



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Dumping and Subsidizing

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## ORDER

Inquiry No. NQ-2014-003

Photovoltaic Modules and  
Laminates

*Order issued  
Monday, April 13, 2015*

IN THE MATTER of an inquiry, under section 42 of the *Special Import Measures Act*, with respect to the dumping and subsidizing of photovoltaic modules and laminates consisting of crystalline silicon photovoltaic cells, including laminates shipped or packaged with other components of photovoltaic modules, and thin-film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS), originating in or exported from the People's Republic of China; excluding modules, laminates or thin-film products with a power output not exceeding 100 W, and also excluding modules, laminates or thin-film products incorporated into electrical goods where the function of the electrical goods is other than power generation and these electrical goods consume the electricity generated by the photovoltaic product.

## ORDER

WHEREAS the Canadian International Trade Tribunal (the Tribunal) is required, pursuant to section 42 of the *Special Import Measures Act*, to make inquiry as to whether the dumping and subsidizing of the aforementioned goods has caused injury or retardation or are threatening to cause injury to the domestic industry;

AND WHEREAS, based upon information available to the Tribunal, it appears that Hanwha Solar Canada Inc. (Hanwha) is an importer of the goods that are the subject of the Tribunal's inquiry;

AND WHEREAS the Tribunal, on March 6, 2015, sent Hanwha a Notice of Inquiry that clearly indicated responses to the Tribunal's questionnaires were due on March 27, 2015, and provided a link to the questionnaires on the Tribunal's Web site;

AND WHEREAS the Secretariat to the Canadian International Trade Tribunal (the Secretariat), on behalf of the Tribunal, contacted Hanwha on March 9 and 10, 2015, and requested that Hanwha complete its Importers' Questionnaire, which was provided in a link to the Tribunal's Web site;

AND WHEREAS the Secretariat contacted Hanwha on March 23, March 26, April 1, April 2, and April 7, 2015, regarding the status of Hanwha's response to the Importers' Questionnaire;

AND WHEREAS the Secretariat sent Hanwha an electronic copy of the Importers' Questionnaire on April 7, 2015, in response to Hanwha's request for confirmation that it was responding to the correct questionnaire;

AND WHEREAS Hanwha has not provided the information requested in the Tribunal's Importers' Questionnaire;

AND WHEREAS the Tribunal considers such information to be relevant and important to the conduct of its inquiry;

AND WHEREAS, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, the Tribunal has, as regards the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record;

UPON the Tribunal's own motion;

AND UPON being satisfied that Hanwha has or is likely to have information in its possession or control relevant to the Tribunal's inquiry;

## THE TRIBUNAL ORDERS THAT:

1. A duly authorized representative of Hanwha shall make and file with the Tribunal, in the manner set out in paragraph 3 below, a written return of information in fulfilment of the information requirements requested in the Tribunal's Importers' Questionnaire, which is available on the Tribunal's Web site at [www.citt-tcce.gc.ca/en/questionnaires](http://www.citt-tcce.gc.ca/en/questionnaires), by **12:00 p.m. on April 17, 2015**.
2. Unless Hanwha satisfies the Tribunal before **12:00 p.m. on April 15, 2015**, that this order should not have been issued or that the required information cannot reasonably be provided, the required information is to be received no later than the time and date set out in paragraph 1 above. An application to vary or rescind this order must be made in writing and provide a full explanation. It must be submitted no later than **12:00 p.m. on April 15, 2015**, in the manner set out in paragraph 3 below.
3. Hanwha may file its response to the Importers' Questionnaire through the Tribunal's Secure E filing Service at [https://apps.citt-tcce.gc.ca/sftapp/CITT/html/transfer\\_e.html](https://apps.citt-tcce.gc.ca/sftapp/CITT/html/transfer_e.html). Information submitted using the Secure Filing Service is fully encrypted from sender to the Tribunal. Alternatively, Hanwha may also file the information by electronic mail to [citt-tcce@tribunal.gc.ca](mailto:citt-tcce@tribunal.gc.ca) or by fax to 613-990-2439, should the risks associated with these methods of transmission be accepted by Hanwha.
4. The information provided by Hanwha in fulfilment of the information requirements in the Tribunal's Importers' Questionnaire may be designated as confidential by Hanwha in accordance with sections 43 to 49 of the *Canadian International Trade Tribunal Act*.

Jean Bédard

Jean Bédard  
Presiding Member

Peter Burn

Peter Burn  
Member

Rose Ritcey

Rose Ritcey  
Member