voltage (Voc)	V	37.3	37.5	37.7	37.9	38.1
Short circuit current (Isc)	A	8.7	8.7	8.8	8.8	8.8
Panel efficiency	%	14.3	14.6	15.0	15.3	15.6
Power tolerance	%	±3				

*STC(Standard Test Condition) : 1,000W/m², AM 1.5, 25℃

Irradiance & Temperature Curves





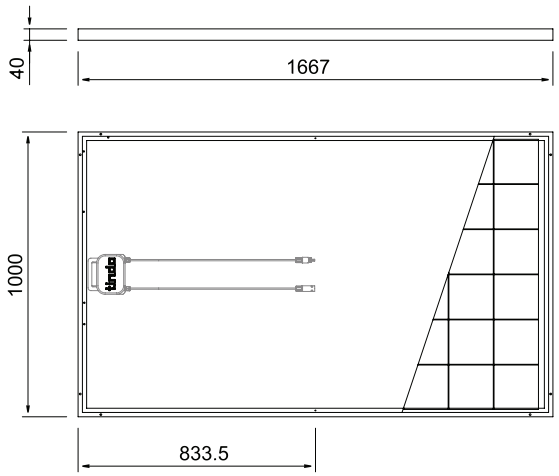
Mechanical Characteristics

Cells per Panel	60 Cells (6 x 10)
Cell Type	156 x 156 mm Multi-crystalline
Panel Dimension (L x W x H)	1,667 x 1,000 x 40 mm
Panel Weight	18.5 kg (without inverter / 2.3 kg)
Front Glass	3.2 mm Tempered Glass
Back Sheet	DuPont Tedlar film-based
Junction Box	Rated Current 18A / Rated Voltage 1000V(IEC) / IP65
Frame	Anodized Aluminum
Output cable	600mm / 4mm² cable
Edge seal & J-box Sealant	Dow Corning

Qualification Tests & Warranty

Front load test	2400 Pa (Snow)
Rear static load test	5400 Pa (Wind)
Safety application class	Class A
Fire Safety Classification	Class C
Certifications	IEC 61215, IEC 61730
Hailstone impact test	25mm hailstone at 23m/s from 1m distance
Warranty	10 years limited product warranty
Performance guarantee	25 years limited warranty 80% power
PID Resistance	Yes as tested by Fraunhofer Institute

Panel Drawing



Tindo Solar Partner