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Editor's Note: Foreign Direct Investments
Victoria Prussen Spears

First Prohibition Under Belgium's FDI Regime: A Milestone, Not a Revolution
Johan Ysewyn, Melissa Van Schoorisse, Ross Evans, and Romain Girard

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Designations Implicate Ecuador's Maritime Networks: Top Points
Sonia Torres Pabón, Francisca Franzani, and Nereida Melendez-Rivera

International Trade and the Empowerment of Women—Part II
Sheela Rai

Final Rule Eases U.S. Drone Export Controls, Alongside New Tariffs on Drone Imports
John P. Barker, Deborah A. Curtis, Lynn Fischer Fox, Nicholas L. Townsend, Trevor G. Schmitt, Bell Johnson, Sarah Belmont, Dustin Vesey, and Kristina Lorch

U.S. Treasury Department Launches Consolidated CFIUS Website With Slate of New Features
John P. Barker, John B. Bellinger III, Charles A. Blanchard, Deborah A. Curtis, Ronald D. Lee, Soo-Mi Rhee, Nicholas L. Townsend, Junghyun Baek, Trevor G. Schmitt, Bell Johnson, and Dustin Vesey

U.S. Department of Justice and Department of Homeland Security Trade Fraud Guide: A Roadmap for False Claims Act Exposure
Keith Rosen, Ashley Kuempel, Ryan Meltzer, Cat McManus, and Bob Carmichael

U.S. Imposes New Tariffs and Minimum Import Prices on Polysilicon and Solar Products
Kevin E. Gaunt

Trade Enforcement Update
Anthony Rapa, Jennifer A. Short, Bradley L. Henry, Michael J. Schmandt, and Layla S. Najjar

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Volume 4, No. 1 January–February 2027

5 Editor's Note: Foreign Direct Investments
Victoria Prussen Spears

9 First Prohibition Under Belgium's FDI Regime: A Milestone, Not a Revolution
Johan Ysewyn, Melissa Van Schoorisse, Ross Evans, and Romain Girard

17 Investing in German Defense Companies: Key Regulatory Considerations
Henning Bloss, Jörn Hirschmann, Björn Schneider, Anna Lubberger, Nicolas Jung, Moritz Hüsch, Clemens Jaaks, and Emanuel Ghebregergis

23 Designations Implicate Ecuador's Maritime Networks: Top Points
Sonia Torres Pabón, Francisca Franzani, and Nereida Melendez-Rivera

29 International Trade and the Empowerment of Women—Part II
Sheela Rai

49 Final Rule Eases U.S. Drone Export Controls, Alongside New Tariffs on Drone Imports
John P. Barker, Deborah A. Curtis, Lynn Fischer Fox, Nicholas L. Townsend, Trevor G. Schmitt, Bell Johnson, Sarah Belmont, Dustin Vesey, and Kristina Lorch

55 U.S. Treasury Department Launches Consolidated CFIUS Website With Slate of New Features
John P. Barker, John B. Bellinger III, Charles A. Blanchard, Deborah A. Curtis, Ronald D. Lee, Soo-Mi Rhee, Nicholas L. Townsend, Junghyun Baek, Trevor G. Schmitt, Bell Johnson, and Dustin Vesey

61 U.S. Department of Justice and Department of Homeland Security Trade Fraud Guide: A Roadmap for False Claims Act Exposure
Keith Rosen, Ashley Kuempel, Ryan Meltzer, Cat McManus, and Bob Carmichael

67 U.S. Imposes New Tariffs and Minimum Import Prices on Polysilicon and Solar Products
Kevin E. Gaunt

73 Trade Enforcement Update
Anthony Rapa, Jennifer A. Short, Bradley L. Henry, Michael J. Schmandt, and Layla S. Najjar

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U.S. Imposes New Tariffs and Minimum Import Prices on Polysilicon and Solar Products

Kevin E. Gaunt*

In this article, the author discusses new trade measures on imports of polysilicon and certain derivative products imposed recently by President Trump.

President Donald Trump has issued[1] a Section 232 proclamation imposing new trade measures on imports of polysilicon and certain derivative products, including silicon wafers, solar cells, and solar modules. The measures take effect on December 4, 2026, and replace the solar safeguard tariffs[2] imposed under Section 201 of the Trade Act of 1974 during Trump's first term and maintained[3] through the Biden presidency, which expired on February 7, 2026.

Although the proclamation imposes additional Section 232 tariffs on covered imports, its most significant feature is a new Minimum Import Price (MIP) program. Importers of solar modules, cells, wafers, ingots, and polysilicon should begin evaluating product coverage, pricing documentation, first-sale arrangements, Foreign Trade Zone usage, and potential duty drawback eligibility before the December 4, 2026, effective date. Companies considering U.S. production investments should also monitor forthcoming Commerce guidance regarding the new onshoring incentive program.

Covered Products

The new measures apply to:

- Polysilicon (HTSUS 2804.61.0000);
- Certain silicon ingots and wafers (HTSUS 3818.00.0020, 3818.00.0040, 3818.00.0045, 3818.00.0050, and 3818.00.0091);
- Solar cells (HTSUS 8541.42.00); and
- Solar modules (HTSUS 8541.43.00).

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Tariff Rates

Beginning December 4, 2026, imports of polysilicon ingots and covered polysilicon derivatives will generally be subject to an additional 15 percent Section 232 tariff. Products of the United Kingdom are subject to a 10 percent Section 232 tariff.

The proclamation provides special treatment for products of the European Union, Japan, South Korea, Taiwan, Switzerland, and Liechtenstein. For these countries, the additional Section 232 duty is adjusted so that the combined Column 1 duty rate and Section 232 duty generally equals 15 percent. For example, if a covered product is subject to a 4 percent Column 1 duty, the applicable Section 232 duty would generally be 11 percent, resulting in a combined duty rate of 15 percent.

New Minimum Import Price Program

The proclamation's most significant feature may be its new MIP program. Covered products are subject to the following minimum price thresholds:

- Polysilicon: $21/kilogram;
- Silicon Ingots and Wafers: $100/kilogram;
- Solar Cells: $0.22/watt; and
- Solar Modules: $0.38/watt.

To the extent these MIPs are higher than prevailing market prices for covered products, they could ultimately be the primary driver of the proclamation's trade effects.

In practice, the MIP program focuses on the price at which covered products, or downstream products made from them, are ultimately sold in the United States rather than solely on the import price. Importers may submit entry documentation establishing or certifying that the first arm's-length U.S. sale of the imported merchandise, or applicable downstream products made from that merchandise, will occur at or above the applicable MIP, or that the first arm's-length sale is made pursuant to fixed terms in a contract entered into before the proclamation was signed.

If an importer does not submit the required documentation, the merchandise is subject to a specific tariff equal to the applicable MIP. If the importer submits the required documentation but the

entered value is below the MIP, the merchandise is subject to a specific tariff equal to the difference between the entered value and the applicable MIP.

The MIP does not increase the base on which the Section 232 tariff is calculated. The applicable ad valorem Section 232 tariff continues to be assessed on the product's entered value.

The compliance consequences may also be significant. If Customs and Border Protection determines that an importer's documentation was materially inaccurate or that the importer materially failed to comply with its certification, the importer and its affiliates may be prohibited from importing covered products into the United States and may face penalties.

Interaction with the July 2026 Forced-Labor Tariffs

On July 23, 2026, the U.S. Trade Representative announced[4] final Section 301 actions imposing additional duties on products of 60 economies in connection with forced-labor import prohibitions. Products covered by the new Section 232 polysilicon proclamation are excluded from those Section 301 duties and instead are subject to the Section 232 tariff and MIP framework.

Tariff Mitigation

- *Foreign Trade Zones (FTZs)*. Products subject to the proclamation that are admitted into an FTZ on or after the effective date generally must be admitted in privileged foreign status unless eligible for domestic status. As a result, Section 232 duties will generally continue to apply when the product is later entered for U.S. consumption, even if it is processed or incorporated into another product while in the FTZ.
- *Duty Drawback*. Duty drawback may remain available for certain qualifying exports. Unlike FTZ treatment, drawback does not avoid payment of duties upon importation but may allow recovery of duties after exportation of qualifying merchandise or articles manufactured from imported merchandise. The proclamation permits manufacturing

drawback in limited circumstances, primarily for qualifying exports involving articles that are not subject to antidumping or countervailing duty orders, are products of certain Trade Agreement Partner countries, and contain polysilicon content composed entirely of polysilicon from Trade Agreement Partner countries. Importers that export articles manufactured from covered imports should evaluate whether manufacturing drawback may be available to recover Section 232 duties after exportation.

Onshoring Incentives

The proclamation also directs the Department of Commerce to establish an onshoring program through which companies that commit to building, expanding, or refurbishing U.S. facilities producing raw polysilicon, ingots, wafers, or solar cells may receive tariff relief on certain imports tied to approved domestic manufacturing projects.

Approved participants will be subject to reporting and compliance obligations, and benefits may be revoked if investment commitments are not met. Commerce is also authorized to provide tariff relief on qualifying imports associated with approved projects and to rescind those benefits if participants fail to satisfy agreed-upon milestones or commitments.

Conclusion

The proclamation creates a new and potentially significant compliance framework for importers of polysilicon and solar supply-chain products. Although the additional Section 232 tariffs will increase landed costs, the MIP program may prove more consequential for companies that rely on imported modules, cells, wafers, ingots, or polysilicon priced below the new thresholds.

Importers should begin reviewing product classifications, supplier pricing, first-sale documentation, contract terms, FTZ usage, and potential drawback eligibility before the December 4, 2026, effective date. Companies considering U.S. manufacturing investments should also monitor forthcoming Commerce guidance regarding the onshoring incentive program.

Notes

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1. https://www.whitehouse.gov/presidential-actions/2026/08/adjusting-imports-of-polysilicon-and-its-derivatives-into-the-united-states/.
2. https://www.govinfo.gov/content/pkg/FR-2018-01-25/pdf/2018-01592.pdf.
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