



## Customs and Trade Alert 海关与贸易更新

### Preliminary determination of US antidumping and countervailing duty circumvention by Thai solar exporters

### 美国针对泰国太阳能出口企业规避反倾销和反补贴关税的初步调查决定

#### Introduction 介绍

On 2 December 2022, the US Department of Commerce announced its preliminary findings in the investigation on circumvention of US antidumping and countervailing tariffs by Southeast Asia (including Thai) based solar cell/module exporters. Following the investigation, the Department determined that certain Thai exporters may have been circumventing the US trade defense measures and made a “country-wide circumvention” finding for Thailand.

2022年12月2日，美国商务部公布了对东南亚(包括泰国)太阳能电池/组件出口商规避美国反倾销和反补贴关税的初步调查结果。根据调查，美国商务部认定，某些泰国出口企业可能一直存在规避美国贸易保护措施的行为，并认为泰国存在“全国性规避”。

#### What to know? 重点信息

Since the beginning of 2022, the US Commerce Department has been investigating Southeast Asia based solar cells/module manufacturers (including in Thailand) to determine whether they were potentially circumventing antidumping and countervailing tariffs imposed by the US on Chinese solar products. A key factor to make that determination is whether the products exported from Thailand to the US are actually of Thai or of Chinese origin. In case of the latter, US antidumping and countervailing tariffs may apply.

自2022年初以来，美国商务部一直在对东南亚(包括泰国在内)的太阳能电池/组件制造商进行调查，以确定他们是否潜在规避了美国对中国太阳能产品征收的反倾销和反补贴关税。其中一个关键判断因素是，从泰国出口到美国的产品实际上是产自泰国还是中国。如果是产自中国，则可能需缴纳美国的反倾销和反补贴关税。

For Thailand, the US Commerce Department determined that certain companies may have been circumventing the US antidumping and countervailing duties imposed on Chinese solar cells and modules. This means that the exports of these companies can become subject to higher tariffs in the US in the future. 针对泰国，美国商务部认定，部分当地公司可能一直在规避美国对中国太阳能电池和组件征收的反倾销和反补贴税。这意味着这些公司的出口未来可能会在美国面临更高的关税。

In addition, the US now marked Thailand with a “country-wide circumvention” indication for the exports of solar cells/modules. As a result, any Thai exporters of solar cells and/or modules should be able to proactively certify and potentially evidence that they are not circumventing the trade defense measures imposed by the US on Chinese solar exports.

此外，美国现已将泰国的太阳能电池/组件出口标记为存在“全国性规避”。因此，所有泰国太阳能电池和/或组件出口商都应该能够主动证明并可以提供证据，证明他们没有规避美国对中国太阳能出口实施的贸易保护措施。

### What can you do? 可采取的行动

The US findings in this circumvention investigation are only a preliminary result. The next step is that the US Commerce Department will send audit teams to Thailand in the coming months to do on-site verifications of the companies under investigation to assess compliance with the US origin rules for Thai exports. In addition, investigated companies are given the opportunity to provide additional information/comments to the US which may alter the outcome of the investigation. 美国此次公布的规避调查发现只是初步结果。接下来，美国商务部将在未来几个月内派遣调查小组前往泰国，对当地被调查的公司进行现场核查，以评估它们是否符合美国对泰国出口产品的原产地规定。此外，被调查的公司也有机会向美国提供补充信息/意见，以争取改变调查结果。

Solar companies in Thailand that are exporting to the US should conduct a thorough review of their local production activities to assess whether their products meet the Thai origin requirements and prepare the necessary evidence to demonstrate this in case of future inquiries or audits.

为应对未来潜在的问询或调查，向美国出口的各泰国太阳能公司应对其泰国生产活动进行彻底的审查，评估其产品是否符合泰国原产地要求，并准备必要的证据证明。

If you need further information or support on this topic, please contact our Deloitte Customs & Trade professionals. Our Customs & Trade team has extensive experience advising clients on origin requirements and assisting in origin verification investigations.

如果您希望了解上述问题的详细情况或者需要任何协助，请与下方德勤海关贸易专业人员联系。我们的海关及贸易团队在协助客户处理原产地要求、原产地核实和调查方面拥有丰富的经验。

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