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## 經濟部國際貿易局 函

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受文者：社團法人臺灣太陽光電產業協會

發文日期：中華民國108年10月9日  
發文字號：貿雙二字第1087030323號  
速別：最速件  
密等及解密條件或保密期限：  
附件：如文(共8頁)(1087030323-1.tif、1087030323-2.pdf)

主旨：有關美國貿易代表署公布撤銷「雙面受光太陽能板」之產品排除事，請查照並轉知會員廠商。

說明：

- 一、依據駐美代表處經濟組108年10月7日經美字第1080001054號函辦理(如附件)；本局108年7月12日貿雙二字第1087020623號函諒達。
- 二、美貿易代表署(USTR)針對「太陽能晶矽電池及模組」全球防衛措施案，分別於107年9月19日及本(108)年6月13日公布2次產品排除結果。該署本年10月4日公告，將撤銷本年6月排除適用防衛措施「雙面受光太陽能板」，並於本年10月28日生效。
- 三、USTR公告指出，接獲許多書面意見表示，原公告中所排除之「雙面受光太陽能板」較原先提出申請之產品排除範圍廣泛；該排除將導致旨揭產品進口激增，削減本案防衛措施之效益。經與相關部會討論，決定撤銷對該產品之排除。本案產品描述請詳附件說明。

正本：社團法人臺灣太陽光電產業協會  
副本：中華民國全國工業總會(含附件)、駐美國代表處經濟組

# 局長 楊珍妮

標		保存年限
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受文者：經濟部國際貿易局

發文日期：中華民國108年10月7日  
發文字號：經美字第1080001054號  
速別：最速件  
密等及解密條件或保密期限：  
附件：如文 (1080001054\_Attach1.pdf)

主旨：陳報美國貿易代表署(USTR)公布撤銷「雙面受光太陽能板」之產品排除事，敬請查照。

說明：

- 一、相關前案：本組本(108)年7月9日經美字第1080000725號函。
- 二、美貿易代表署針對「太陽能晶矽電池及模組」全球防衛措施案，分別於上(107)年9月19日及本年6月13日公布2次產品排除結果；該署頃於本年10月4日於該署網站201條款調查專區發布公告(謹註：尚未刊登於聯邦公報或公報之「公眾檢視區」中)，將撤銷2019年6月排除適用防衛措施之貨品公告內之「雙面受光太陽能板」(Bifacial Solar Panel)。本項公告將於本年10月28日生效。
- 三、前述公告指出，USTR於「2019年6月產品排除結果」公告後，陸續收到數份書面詢問、要求及意見等，該等意見表示，原公告中所排除之「雙面受光太陽能板」較原先提出申請之產品排除範圍廣泛；另有部分意見指出，該排除將

國際貿易局 108/10/08



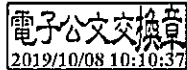
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導致「雙面受光太陽能板」進口激增，削減本案防衛措施之效益。經USTR進一步研究相關訊息及「雙面受光太陽能板」全球產量增加等事實，認定針對該項產品之排除可能導致進口增加，經與美商務部及能源部諮商後，決定撤銷對該產品之排除。

四、根據公告中之產品描述，「雙面受光太陽能板」係指可雙面吸收光線並發電之太陽能板，且係由雙面受光之太陽能電池所構成(bifacial solar panels that absorb light and generate electricity on each side of the panel and that consist of only bifacial solar cells that absorb light and generate electricity on each side of the cells)。

五、檢送前述公告之通知如附件，併請卓參。

正本：經濟部國際貿易局

副本：電子公文交換章  
2019/10/08 10:10:37

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**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Docket No. USTR–2018–0001**

**Withdrawal of Bifacial Solar Panels Exclusion to the Solar Products Safeguard Measure**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** On January 23, 2018, the President imposed a safeguard measure on imports of certain solar products pursuant to a section 201 investigation. On February 14, 2018, the U.S. Trade Representative established procedures for interested persons to request product-specific exclusions from application of the safeguard measure. On June 13, 2019, the U.S. Trade Representative published a notice granting certain requests for exclusions and excluding the products at issue from the safeguard measure's application. In particular, the U.S. Trade Representative excluded bifacial solar panels consisting only of bifacial solar cells. Since publication of that notice, the U.S. Trade Representative has evaluated this exclusion further and, after consultation with the Secretaries of Commerce and Energy, determined it will undermine the objectives of the safeguard measure. Accordingly, the U.S. Trade Representative has modified the Harmonized Tariff Schedule of the United States (HTSUS) to withdraw the exclusion of bifacial solar panels from application of the safeguard measure. The U.S. Trade Representative also has modified the HTSUS to make certain technical changes in connection with the safeguard measure.

**DATES:** The withdrawal of the exclusion for bifacial solar panels from application of the safeguard measure and technical changes will apply as of October 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** Victor Mroczka, Office of WTO and Multilateral Affairs, at [vmroczka@ustr.eop.gov](mailto:vmroczka@ustr.eop.gov) or (202) 395-9450, or Dax Terrill, Office of General Counsel, at [Dax.Terrill@ustr.eop.gov](mailto:Dax.Terrill@ustr.eop.gov) or (202) 395-4739.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On January 23, 2018, the President issued Proclamation 9693 (83 FR 3541) to impose a safeguard measure under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) with respect to certain crystalline silicon photovoltaic (CSPV) cells and other products (CSPV products) containing these cells. The Proclamation directed the U.S. Trade Representative to establish procedures for interested persons to request the exclusion of particular products from the safeguard measure. It also authorized the U.S. Trade Representative, after consultation with the Secretaries of Commerce and Energy, to exclude products by modifying the HTSUS with publication of a determination in the *Federal Register* regarding the exclusion of such products.

On February 14, 2018, the U.S. Trade Representative issued a notice setting out the procedures to request a product exclusion and opened a public docket. *See* 83 FR 6670 (the February 2018 notice). Under the February 2018 notice, requests for exclusion were to identify the particular product in terms of its physical characteristics, such as dimensions, wattage, material composition, or other distinguishing characteristics, that differentiate it from other products that are subject to the safeguard measure. The notice said that the U.S. Trade Representative would not consider requests identifying the

product at issue in terms of the identity of the producer, importer, or ultimate consumer, the country of origin, or trademarks or tradenames. The notice also provided that the U.S. Trade Representative would evaluate each request on a case-by-case basis and would grant only those exclusions that did not undermine the objectives of the safeguard measure.

The February 2018 notice indicated that the U.S. Trade Representative would consider exclusion requests filed no later than March 16, 2018. The Office of the U.S. Trade Representative (USTR) received 48 product exclusion requests and 213 comments responding to the various requests. The exclusion requests generally fell into seven categories, one of which concerned bifacial solar panels. Proponents asserted that the volume of bifacial solar panel production available for export to the United States was highly limited, that the products would not compete directly with CSPV products produced in the United States, and that the exclusion would not undermine the objectives of the safeguard measure.

On September 19, 2018, and June 13, 2019 (the June 2019 notice), the U.S. Trade Representative granted certain product exclusion requests in notices published in the *Federal Register* (83 FR 47393 and 84 FR 27684) and modified the HTSUS accordingly. In particular, based on the above assertions, the June 2019 notice specifically excluded from application of the safeguard measure “bifacial solar panels that absorb light and generate electricity on each side of the panel and that consist of only bifacial solar cells that absorb light and generate electricity on each side of the cells.”

## **B. Further Evaluation of the Bifacial Solar Panel Exclusion**

USTR has received multiple inquiries, requests, and other comments from members of the public. Some have asserted that the bifacial solar panels exclusion granted in the June 2019 notice is broader than the category of products described in the exclusion requests submitted as of March 16, 2018. Others have stated that the exclusion will cause a significant increase in imports of bifacial solar panels, with projections that such a surge is imminent.

After evaluating newly available information from these and other sources demonstrating that global production of bifacial solar panels is increasing, that the exclusion will likely result in significant increases in imports of bifacial solar panels, and that such panels likely will compete with domestically produced monofacial and bifacial CSPV products in the U.S. market, the U.S. Trade Representative has determined, after consultation with the Secretaries of Commerce and Energy, that maintaining the exclusion will undermine the objectives of the safeguard measure.

## **C. Withdrawal of the Bifacial Solar Panel Exclusion**

Based on an evaluation of the factors set out in the February 2018 notice, and further consideration of the exclusion granted for bifacial solar panels in the June 2019 notice, the U.S. Trade Representative has determined after consultation with the Secretaries of Commerce and Energy to withdraw that exclusion.

Accordingly, as set out in the Annex to this notice, USTR is modifying subdivision (c)(iii) of U.S. note 18 to subchapter III of chapter 99 of the HTSUS to remove subdivision (c)(iii)(15), which implements the exclusion of bifacial solar panels.

#### **D. Technical Changes to the HTSUS**

It has come to the attention of USTR that certain technical clarifications to the Annex will facilitate administration of the safeguard measure. Presidential Proclamation 6969 of January 27, 1997 (62 FR 4415) authorizes the U.S. Trade Representative to exercise the authority provided to the President under section 604 of the Trade Act of 1974 (19 U.S.C. 2483) to embody rectifications, technical or conforming changes, or similar modifications in the HTSUS. Pursuant to this delegated authority, the U.S. Trade Representative modifies the HTSUS to make the technical changes set out in the Annex to this notice.

#### **ANNEX**

Effective with respect to articles entered for consumption, or withdrawn from a warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 28, 2019, U.S. note 18 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified by removing the following from subdivision (c)(iii):

“(15) bifacial solar panels that absorb light and generate electricity on each side of the panel and that consist of only bifacial solar cells that absorb light and generate electricity on each side of the cells;”

U.S. note 18 to subchapter III of chapter 99 of the HTSUS is further modified by redesignating current subdivisions (c)(iii)(16) and (c)(iii)(17) as subdivisions (c)(iii)(15) and (c)(iii)(16), respectively.



U.S. note 18 to subchapter III of chapter 99 of the HTSUS is further modified by striking from subdivision (c)(i) the HTSUS number “8541.40.6030” and by inserting in lieu thereof “8541.40.6025”.

U.S. note 18 to subchapter III of chapter 99 of the HTSUS is further modified by striking from subdivision (g) of such note the HTSUS number “8541.40.6020” and by inserting in lieu thereof “8541.40.6015”.

Jeffrey Gerrish  
Deputy United States Trade Representative  
Office of the U.S. Trade Representative.