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14 September 2016

Dale Seymour
Anti-Dumping Commissioner
Level 35, 55 Collins St
Melbourne VIC 3000

By email: operations2@adcommission.gov.au

Dear Commissioner,

Clean Energy Council submission to the Statement of Essential Facts No.239A

The Clean Energy Council (CEC) is the peak body for the clean energy industry in Australia. We represent and work with hundreds of leading businesses operating in solar, wind, energy efficiency, hydro, bioenergy, energy storage, geothermal and marine along with more than 4,000 solar installers. We are committed to accelerating the transformation of Australia's energy system to one that is smarter and cleaner.

The CEC welcomes the opportunity to make a submission in response to the Statement of Essential Facts No. 239A. The CEC welcomes your recommendation to terminate the investigation.

If you have any further questions or wish to arrange a meeting to discuss this submission please contact Darren Gladman, email DGladman@cleanenergycouncil.org.au or phone (03) 9929 4136

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Darren Gladman', with a long horizontal flourish extending to the right.

Darren Gladman
Policy Manager

CEC welcomes the recommendation to terminate the investigation

Since it commenced in May 2014, the anti-dumping investigation and the possibility of dumping duties has been a source of significant uncertainty for investors and developers in the Australian solar industry. Utility-scale solar PV projects in particular have been hampered by the uncertainty caused by the presence of an ongoing investigation. We welcome the proposed termination of the investigation, which would allow investment to progress unhindered by policy risks that are extremely difficult for proponents to manage.

The facts determined during the course of the investigation

As noted in the Statement of Essential Facts (SEF) 239A, Tindo has maintained confidentiality over much of the data relevant to the investigation and because of this confidentiality other interested parties (such as CEC) have not had an opportunity to comment. We therefore note (and take at face value) the following observations made in SEF 239A:

- The injury to the Australian industry caused by dumped PV panels is negligible;
- The increase in the price of dumped PV panels, sufficient to remove the dumping margin, would have little or no effect on the Australian industry and Chinese PV panels at the end-user level of trade would remain at a significant price advantage to Tindo's PV panels.
- The Commission considers that Tindo's business plan was found wanting in a number of respects;
- The Commission found significant errors "that call the reliability of Tindo's analysis into question"; and
- In the absence of reliable evidence for Tindo's claimed counterfactual, the Commission considers that Tindo's claims that Chinese PV panels caused injury to the Australian industry lack evidential basis.

CEC supports customers who want to 'buy Australian'

It is encouraging to note the Commission's conclusions that:

- many end users prefer Australian panels and some customers are prepared to pay a premium;
- A significant proportion of end-users with PV panels installed did not know where their PV panels were made;
- Tindo's product may be of such quality that, while still regarded as a like good to Chinese PV panels, it is differentiated to a significant degree; and
- This significant degree of differentiation has likely insulated Tindo from direct and injurious competition from Chinese PV panels.

It is a matter of concern for CEC that some suppliers of imported PV panels are known to have misled consumers by marketing their imported product as though it is made in Australia. CEC

is committed to ensuring that consumers have access to accurate information regarding the country of manufacture of the PV panels they are considering purchasing. To that end, as of March 11 2016 we introduced new Terms and Conditions for listing a PV panel on the CEC Approved Product List. The new Terms and Conditions require disclosure of country of manufacture in the product documentation provided to consumers. PV panels must appear on the CEC Approved Product List in order to be eligible for government support under the Small-scale Renewable Energy Scheme. This is a very effective incentive for compliance by manufacturers and importers of PV panels.

CEC would welcome the opportunity to brief the Commission in more detail on these changes and how they are being implemented.