



## Government Questionnaire – The People’s Republic of China

**Product:** Crystalline Silicon Photovoltaic  
Modules or Panels

**From:** The People’s Republic of China

**Period of Investigation:** 1 July 2012 to 31 December 2013

**Response due by:** **2 July 2015**

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**Return completed  
questionnaire to:**

Anti-Dumping Commission  
Level 12, Industry House  
10 Binara Street  
Canberra ACT 2601

Attention: Director Operations 2

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### ABBREVIATIONS

China	the People's Republic of China
CIF	Cost, Insurance & Freight
EPZ	Export Processing Zones
FOB	Free On Board
GOC	Government of China
PV modules or panels	Crystalline silicon photovoltaic modules or panels
SAT	State Administration of Taxation
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ	Special economic zone
SIE	State-invested enterprise
the Act	the Customs Act 1901
the Applicant or Tindo Solar	Tindo Manufacturing Pty Ltd
the Commission	Anti-Dumping Commission
the goods	the goods the subject of the application (certain crystalline silicon photovoltaic modules or panels)
the investigation period	1 July 2012 to 31 December 2013
W	Wattage (or watts)

## BACKGROUND AND GENERAL INSTRUCTIONS

### 1. Background

On 14 May 2014, following an application by Tindo Manufacturing Pty Ltd (Tindo Solar), the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated a dumping investigation in respect of certain crystalline silicon photovoltaic modules or panels (PV modules or panels) exported to Australia from the People's Republic of China (China). Tindo Solar alleged that the Australian industry has suffered material injury caused by crystalline silicon photovoltaic modules or panels exported to Australia from China at dumped prices.

A notice advising initiation of the investigation was published in *The Australian* on 14 May 2014. Anti-Dumping Notice (ADN) No. 2014/38 outlining the details of the investigation and the procedures to be followed during the investigation can be accessed on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

In its initial application Tindo Solar claimed that there is a situation within the domestic Chinese PV modules or panels market that renders sales within this market unsuitable for determining normal values (i.e. that a 'particular market situation' exists in this market). The only evidence supplied with the application was the alleged provision by the Government of China (the GOC) of 'policy loans' to solar panel manufacturers at below market interest rates. At the time of initiating the investigation the Commissioner did not consider that there was sufficient evidence to investigate Tindo Solar's claim and did not request any information from the GOC in relation to this issue.

However, following the publication of Statement of Essential Facts number 239 (SEF 239) on 7 April 2015, Tindo Solar provided new information asserting that the GOC has influenced the costs of raw materials and prices of PV modules or panels in the Chinese domestic market. Tindo Solar claims that the Chinese domestic market and domestic prices of PV modules or panels are not substantially the same as they would be in a competitive market.

The Commissioner sought an extension of time to the due date for the final report from the Parliamentary Secretary to the Minister for Industry and Science in order to investigate Tindo Solar's claim. A final report and recommendation to the Parliamentary Secretary will now be made on or before 18 July 2015.

### 2. Goods under consideration

The goods under consideration (the goods) ie the goods exported to Australia, allegedly at dumped prices, are:

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 (PV modules or panels).

#### Exclusions:

The following product types are excluded:

- cells and wafers of the type used in PV modules or panels;
- solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries; and

- PV products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s).

### **3. Tariff classification**

The goods are classified to the following tariff subheadings in Schedule 3 to the Customs Tariff Act 1995:

- 8541.40.00, statistical code 53;
- 8501.61.00, statistical codes 33 and 24;
- 8501.62.00, statistical code 34;
- 8501.63.00, statistical code 40; and
- 8501.64.00, statistical code 41.

The rate of Customs duty payable under each of the tariff subheadings is as follows:

- 8541.40.00 (statistical code 53); 8501.63.00 (statistical code 40) and 8501.64.00 (statistical code 41) are duty free; and
- 8501.61.00 (statistical codes 33 and 24) and 8501.62.00 (statistical code 34) have a duty rate of 5 per cent for all countries except for DCS countries (4 per cent) and DCT (5 per cent). China is defined as DCS therefore duty is payable at the rate of 4 per cent.

### **4. Investigation period**

The existence and amount of any dumping in relation to PV modules or panels exported to Australia from China will be determined on the basis of an investigation period of 1 July 2012 to 31 December 2013 (hereinafter referred to as 'the investigation period').

The Commission will examine details of the Australian market from 1 January 2010 for injury analysis purposes.

### **5. Purpose of this questionnaire**

The purpose of this questionnaire is to assist the Commission to obtain the information from the GOC it considers necessary for investigating the allegation that there is a 'particular market situation' in the domestic market for PV modules or panels in China.

After initiating this investigation on 14 May 2014, the Commission selected and contacted four major exporters (Trina Solar Ltd, Renesola Ltd, Suntech Ltd and ET Solar Ltd) of PV modules or panels to Australia from China. All four selected exporters fully co-operated with the investigation and provided information in response to the questionnaire (including questions regarding market situation) that was verified by the Commission between September 2014 and December 2014. The Commission prepared reports for each visit. The public record version of these reports is on the Commission's website.

The GOC does not have to complete this questionnaire. However, if the GOC does not respond, the Commission may be required to rely on information supplied by other parties (including information supplied by the Australian industry – the applicant for the anti-dumping measures).

Therefore, it is considered to be in the GOC's interests and the interests of Chinese exporters of PV modules or panels, to provide a complete response.

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If the GOC chooses to respond to this questionnaire, the response is due by **2 July 2015**.

### **6. If you decide to respond**

Should the GOC choose to provide a response to this questionnaire, please note the following.

#### **For official use only and public record**

If the GOC chooses to respond to this questionnaire, you are required to lodge a “for official use only” and a “public record” version of your submission by the due date.

In submitting these versions, please ensure that each page of the information you provide is clearly marked either “**FOR OFFICIAL USE ONLY**” or “**PUBLIC RECORD**” in the header and footer.

All information provided to the Commission “for official use only” will be treated confidentially. The public record version of your submission will be placed on the public record, which all interested parties can access.

Your public record submission must contain sufficient detail to allow a reasonable understanding of the substance of the “for official use only” version. If, for some reason, you cannot produce a public record summary, contact the investigation case manager (see contact details on Page 1 of this questionnaire).

#### **Declaration**

You are required to make a declaration that the information contained in the GOC’s response is complete and correct. You must return the signed declaration of an authorised GOC official at last section of this questionnaire with the GOC’s response.

#### **Consultants/parties acting on your behalf**

If you intend to have another party acting on your behalf please advise the Commission of the relevant details.

The Commission will require a written authorisation from the GOC for any party acting on its behalf.

#### **Provision of documents**

When providing documents, please indicate whether the documents:

- are currently in force;
- were in force during the investigation period; or
- have been repealed, revised or superseded.

Where the documents have been repealed, revised or superseded;

- indicate when this revision occurred;
- provide any notice of repeal;
- provide the revised version;
- provide the document that supersedes the requested document; and
- indicate whether the revised version was in force during the investigation period.

Responses to questions should:

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- be as accurate and complete as possible, and attach all relevant supporting documents, even where not specifically requested in this questionnaire;
- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations;
- show any amounts in the currency in which they were originally denominated.

Please note that answers such as: "Not Applicable" or an answer that only refers to an exhibit or an attachment may not be considered by the Commission to be adequate. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, rather than merely pointing to supporting documents of varying degrees of relevance and reliability as your answer.

### **Lodgement**

Lodgement by email is preferred. The email address for lodgement is shown on the front cover of this questionnaire. If you lodge by email, you are still required to provide a "for official use only" and "public record" version of your submission by the due date.

You may also lodge your response by mailing it to the address shown on the front cover of this questionnaire. For questions requiring a response in a Microsoft Excel spreadsheet that cannot be emailed, please provide those spread sheets on a CD-ROM or on a USB device.

### **7. Future questions and verification**

Please note that after receiving the GOC response to this questionnaire, the Commission may seek additional information from the GOC.

The Commission may also seek to carry out a visit to the GOC to examine relevant records and to verify the information provided. You will be contacted in advance of such a meeting to make arrangements.

**SECTION A: GENERAL QUESTIONS**

1. Describe the nature and structure of the PV modules or panels industry in China. Without limiting your response include details of any government involvement in the PV modules or panels industry including upstream raw materials (i.e. PV cells, wafers, ingots and polysilicon). The response should include details of:
  - (a) distribution channels
  - (b) any vertical integration
  - (c) any changes over the last 5 years (such as mergers and acquisitions)
  - (d) any changes to the government laws and regulations after 1 January 2009

2. At all levels of government (central, provincial, regional, municipal, special economic zone (SEZ), etc.) identify the names of the government departments, bureaus or agencies that are responsible for the administration of any GOC measures concerning the PV modules or panels industry.

Include information relating to the following areas:

- supervision of PV modules or panels, State-invested enterprise (SIE) senior management and administration;
- consolidation of domestic PV modules or panels producers;
- industrial policy and guidance on the PV modules or panels sectors;
- market entry criteria for the PV modules or panels industry;
- environmental enforcement for the PV modules or panels industry;
- management of land utilization;
- banking regulations in relation to renewable energy industry;
- investigation and inspection of PV modules or panels;
- the section in the National Development and Reform Commission that is responsible for the PV modules or panels sector;
- import licensing for raw materials used in PV modules or panels manufacture;
- export regulations, export licensing, "guidance prices", free trade export zones, etc.; and
- taxation - especially export taxes; export tax rebates and value added tax (including any rebates).

Ensure that your response includes contact information regarding the government officials responsible for the listed areas listed along with their full mailing addresses, phone numbers, email addresses and fax numbers.

3. Complete the attached spreadsheet A-3 (using Microsoft Excel format) listing all manufactures/traders of PV modules or panels and upstream raw material (PV cells, wafers, ingots and polysilicon) providers in China including the following details:
  - (i) name of the business entity;
  - (ii) location of the business entity;
  - (iii) function of the business (e.g. manufacturer, trader, exporter);
  - (iv) type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify));
  - (v) association with the GOC;
  - (vi) manufacturer of PV modules or panels, cells, wafers and polysilicon;
  - (vii) production quantity of PV modules or panels, cells, wafers or polysilicon;



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- (viii) whether GOC is a shareholder in the business, and if so the percentage of GOC holdings; and
- (ix) whether there is GOC representation in the business, and if so the type of representation (e.g. on the Board of Directors), the authority responsible, and indicate any special rights provided to the representative (e.g. veto rights)

For each business where the GOC is a shareholder and/or there is GOC representations in the business provide:

- (i) the complete organisational structure, including subsidiaries and associated businesses; and
  - (ii) copies of annual reports of the business for the last 2 years.
- 4.** Which industry associations represent PV modules or panels manufacturers?

Please provide names, address and contact details including their websites of the relevant industry associations. Include all national, provincial and regional producer organisations that represent the interests of PV modules or panels manufacturers and traders in China.

**SECTION B: MARKET SITUATION**

1. Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are either directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the PV modules or panels industry since 2009.
2. Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of PV modules or panels, and explain the nature of their involvement.
3. Identify and document any financial assistance provided by the GOC since 2009 in support of the consolidation of the domestic PV module or panels industry.
4. Provide details of any GOC policies that require different corporate tax rates to be applied to producers within each of the PV modules or panels; PV cells; wafers; ingots: or polysilicon sectors. For example, for producers in any of these specific sectors, do taxation rates differ due to sales revenue, location, export / domestic market orientation etc. Detail any industry specific tax exemptions or tax rebates such as R&D expenditures.
5. Provide quarterly data (using Microsoft Excel format) over the last 5 years of:
  - (a) import quantity (by volume and value) of
    - (i) PV modules or panels
    - (ii) PV cells
    - (iii) wafers
    - (iv) ingot
    - (v) polysilicon
  - (b) export quantity (by volume and value) of
    - (i) PV modules or panels
    - (ii) PV cells
    - (iii) wafers
    - (iv) ingot
    - (v) polysilicon

For export and import values, specify if the value is based on ex-factory, F.O.B. (port, shipping point, etc), C.I.F. or some other value.

6. Provide a schedule for the last 5 years and provide supporting documentation of:
  - (a) the corporate tax rate in relation to:
    - (i) PV modules or panels manufacturers/importers/traders
    - (ii) PV cells manufacturers/importers/traders
    - (iii) wafer manufacturers/importers/traders
    - (iv) ingot manufacturers/importers/traders
    - (v) polysilicon miners/importers/traders
  - (b) import tariff rates and/or import quotas applicable to:
    - (i) PV modules or panels

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- (ii) PV cells
- (iii) wafers
- (iv) ingot
- (v) polysilicon

(c) export tariff rates and/or export quotas applicable to:

- (i) PV modules or panels
- (ii) PV cells
- (iii) wafers
- (iv) ingot
- (v) polysilicon

(d) value added tax (VAT) export rebates applicable to exports of:

- (i) PV modules or panels
- (ii) PV cells
- (iii) wafers
- (iv) ingot
- (v) polysilicon

**7.** The following series of questions concern the *Price Law of the People's Republic of China* (the Price Law).

These questions are based on the text of the Price Law, as provided to the Commission by the GOC in the past.

For completeness, a copy of the Price Law is again requested.

- (a) Have there been amendments to the Price Law since last being provided to the Commission? If so, in the copy provided of the current Price Law, highlight all such amendments.
- (b) Article 27 of the price law states that the government shall "...establish a price regulation fund to control and stabilise the market".
  - (i) What form does the "price regulation fund" take generally and what department of the GOC is responsible for the fund?
  - (ii) What "price regulation fund" regulations have applied to PV modules or panels since 1 January 2009?
- (c) Article 28 states that "in order to better control prices government price departments shall establish a price monitoring system to monitor changes in the prices of major merchandises and services".
  - (i) What price monitoring system has been established generally and what department is responsible?
  - (ii) What "price monitoring" has applied to PV modules or panels since 1 January 2009?

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8. Has the GOC issued or participated in the issuance of any debt or equity instruments<sup>1</sup> in any business entity associated with the PV modules or panels industry in the last 5 years? If so:
- (i) provide the names and address of the business entities;
  - (ii) explain the reasons for using a particular financial instrument(s);
  - (iii) provide full details (such as number of shares and value of bonds), including the period of investments and the rate of return(s) (and/or expected yields);
  - (iv) are any of these instruments or securities listed in any securities exchange in China or overseas? If so:
    - (a) Provide the name(s) of the securities exchange
    - (b) Identify any trading restrictions by the business entity and/or the securities exchange.
9. Document details of any loan programs specifically targeted at the PV modules or panels industry. Specify whether these programs enable industry participants to access loans with industry specific features (i.e. discounted interest rates or extended repayment schedules).
10. Provide details (quantify the value) of any government guarantee provided for any commercial loans by a business entity associated with the PV modules or panels industries in the last 5 years.
11. Has the GOC in the last 5 years through State Invested Enterprises (SIE) provided loans and credit facilities to the PV modules or panels, cells, wafers, ingots and polysilicon producers/traders/importers? If so
- (a) provide details of the loans (form and amount of loan) and credit facilities including the interest rates
  - (b) state how the funds were used.
12. Provide details of any verification process by the GOC when approving entry of enterprises into the PV modules or panels industry.
13. Are PV modules or panels producers in China required to hold any types of licences for production? If so, provide details and documentary evidence.
14. Are there any production limits and/or export limits placed on PV modules or panels, cell, wafer, ingot or polysilicon producers? If so, provide documentary evidence.
15. Are there any price restrictions on PV modules or panels, cells, wafers, ingot or polysilicon domestic sales? If so, provide details.
16. Identify any GOC initiatives and/or policies that affect the PV modules or panels industry, including raw materials such as PV cells, wafers, ingots and polysilicon. Provide all documentary evidence.
17. In the last five years document R&D grants programs provided by the GOC, research institutions or universities which specifically target producers of: PV modules or

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<sup>1</sup> examples of such instruments include ordinary shares (including initial public offers), preferential shares, rights issue, bonds, quasi-government bonds warrants, debentures, subordinate loans.

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panels; PV cells; wafers; ingots or polysilicon. Provide details of any GOC assistance with developing and registering patents.

18. In the last five years document general grant programs provided by the GOC which specifically target producers of PV modules or panels, PV cells, wafers, ingots or polysilicon.
19. Document GOC environmental or energy policies which encourage the adoption of PV modules or panels specifically or renewable energy generally over other technologies. Policies include those that mandate specific amounts of electricity to be sourced from specified technologies.
20. The “12<sup>th</sup> Five Year Plan for the Solar Photovoltaic Industry<sup>2</sup>” indicates that the GOC provided ‘reasonable tariffs, moderate financial subsidies and active financial support to actively expand the domestic PV market’. Provide details including rates and percentages of the tariffs, details of subsidies and types/forms of financial support provided.
21. In its submission regarding market situation<sup>3</sup> Tindo Solar claims that the Ministry of Finance and the State Administration of Taxation (SAT) jointly issued “*Notice of Value added Tax Policy for PV Power Generation*” that became effective from 1 October 2013. This policy states that 50% of the VAT paid by taxpayers in connection with the sales of self-produced electrical products generated by solar energy will be refunded. The following questions relate to VAT refunds:
  - (a) Provide a copy of ‘*Notice of Value added Tax Policy for PV Power Generation*’
  - (b) Provide details of any other similar policies that benefit the manufactures / traders of the PV modules or panels industry (including upstream raw material suppliers).
22. Provide copies of the following documents:
  - a) Standard Conditions for Photovoltaic Manufacturing Industry;
  - b) Renewable Energy Law of the People’s Republic of China;
  - c) 12<sup>th</sup> Five-Year Plan for the Solar Photovoltaic Industry and related measures;
  - d) 12<sup>th</sup> Five-Year Plan on Solar Power Development;
  - e) 12<sup>th</sup> Five-Year Development Plan for National Strategic New Industries;
  - f) 12<sup>th</sup> Five-Year Plan for Renewable Energy Development;
  - g) 12<sup>th</sup> Five-Year Plan for National Economic and Social Development;
  - h) 12<sup>th</sup> Five-Year Plan for National Energy Technology;
  - i) Golden Sun Demonstration Project (Finance Building [2009] No. 397);
  - j) GOC Tax Policy regarding eligible tax rebates and concessions for high-technology companies that produce renewable energy goods;
  - k) on the organisation and implementation of the 2012 annual solar PV building applications demonstration;
  - l) Notice of Several Opinions on the Curbing Overcapacities and Redundant Constructions in Certain Industries and Guiding the Healthy Development of Industries;
  - m) Announcement of the Ministry of Industry and Information Technology, the National Development and Reform Commission and the Ministry of Environmental Protection – Standards for the Polysilicon Industry Access;
  - n) Several Opinions of the State Council on Promoting the Healthy Development of Photovoltaic Industry;

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<sup>2</sup> Source: [12th Five Year Plan for Solar Photovoltaic Industry.pdf](#)

<sup>3</sup> Tindo’s submission dated 4 May 2015

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The following policies are referenced from the "*National Survey Report of PV Power Applications in China 2011*<sup>4</sup>" prepared by International Energy Agency Co-operative Programme on Photovoltaic Power systems:

- o) Accelerating the solar PV building applications - *by Ministry of Treasure;*
- p) Renewable energy prices and cost-sharing management pilot scheme - *by National Development and Reform Commission;*
- q) Renewable energy development fund levy Interim Measures on Management - *by Ministry of Treasure;*
- r) Improve the solar PV tariff policy - *by National Development and Reform Commission;*
- s) Notice on strengthening the management of follow-up of the demonstration of solar PV building applications - *by Ministry of Treasure;*
- t) Organisation of the 2012 renewable energy construction demonstration Notice - *by Ministry of Treasure;*
- u) Notice on to do the 2012 annuity solar demonstration - *by Ministry of Treasure;* and
- v) a fully translated copy of the 2 most recent five-year plans at all levels of the GOC (including central, regional, provincial and for any special zones, areas or other such regions) as well as the original Chinese versions.

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<sup>4</sup> Source:

[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.iea-pvps.org%2Findex.php%3Fid%3D9%26elD%3Ddam\\_frontend\\_push%26docID%3D1236&ei=WtNjVbeeOML18QW-rYPAAQ&usq=AFQjCNFPqzoLNPPht1UuLHL9fjWe-Ghtrq](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.iea-pvps.org%2Findex.php%3Fid%3D9%26elD%3Ddam_frontend_push%26docID%3D1236&ei=WtNjVbeeOML18QW-rYPAAQ&usq=AFQjCNFPqzoLNPPht1UuLHL9fjWe-Ghtrq)

**DECLARATION**

**DECLARATION**

The undersigned certifies that all information supplied herein in response to the questionnaire (including any data supplied in an electronic format) is complete and correct to the best of his/her knowledge and belief.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of authorised official**

\_\_\_\_\_  
**Name of authorised official**

\_\_\_\_\_  
**Title of authorised official**

## **GLOSSARY OF TERMS**

This glossary is intended to provide you with a basic understanding of technical terms that appear in the questionnaire.

### ***Enterprise***

"Enterprise" includes a group of enterprises, an industry and a group of industries.

### ***Government of China (GOC)***

For the purposes of this questionnaire, GOC refers to all levels of government, i.e., central, provincial, regional, city, special economic zone, municipal, township, village, local, legislative, administrative or judicial, singular, collective, elected or appointed.

It also includes any person, agency, enterprise, or institution acting for, on behalf of, or under the authority of any law passed by, the government of that country or that provincial, state or municipal or other local or regional government.

### ***Particular market situation***

Refers to a situation within the domestic market of exported goods that renders sales within that market of those goods unsuitable for determining normal values under s.269TAC(1) of the Act.

### ***Special Economic Zone (SEZ)***

Refers to a Special Economic Area, Economic and Technical Development Zone, Bonded Zone, Export Processing Zone, High Technology Industrial Development Zone, or any other designated area where benefits from the GOC (including central, provincial, municipal or county government) accrue to a company because of being located in such an area.

### ***State Invested Enterprises (SIE)***

For the purposes of this questionnaire, SIE refers to any company or enterprise that is wholly or partially owned by the GOC as defined above (either through direct ownership or through association) including.

- 'enterprises with state investment'
- 'state-owned assets'
- 'state-invested enterprises'
- 'enterprises under the supervision of SASAC'

For the purposes of this questionnaire, SIE refers to any and all of the above types of enterprises.