

Insights: Alert

As Biden Executive Order Ends, Duties Exceeding 200% to be Imposed on Certain SE Asian Solar Cells & Modules; Tariffs Impacting Additional Modules May be Next

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Since June 2022, President Biden has paused the imposition of sweeping anti-dumping and countervailing (“AD/CVD”) duties on the import of certain solar cells and modules from Vietnam, Cambodia, Malaysia, and Thailand. These duties are in excess of 200% and impact the majority of solar modules imported into the U.S. This pause is set to end on June 6, 2024, with no plans to extend it.

As [previously reported](#), the International Trade Administration (“ITA”) of the U.S. Department of Commerce (“Commerce”) initiated an AD/CVD inquiry (“Inquiry”) in April 2022 at the request of Auxin Solar, Inc., which alleged that crystalline silicon (c-Si) photovoltaic cells and modules being “completed in Cambodia, Malaysia, Thailand, or Vietnam using parts and components manufactured in China” are circumventing “U.S. antidumping duty (AD) and countervailing duty (CVD) orders.”

Commerce [agreed](#). In August 2023, Commerce affirmed its [preliminary determination](#) that Vietnam, Cambodia, Malaysia, and Thailand are all countries “through which solar cells and modules are being circumvented from China.” As a result, subject to exceptions, where no company-specific rate exists under existing AD/CVD orders, the required cash deposit will be the China-wide rate for AD duties (239.95%) and the All-Others rate for CVD (15.28%).

To date, these rates have not been “collected on any solar module and cell imports from these four countries.” That is because they have been paused pursuant to President Biden’s June 6, 2022, [Presidential Proclamation](#) and Commerce’s November 15, 2022, [Rule](#) that paused implementation for two years. But this pause expires on June 6, 2024, and Commerce has made clear that it will immediately begin suspending liquidation and require the estimated AD/CVD case deposits going forward.

These tariffs are not the only ones expected to hit solar panel imports this year. The Biden administration is expected to [end an exemption for bifacial solar panels](#), which are primarily produced in China, imposing another 14.25% tariff on those modules. And a [new petition](#) asks Commerce to impose additional AD/CVD tariffs on modules from the subject countries as high as 270%.

We are monitoring these developments closely and will be available to provide updated analysis as this new wave of tariffs set in.

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