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Commerce Department finds Chinese solar importers are misreporting, underreporting merchandise to evade duties

Commerce memo to U.S. Customs and Border Protection asks for closer review as well as potential enforcement

WASHINGTON, D.C., April 11, 2013 – The [Coalition for American Solar Manufacturing \(CASM\)](#) today announced that the U.S. Department of Commerce has taken the extraordinary measure of asking U.S. Customs and Border Protection (CBP) to undertake enhanced import reviews and potential enforcement based on federal data suggesting some manufacturers and importers of Chinese-made solar panels are misreporting and underreporting their imports to evade new tariffs on them.

A [memorandum from Commerce to CBP dated April 9](#), according to CASM, says a Commerce analysis of CBP import data revealed that some importers are evading import duties to counter illegal, export-intensive Chinese subsidies and U.S. price dumping by improperly declaring merchandise to be outside the scope of the duties or by understating its value.

In particular, Commerce said, “the data suggest that some importers may either be improperly declaring merchandise as not subject to the AD/CVD [anti-dumping/countervailing duty] orders, or may be understating the value of the imported merchandise declared as subject to the relevant orders.”

The Commerce memo also states that as a result of the findings, Customs and Border Protection has initiated operations at “various ports throughout the country” that “have resulted in the collection of significant additional cash deposits on merchandise subject to the AD/CVD orders.”

“For U.S. manufacturing employees, this evasion adds insult to injury,” said Gordon Brinser, president of SolarWorld Industries America Inc., based in Oregon. “The U.S. solar industry and its workforce have suffered profound, sustained harm from China’s illegal trade practices. We alerted U.S. authorities and, over the course of 13-month investigations, we were proved right. Now the Chinese producers and their importers are apparently trying to sidestep the application of these lawfully determined trade remedies. We applaud the government for being alert to this new phase of cheating.”

CASM, comprised of about 240 solar installers, manufacturers and other U.S. employers, supports sustainable and domestic production as well as trade free of illegal foreign government interference. The coalition says more than 25 U.S. solar companies have downsized or shuttered plants, filed for bankruptcy protection or withdrawn from the industry as a result of China's state-directed trade aggression. In late 2012, coalition leader SolarWorld won trade cases to counter China's illegal trade practices. As a result, the U.S. government set anti-subsidy and anti-dumping duties at between 24 percent and 250 percent of import values.

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Founded by seven companies that manufacture solar cells and panels in the United States, CASM now includes 239 employers of more than 18,300 Americans; the employers' names, locations, businesses and statements are available on the CASM site's [members page](#).