

Exporter Certification

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

(A) My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES}, located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES};

(B) I have direct personal knowledge of the facts regarding the production and exportation of the solar cells and solar modules for which sales are identified below. "Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

(C) The solar cells and/or solar modules covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

(D) If the exported products covered by this certification are solar cells that are not in solar modules or products that contains solar cells that are not in a solar module, then the seller certifies that the solar cells produced in {COUNTRY} that are covered by this certification were not manufactured using wafers produced in China, regardless of whether sourced directly from a Chinese producer or from a downstream supplier.

(E) If the exported products covered by this certification are solar modules or products that contain solar modules, then the seller certifies that the solar modules produced in {COUNTRY} that are covered by this certification were not manufactured using wafers produced in China, regardless of whether sourced directly from a Chinese producer or from a downstream supplier, or the solar modules produced in {COUNTRY} that are covered by this certification were manufactured using wafers produced in China but no more than two of the following inputs that were used to manufacture the solar modules were produced in China, regardless of whether sourced directly from a Chinese producer or from a Chinese downstream supplier:

- a. Silver Paste
- b. Aluminum Frames
- c. Glass
- d. Backsheets
- e. Ethylene-Vinyl Acetate
- f. Junction Boxes

(F) The solar cells and/or solar modules covered by this certification are not covered by: (a) the antidumping duty or countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China; or (b) the antidumping duty order on certain crystalline silicon photovoltaic products from Taiwan.

(G) This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

of the Foreign Seller's Invoice to the U.S. Customer:
Applicable Line Item # of the Foreign Seller's Invoice to the U.S. Customer:
Producer Name:
Producer's Address:
Invoice # of the Producer's Invoice to the Foreign Seller (if the foreign seller and the producer are the same party, report "NA" here):

(H) I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.*, documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product specification sheets, customer specification sheets, production records, invoices, *etc.*) until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

(I) I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with a copy of this certification, and any supporting documents, upon the request of either agency.

(J) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(K) I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are sales of merchandise that is covered by the scope of the antidumping and countervailing duty orders on solar cells and solar modules from China. I understand that such a finding will result in:

- (i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;
- (ii) the importer being required to post the antidumping and countervailing duty cash deposits determined by Commerce; and
- (iii) the seller/exporter no longer being allowed to participate in the certification process.

(L) I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.

(M) This certification was completed and signed, and a copy of the certification was provided to the importer, on, or prior to, the date of shipment if the shipment date is after the date of publication of the notice of Commerce's preliminary determination of circumvention in the **Federal Register**. If the shipment date is on or before the date of publication of the notice of Commerce's

preliminary determination of circumvention in the **Federal Register**, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than 45 days after publication of the notice of Commerce's preliminary determination of circumvention in the **Federal Register**.

(N) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}

Date

[FR Doc. 2022-26671 Filed 12-7-22; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[A-570-051, C-570-052]

Certain Hardwood Plywood Products From the People's Republic of China: Preliminary Scope Determination and Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders; Extension of Deadline To Certify Certain Entries

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 29, 2022, the U.S. Department of Commerce (Commerce) published a notice of a preliminary scope determination and affirmative preliminary circumvention determination in the **Federal Register** concerning the antidumping duty (AD) and countervailing duty (CVD) orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China). This notice informs parties that Commerce has extended the deadline for certain exporters and importers to certify entries of hardwood plywood exported from the Socialist Republic of Vietnam (Vietnam) that were entered, or withdrawn from warehouse, for consumption on or after June 17, 2020, and until August 28, 2022. This notice also informs interested parties that Commerce is requesting comments regarding a potential modification to certification program eligibility, and the process for demonstrating eligibility for the certification program. In addition, this notice provides several other procedural notifications to interested parties.

DATES: Applicable December 1, 2022.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2593.

SUPPLEMENTARY INFORMATION: In the *Preliminary Determination*, Commerce established a certification program and a deadline for certain exporters and importers to certify that entries of hardwood plywood exported from Vietnam that entered, or were withdrawn from warehouse, for consumption on or after June 17, 2020, and until August 28, 2022, are not subject to the AD and CVD orders on hardwood plywood from China.¹ On September 12, 2022, Commerce extended the deadline for exporters and importers to complete these certifications from September 12, 2022,² to December 1, 2022.³

Extension and Modification

On November 30, 2022, Commerce issued a memorandum via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) notifying interested parties that it was extending the deadline for certifications of entries on or after June 17, 2020, and until August 28, 2022, until thirty days after the deadline for the final determination of this inquiry. Accordingly, unless the final determination is extended, certifications of entries on or after June 17, 2020, and until August 28, 2022, will be due by March 2, 2023.⁴ Also on November 30, 2022, Commerce transmitted

¹ See *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Scope Determination and Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 87 FR 45753, 45756-58 (July 29, 2022) (*Preliminary Determination*); see also *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 83 FR 513 (January 4, 2018).

² See *Preliminary Determination*, 87 FR at 45756.

³ See Memorandum, "Extension of Deadline to Certify Certain Entries of Hardwood Plywood and Response to Request to Modify Cash Deposit Instructions," dated September 12, 2022; see also *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Scope Determination and Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders; Extension of Deadline To Certify Certain Entries*, 87 FR 58063 (September 23, 2022).

⁴ See Memorandum, "Extension of Deadline to Certify Certain Entries of Hardwood Plywood and Response to Ministerial Error Allegations," dated November 30, 2022.

instructions to U.S. Customs and Border Protection (CBP) notifying CBP of the extended deadline.⁵ The deadline for exporters and importers to complete the certification requirements established in the *Preliminary Determination* for entries on or after June 17, 2020, through August 28, 2022, is now March 2, 2023.

In addition, after considering interested party comments to date, Commerce is considering modifying its eligibility determination and allowing 22 of the companies that Commerce precluded from participating in the certification program in the *Preliminary Determination* (*i.e.*, companies that failed to cooperate by submitting unreliable information)⁶ to certify entries during the period beginning on June 17, 2020, through December 31, 2021. However, as detailed below, should they wish to participate in the certification program after December 31, 2021, these 22 companies would still need to demonstrate their eligibility to certify entries occurring on or after January 1, 2022. As such, these 22 companies will not be allowed to participate in the certification program for entries that entered on or after January 1, 2022. Additionally, Commerce does not intend to modify the certification program for the 14 companies that are precluded from participating in this certification program in the *Preliminary Determination* (*i.e.*, companies that failed to respond to Commerce's requests for information)⁷ and continue to find these companies are still not eligible to participate in the certification program until they are able to demonstrate their eligibility, as described below. Parties that wish to comment on this potential modification should do so in their case briefs.⁸

In the event of an affirmative final determination, Commerce intends to instruct CBP to liquidate all suspended entries from June 17, 2020, through December 31, 2021, pursuant to the

⁵ See CBP Message 2335408, "Notice of Amended Deadline for Certifications in the Vietnam-wide Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on certain Hardwood Plywood Products and Veneered Panels from the People's Republic of China (A-570-051, C-570-052 and A-552-006, C-552-007)," dated December 1, 2022; see also CBP Message 2335409, "Notice of Amended Deadline for Certifications in the Scope Inquiry of the Antidumping and Countervailing Duty Orders on Certain Hardwood Plywood Products and Veneered Panels from the People's Republic of China (A-570-051 and C-570-052)," dated December 1, 2022.

⁶ See *Preliminary Determination* at Appendix V. ⁷ *Id.*

⁸ Commerce intends to establish the schedule for case and rebuttal briefs under 19 CFR 351.309(c) and (d) at a later date.

previously issued automatic liquidation instructions (ALIs) applicable to those periods.

Entries made on or after January 1, 2022, that are ineligible for certification (from the 22 companies that failed to cooperate, the 14 companies that failed to respond, or for other reasons) shall remain subject to suspension until final assessment on those entries, whether by ALIs, or final results of administrative review.⁹ Interested parties that wish to have their suspended entries reviewed or eligibility for the certification program reevaluated should request an administrative review of the relevant suspended entries during the next anniversary month of these *Orders* (*i.e.*, January 2023).¹⁰

Notification to Interested Parties

This notice is issued and published in accordance with section 781(b) of the Tariff Act of 1930, as amended and 19 CFR 351.225(f) and (h).¹¹

Dated: December 1, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022-26670 Filed 12-7-22; 8:45 am]

BILLING CODE 3510-DS-P

⁹ Commerce continues to consider the process by which companies may demonstrate eligibility for the certification program in future segments and may determine to audit some or all of the certifications during this special excepted period (*i.e.*, June 17, 2020-December 31, 2021) by parties that subsequently seek to participate in the certification program. Commerce encourages interested parties to provide comments on this topic in their case briefs.

¹⁰ See 19 CFR 351.213(b).

¹¹ Commerce significantly revised its scope regulations on September 20, 2021, with an effective date of November 4, 2021. See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021). The amendments to 19 CFR 351.225 apply to scope inquiries for which a scope ruling application is filed, as well as any scope inquiry self-initiated by Commerce, on or after November 4, 2021. The newly promulgated 19 CFR 351.226 applies to circumvention inquiries for which a circumvention request is filed, as well as any circumvention inquiry self-initiated by Commerce, on or after November 4, 2021. We note that these scope and circumvention inquiries were initiated prior to the effective date of the new regulations, and, thus, any reference to the regulations is to the prior version of the regulations.