

## II

(Non-legislative acts)

## REGULATIONS

## 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<sup>(1)</sup> (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<sup>(2)</sup>, 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<sup>(3)</sup> 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 (\*). 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.

(\*) OJ L 256, 7.9.1987, p. 1.'

- (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	58,7 %	B794

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 152, 5.6.2013, p. 5.

<sup>(3)</sup> See page 26 of this Official Journal

Company	Duty Rate	TARIC additional code
JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd		
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 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	48,6 %	B796
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 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

Name of the Company	TARIC additional code
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
EOPLLY New Energy Technology Co. Ltd	B817
Era Solar Co. Ltd	B818
ET Solar Industry Limited ET Energy Co. Ltd	B819
Dotec Electric Co. Ltd	B928
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd	B821
Guodian Jintech Solar Energy Co. Ltd	B822
GS PV Holdings Group	B823
Hangzhou Bluesun Solar Energy Technology Co. Ltd	B824
Hangzhou Zhejiang University Sunny Energy Science and Technology Co. Ltd Zhejiang Jinbest Energy Science and Technology Co. Ltd	B825
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hanwha SolarOne Co. Ltd	B829
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD.	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jetion Solar (China) Co. Ltd	B830
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834

Name of the Company	TARIC additional code
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Seraphim Solar System Co. Ltd	B836
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Energy Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
Jinggong P-D Shaoxing Solar Energy Tech Co. Ltd	B844
Jinko Solar Co. Ltd Jinko Solar Import and Export Co. Ltd ZHEJIANG JINKO SOLAR CO. LTD ZHEJIANG JINKO SOLAR TRADING CO. LTD	B845
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848
Kinve Solar Power Co. Ltd (Maanshan)	B849
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd	B850
Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED GCL Solar System (Suzhou) Limited	
Lightway Green New Energy Co. Ltd Lightway Green New Energy (Zhuozhou) Co. Ltd	B851
Motech (Suzhou) Renewable Energy Co. Ltd	B852

Name of the Company	TARIC additional code
Nanjing Daqo New Energy Co. Ltd	B853
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Best Solar Energy Technology Co. Ltd	B855
Ningbo Huashun Solar Energy Technology Co. Ltd	B856
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo Osda Solar Co. Ltd	B859
Ningbo Qixin Solar Electrical Appliance Co. Ltd	B860
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
Phono Solar Technology Co. Ltd Sumec Hardware & Tools Co. Ltd	B866
Qingdao Jiao Yang Lamping Co. Ltd	B867
RISEN ENERGY CO. LTD	B868
SHANDONG LINUO PHOTOVOLTAIC HI-TECH CO. LTD	B869
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co.Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd Shanghai Chaori International Trading Co. Ltd	B872
Shanghai Propsolar New Energy Co. Ltd Propsolar (Zhejiang) New Energy Technology Co. Ltd	B873
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875

Name of the Company	TARIC additional code
Shanghai ST-Solar Co. Ltd Jiangsu ST-Solar Co. Ltd	B876
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sacred Industry Co. Ltd	B878
Shenzhen Sungold Solar Co. Ltd	B879
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD. NINGBO SUN EARTH SOLAR POWER CO. LTD. Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Winsun New Energy Co. Ltd	B887
Worldwide Energy and Manufacturing USA Co. Ltd	B888
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Sajing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Taichang Electronic Co. Ltd Wuxi Machinery & Equipment Import & Export Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Wuxi UT Solar Technology Co. Ltd	B894
Xiamen Sona Energy Co. Ltd	B895
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896

Name of the Company	TARIC additional code
Xi'an LONGi Silicon Materials Corp. Wuxi LONGi Silicon Materials Co. Ltd	B897
Years Solar Co. Ltd	B898
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co. Ltd	B900
Yunnan Tianda Photovoltaic Co. Ltd	B901
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906
Zhejiang Yutai Photovoltaic Material Co. Ltd	B930
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Longbai Photovoltaic Tech Co. Ltd	B909
Zhejiang Mega Solar Energy Co. Ltd	B910
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang SOCO Technology Co. Ltd	B913
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Wanxiang Solar Co. Ltd	B918
Zhejiang Xiongtai Photovoltaic Technology Co. Ltd	B919
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920

Name of the Company	TARIC additional code
RENESOLA ZHEJIANG LTD RENESOLA JIANGSU LTD	B921
Zhongli Talesun Solar Co. Ltd	B922
ZNSHINE PV-TECH CO. LTD	B923
Zytech Engineering Technology Co. Ltd	B924

## ANNEX II

The following elements shall be indicated in the Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the Undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the Company issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the European Union frontier.
6. The exact plain language description of the goods and:
  - the product code number (PCN),
  - technical specifications of the PCN,
  - the company product code number (CPC),
  - CN code,
  - quantity (to be given in units expressed in Watt for modules and cells or pieces for wafers),
7. The description of the terms of the sale, including:
  - price per unit (Watt for modules and cells or pieces for wafers),
  - the applicable payment terms,
  - the applicable delivery terms,
  - total discounts and rebates.
8. Name of the Company acting as an importer to which the invoice is issued directly by the Company.
9. The name of the official of the Company that has issued the Commercial Invoice and the following signed declaration:
 

'I, the undersigned, certify that the sale for direct export to the European Union of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [COMPANY], and accepted by the European Commission through Decision 2013/423/EU. I declare that the information provided on this invoice is complete and correct.'

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## ANNEX III

## EXPORT UNDERTAKING CERTIFICATE

The following elements shall be indicated in the Export Undertaking Certificate to be issued by CCCME for each Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the Undertaking:

1. The name, address, fax and telephone number of the China Chamber of Commerce for Import & Export of Machinery & Electronic Products (CCCME).

2. The name of the company mentioned in the Annex of Decision 2013/423/EU issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs cleared at the European Union frontier.
6. The exact description of the goods, including:
  - the product code number (PCN),
  - the technical specification of the goods, the company product code number (CPC) (if applicable),
  - CN code,
7. The precise quantity in units exported expressed in Watt (for modules and cells or pieces (for wafers).
8. The number and expiry date (three months after issuance) of the certificate.
9. The name of the official of CCCME that has issued the certificate and the following signed declaration:

‘I, the undersigned, certify that this certificate is given for direct exports to the European Union of the goods covered by the Commercial Invoice accompanying sales made subject to the undertaking and that the certificate is issued within the scope and under the terms of the undertaking offered by [company] and accepted by the European Commission through Decision 2013/423/EU. I declare that the information provided in this certificate is correct and that the quantity covered by this certificate is not exceeding the threshold of the undertaking.’
10. Date.
11. The signature and seal of CCCME.

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ANNEX IV

The following elements shall be indicated in the Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the anti-dumping duties:

1. The heading ‘COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO ANTI-DUMPING DUTIES’.
2. The name of the Company issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the European Union frontier.
6. The exact plain language description of the goods and:
  - the product code number (PCN),
  - technical specifications of the PCN,
  - the company product code number (CPC),
  - CN code,
  - quantity (to be given in units expressed in Watt for modules and cells) or pieces for wafers).
7. The description of the terms of the sale, including:
  - price per unit (Watt for modules and cells or pieces for wafers),
  - the applicable payment terms,
  - the applicable delivery terms,
  - total discounts and rebates.
8. The name and signature of the official of the Company that has issued the Commercial Invoice.’

*Article 2*

This Regulation shall enter into force on 6 August 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 August 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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