Commission Regulation (EU) No 748/2013 of 2 August 2013 amending Regulation (EU) No 513/2013 imposing a provisional anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China

COMMISSION REGULATION (EU) No 748/2013

of 2 August 2013

amending Regulation (EU) No 513/2013 imposing a provisional anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community[(1)] ('the basic Regulation'), and in particular Articles 7, 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

PROCEDURE

(1) By Regulation (EU) No 513/2013[(2)], the Commission imposed a provisional anti-dumping duty on imports into the Union of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China (PRC).

(2) By Decision 2013/423/EU[(3)] the Commission accepted the undertaking offer from a group of cooperating exporting producers together with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME).

(3) The acceptance of the undertaking requires technical amendments to Regulation (EU) No 513/2013,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 513/2013 is amended as follows:

(1) A new heading J and a new recital 282 shall be inserted:

J. **CUSTOMS DECLARATION**

(282) Statistics of solar panels and their key components are frequently expressed either in number of pieces or Watt. However, there is no such supplementary unit for solar panels and their key components specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the

tariff and statistical nomenclature and on the Common Customs Tariff[4]. It is therefore necessary to provide that not only the weight in kg or tonnes but also the number of pieces or Watt for the imports of the product concerned must be entered in the declaration for release for free circulation. Pieces should be indicated for TARIC codes 3818 00 10 11 and 3818 00 10 19 and Watt shall be indicated for TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39.

(2) The table in Article 1 paragraph 2 (ii) shall be replaced by the following table:

Company	Duty Rate	TARIC additional code
Changzhou Trina Solar Energy Co. Ltd Trina Solar (Changzhou) Science & Technology Co. Ltd Changzhou Youze Technology Co. Ltd	51,5 %	B791
Delsolar (Wujiang) Ltd	67,9 %	B792
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	55,9 %	B793
LDK Solar Hi-Tech (Hefei) Co. Ltd	55,9 %	B927
JingAo Solar Co. Ltd Shanghai JA Solar Technology Co. Ltd JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd	58,7 %	B794
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	38,3 %	B795
Wuxi Suntech Power Co. Ltd Suntech Power Co. Ltd	48,6 %	B796

Wuxi Sunshine Power Co. Ltd Luoyang Suntech Power Co. Ltd Zhenjiang Rietech New Energy Science Technology Co. Ltd Zhenjiang Ren De New Energy Science Technology Co. Ltd		
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	37,3 %	B797
Companies listed in Annex I	47,6 %	
All other companies	67,9 %	B999

(3) The following Articles shall be inserted and Article 4 shall be renumbered to Article 8:

Article 4

Where a declaration for release for free circulation is presented in respect of imports of those solar panels and key components which are currently falling within TARIC codes 3818 00 10 11, 3818 00 10 19, 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39, those TARIC codes shall be entered in the relevant field of that declaration.

Member States shall, on a monthly basis, inform the Commission of the number of pieces imported under TARIC codes 3818 00 10 11 and 3818 00 10 19 and the number of Watt for TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39, and of their origin.

Article 5

Where a declaration for release for free circulation is presented in respect of the products mentioned under Articles 1 and 4, the number of pieces under TARIC codes

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 748/2013. (See end of Document for details)*

3818 00 10 11 and 3818 00 10 19 and the number of Watt under TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39 of the products imported shall be entered in the relevant field of that declaration.

Article 6

1 Imports declared for release into free circulation for products currently falling within CN code ex 3818 00 10 (TARIC codes 3818 00 10 11 and 3818 00 10 19), CN code ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) which are invoiced by companies from which undertakings are accepted by the Commission and whose names are listed in the Annex of Decision 2013/423/EU, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:

a a company listed in the Annex of Decision 2013/423/EU manufactured, shipped and invoiced directly the products referred to above or via its related company also listed in the Annex of Decision 2013/423/EU either to their related companies in the Union acting as an importer and clearing the goods for free circulation in the Union or to the first independent customer acting as an importer and clearing the goods for free circulation in the Union; and

b such imports are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration stipulated in Annex II of this Regulation; and

c such imports are accompanied by an Export Undertaking Certificate according to Annex III of this Regulation; and

d the goods declared and presented to customs correspond precisely to the description on the undertaking invoice.

2 A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

a whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled; or

b when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of Regulation (EC) No 1225/2009 in a Regulation or Decision which refers to particular transactions and declares the relevant undertaking invoices as invalid.

Article 7

The companies from which undertakings are accepted by the Commission and whose names are listed in the Annex of Decision 2013/423/EU and subject to certain conditions specified therein, will also issue an invoice for transactions which are not exempted from the anti-dumping duties. This invoice is a commercial invoice containing at least the elements stipulated in Annex IV of this Regulation.

(4) The Annex shall be replaced and renamed as Annex I and Annexes II-IV are inserted as follows:

ANNEX I Cooperating Chinese exporting producers not sampled:

Name of the Company	**TARIC additional code**
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800

Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Arhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
CSI Solar Power (China) Inc. Canadian Solar Manufacturing (Changshu) Inc. Canadian Solar Manufacturing (Luoyang) Inc. CSI Cells Co. Ltd	B805
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Chint Solar (Zhejiang) Co. Ltd	B810
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD. ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD. HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD.	B812
CNPV Dongying Solar Power Co. Ltd	B813
CSG PVtech Co. Ltd	B814
DCWATT POWER Co. Ltd	B815
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816