

FOR PUBLIC RECORD

(English Translation for Reference)

Mr. Dale Seymour

Commissioner of the Anti-Dumping Commission, Australia

May 21, 2015

Dear Mr Seymour,

On behalf of the Trade Remedy and Investigation Bureau, Ministry of Commerce, I would like to express my appreciation to the Australia Anti-Dumping Commission led by your good self for the professional spirit and sincere cooperative attitude demonstrated in the field of trade remedies.

I am writing to you to express my concerns about the ongoing investigation on certain crystalline silicon photovoltaic modules or panels exported from China. On May 19, 2015, the Commission announced an extension to the due date for the final report on the abovementioned case. Frankly speaking, I was quite worried after further study on this update.

My first concern is about the procedural issue. On April 7th, 2015, the Commission published the Statement of Essential Facts (SEF), in which it proposed to terminate the investigation on account that dumping had caused negligible injury to the Australian industry. Furthermore, the Commission had required all the interested parties to respond to the SEF within 20 days, i.e., no later than 27

April, 2015. However the applicant had actually failed to comply the procedural rules, by submitting its response 7 days after the deadline prescribed by the SEF.

Secondly, it would be unfair for the respondents to resume the investigation. As an investigating authority, the Commission accepted the applicant's newly-submitted allegations and information, decided an extension and commenced the re-conduct of investigation, when it was already 12 months after the investigation was initiated and 15 months after the application was lodged. The decision was quite inappropriate and caused unfair treatment for the respondents.

Thirdly, the allegation regarding the Particular Market Situation (PMS) has no causal link with the negligible injury finding. In the response, the applicant once again alleged that the Chinese government's influence caused the existence of PMS in the Chinese solar industry. However it failed to provide any new and substantial information. I would like to mention that the dumping-related issues in this case has been fully examined in the previous investigation and the Commission has already made the findings. Moreover, the proposal to terminate the investigation by the Commission was based on the negligible injury, and has no connection with the dumping issues. In all, it would be meaningless to re-conduct investigation on the relevant issues.

The Chinese government and companies pay high attentions to this case, and hope the Commission would, in accordance with WTO ADA rules, conduct the investigation with precaution and make a fair determination, so as to promotethe sound cooperation and healthy development of the new energy industries in both countries.

As last but not least, I am willing to keep close communication with you, enhance the dialogue and exchange in terms of trade remedies, build up mutual trust and clarify misunderstandings, to createfavourable environment for the healthy and stable development of our bilateral economic and trade relations. I also look forward to meeting you in the Seoul International Forum of Trade Remedy in early June.

Yours sincerely,

Ms.Zhou Xiaoyan

Director General

Trade Remedy and Investigation Bureau

Ministry of Commerce of the People's Republic of China

Received 26/5/15
@ 10.00am

中华人民共和国商务部

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戴尔·西摩先生

澳大利亚反倾销委员会主任

2015年5月21日

尊敬的西摩先生：

我谨代表商务部贸易救济调查局，对您领导的澳大利亚反倾销委员会在贸易救济领域展示出的专业精神和真诚的合作态度表示感谢。

我这次给您写信，旨在就澳对华晶体硅光伏组件或面板反倾销案向您表达关注。2015年5月19日，澳反倾销委员会发布公告称，将延期做出该案的最终报告。坦率地说，我在进一步了解相关情况后感到非常担忧。

首先，该案的程序问题。2015年4月7日，澳反倾销委员会发布了基本事实报告，认定倾销对澳大利亚国内产业造成的损害可忽略不计，建议终止调查。澳反倾销委员会给予了利害关系方20天的时间给予回复，即截止期为2015年4月27日。但申请方截止期过后7天才提交回复，没有遵守程序规则。

其次，重开调查对应诉企业不公平。在调查开始12个月之后，申请书提交了15个月之后，调查机关再接受申请方提出的指控和证据材料，决定延期做出最终报告并启动全面

调查，是非常不合适的，对应诉方造成不公平待遇。

第三，特殊市场情形的指控与损害之间没有因果关系。申请方在回复中再次指控中国对光伏产业施加影响，造成了特殊市场情形的存在，但没有提出新的实质性信息。我想指出，有关倾销问题已经在案件前期的调查过程中经过了充分的质证。澳反倾销委员会已经做出了认定。而且，澳反倾销委员会做出的终止调查的建议是基于损害可忽略不计，与倾销问题没有关系。综上，重新对相关问题进行调查没有任何意义。

中国政府和涉案企业对该案高度关注，希望澳反倾销委员会按照世贸组织《反倾销协定》相关规则，审慎调查并做出公正裁决，促进两国新能源产业的良好合作和健康发展。

最后，我愿意继续与您保持紧密沟通，加强双方在中澳贸易救济领域的交流，增信释疑，为双边经贸关系的健康、平稳发展创造有利环境。我也期待6月初与您在首尔举行的贸易救济国际论坛上会面。



贸易救济调查局局长
中华人民共和国商务部