

PRESS RELEASE

U.S. International Trade Commission Makes Affirmative Injury Determination for Domestic Wind Tower Industry

February 10, 2012

U.S. manufacturers of utility scale wind towers commended today's unanimous 5-0 affirmative preliminary determination by the United States International Trade Commission (the Commission) that imports of utility scale wind towers from China and Vietnam have materially injured the domestic industry.

The case was brought by the Wind Tower Trade Coalition (WTTC), a coalition of producers of utility scale wind towers in the United States. The case alleges that unfairly dumped wind towers from China and Vietnam and subsidized wind towers from China are injuring the U.S. industry.

Prior to today's vote, the Department of Commerce (Commerce) initiated three formal investigations on imports of utility scale wind towers from China and Vietnam. Commerce found that there was reason to believe that Chinese producers were dumping utility scale wind towers into the United States at margins up to 213.54 percent and Vietnamese producers were dumping utility scale wind towers into the United States at margins between 140.54 and 143.29 percent of the value of the goods. Commerce also decided to investigate subsidy programs used by all levels of the Chinese government to support its wind turbine industry. Today's vote by the Commission, in the second consecutive antidumping and countervailing duty case against China involving the renewable-energy sector, confirms that the dumped Chinese imports are injuring the domestic industry.

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Practice Areas

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Alan Price, chair of Wiley Rein's International Trade Practice and lead counsel to the WTTC, stated that, "We are pleased with the Commission's affirmative determination and we look forward to advancing to the next stages to protect the domestic wind tower industry and its workers from the harm caused by unfairly traded imports."

The Commission's affirmative preliminary injury determination clears the way for Commerce to continue moving forward with its investigation. Without any extensions, Commerce would issue its preliminary countervailing duty determination by March 23, 2012, and its preliminary dumping determination by June 6, 2012. If Commerce finds in favor of the domestic industry, countervailing and antidumping duties will be collected, at those times, in the amount of the preliminary margins calculated by Commerce.