

Wiley Rein's Timothy Brightbill Discusses China's Retaliation on Solar Panel Tariffs

E&E's Greenwire

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Timothy C. Brightbill, a partner in Wiley Rein's International Trade Practice, was quoted by *E&E's Greenwire* in an article on the escalating trade dispute between the United States and China regarding solar panels.

China last month imposed preliminary tariffs of 57 percent on polysilicon products from U.S.-based REC Silicon, and 53 percent on polysilicon from another U.S. producer, Hemlock Semiconductor Corp., according to the article. Polysilicon is the main ingredient in solar panels, and China is the world's biggest solar-panel producer.

China's action is widely seen as retaliation for tariffs the U.S. placed on Chinese imports last year, in the largest trade remedy case ever against China. The case, which set tariff rates of 24 to 255 percent on imported Chinese solar modules for the next five years, stemmed from a 2011 legal filing by a coalition of U.S. manufacturers led by SolarWorld Industries, the largest U.S. solar-panel maker.

Mr. Brightbill, lead counsel to SolarWorld and the coalition in that trade remedy case, said the current action by China against U.S. polysilicon makers is "clearly retaliation" for SolarWorld's use of U.S. and international trade laws to address Chinese dumping and subsidies.

"Unfortunately, this is not the first time China has done this," Mr. Brightbill told *Greenwire*, adding that "they did the same thing" regarding the European Union (EU). "And the Chinese strategy appears to have worked in that the EU chose to settle the case as opposed to impose duties that addressed the unfair actions in the

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Chinese solar industry.”

Mr. Brightbill said U.S. officials shouldn't "cave in" to China's unfair trade practices. "The solution is to show that China's retaliatory trade cases don't have any merit" by taking the case to the World Trade Organization, he said.

The U.S. polysilicon companies now faced with the new Chinese tariffs are "an innocent bystander here," Mr. Brightbill added. "We don't think China has provided any evidence" that the U.S. manufacturers engaged in unfair trade practices.

Mr. Brightbill said any settlement the U.S. may reach with China must address the unfair trade practices that have already been proven to exist regarding solar modules.