

**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 CRAIG A. LEWIS
HOGAN LOVELLS US LLP**

Good afternoon Commissioners. My name is Craig Lewis and I am a partner with Hogan Lovells appearing here today on behalf of the Canadian solar companies.

I would like to address two points with respect to the role of Canadian imports.

First, it is vitally important that the Commission properly determines the scope of imports that are subject to any NAFTA related exemption. The United States, Canada, and Mexico, carefully negotiated the special safeguards provisions in NAFTA with the clear intention that goods originating from the respective countries would mutually benefit from the agreement's special safeguards provisions. The terms of that agreement are now part of U.S. law, and Suniva and Solar World cannot be permitted to nullify the benefits provided under the agreement through application of an inconsistent rule of origin.

Second, U.S. law clearly establishes not only that cells manufactured in Canada are Canadian origin, but modules assembled in Canada with cells sourced

outside of Canada, are also Canadian origin for purposes of any safeguard proceeding. As we describe in detail in our prehearing brief, the NAFTA Origin and Marking Rules establish that such modules are Canadian origin for all Customs purposes, including global safeguards proceedings. U.S. Customs and Border Protection's rulings confirm this fact. The Canadian Government in its submission to the Commission has confirmed this fact. Solar World concedes it in its prehearing brief. And Suniva is now lobbying for amendments to the NAFTA rules to change this result – there could be no clearer admission that the law, as currently in force, does not support Suniva's claims on origin.

Thank you.