

**BEFORE THE
UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Crystalline Silicon Photovoltaic Cells, Whether Or Not Partially
or Fully Assembled Into Other Products, Investigation No. TA-201-75**

**STATEMENT OF
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Good afternoon Commissioners. My name is Jonathan Stoel, and I am a Partner at Hogan Lovells.

Commissioners, no Canadian firms produced solar cells during your safeguard investigation period. Moreover, you have before you the only three firms – Heliene Inc., Silfab Solar Inc., and Canadian Solar Solutions, Inc. – currently manufacturing solar modules in Canada.

Two facts are readily apparent with respect to imports from Canada. The first is that Canadian imports have played a tiny role in the U.S. market, accounting for a miniscule fraction of total imports across both the full 2012-2016 period of investigation and the most recent three-year period. Canadian exports to the United States also declined sharply in the first half of 2017.

The second fact is that Canadian producers have had a symbiotic relationship with the U.S. solar industry. Heliene and Silfab will describe their interactions with both Suniva and SolarWorld, and Canadian Solar has invested hundreds of millions of dollars in the U.S. solar industry, including through its acquisition of Recurrent Energy LLC.

These facts require the Commission, in accordance with both the NAFTA Implementation Act and the NAFTA, to render a negative determination with respect to Canadian imports, even if the Commission makes an affirmative finding as to global imports. This is because U.S. law requires the Commission to **exclude** Canadian imports from its injury findings if **either** (1) imports from Canada do not account for a “substantial share of total imports,” **or** (2) those imports do not “contribute importantly to the serious injury, or threat thereof, caused by imports.” Canadian imports do not meet the first test because, on the basis of any measure, Canada has never ranked among the top 5 sources of U.S. imports—in fact, they have never ranked among the top 10. Furthermore, Canadian producers and exporters of solar modules have worked with their U.S. counterparts to benefit the

U.S, industry and market. They thus have not “contributed importantly” to any alleged “serious injury” or “threat thereof”.

I would be pleased to answer your questions.