

## UNDERTAKING TO THE CLEAN ENERGY REGULATOR

Undertaking given to the Clean Energy Regulator pursuant to section 154Q of the Renewable Energy (Electricity) Act 2000

by

Trina Solar (Australia) Pty Ltd (ACN 150 695 524)

### 1. Background

- 1.1 The undertaking is given to the Clean Energy Regulator (CER) by Trina Solar (Australia) Pty Ltd (Trina Solar), for the purposes of section 154Q of the *Renewable Energy (Electricity) Act 2000* (the Act).
- 1.2 Trina Solar is an Australian propriety company limited by shares.
- 1.3 Trina Solar is a supplier of solar panels to the Australian market and the provider of information regarding the eligibility of these panels for Small Technology Certificates (STCs) Under the Act.
- 1.4 Trina Solar and the CER have identified that incorrect information may have been provided by Trina Solar in relation to the eligibility of certain solar panels for Small Technology Certificates (STCs) under the Act. This has had the effect that solar panels have been installed and STCs have been created on an incorrect assumption that the panels were eligible for STCs and were on the CEC approved module list.<sup>1</sup>
- 1.5 Since the anomalies were identified, Trina Solar has cooperated with the Regulator in coming to an aggregable outcome regarding the conduct above and is committed to assisting the Regulator to resolve the situation.
- 1.6 The intention of this Enforceable Undertaking is to provide assurance that improper creation of STCs either does not occur or is remedied appropriately.

### 2. Terms of Undertaking

- 2.1 Under section 154Q of the Act, the Regulator may accept any of the following Undertakings:
  - (a) a written Undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, take specific action;
  - (b) a written Undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, refrain from taking specified action;
  - (c) a written Undertaking given by a person that the person will take specified action directed towards ensuring that the person does not contravene the Act, the

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<sup>1</sup> The relevant solar panels were ineligible because the relevant panels were either manufactured in facilities that did not hold the proper certification at the time of manufacture or were manufactured to an outdated standard. This meant that the panels were not accredited panels for the purpose of the CEC approved PV module list or are no longer eligible for STCs.



Regulations or the associated provisions, or is unlikely to contravene the Act, the Regulations or the associated provisions, in the future; or

- (d) a written Undertaking given by a person that the person will surrender one or more renewable energy certificates under section 28A of the Act, to compensate for the creation of one or more certificates that the person was not entitled to create.

2.2 Trina Solar hereby undertakes at its own expense, to:

- (a) Offer to replace (free of charge, including transportation and re-stocking costs) affected panels where the panels have not yet been installed.

Note: For avoidance of doubt references in this Enforceable Undertaking to “affected panels” are those panels that do not meet the terms and conditions for listing on the CEC approved PV modules list that are or have been included in SPV data.

- (b) Where affected panels have been installed, Trina Solar will offer the identified end user the option to replace and reinstall those panels at Trina Solar’s expense, by a CEC accredited installer and in accordance with the relevant installation requirements subject to the end user’s consent;
- (c) Where an offer of replacement or reinstallation referred to in clause (a) or (b) is declined by the relevant end user, Trina Solar will surrender an equivalent number of STCs to the CER within 30 days. The date of receipt is defined by the date that Trina Solar receives written notification from the end-user or its mailing service provider via email or mail.
- (d) Complete any replacement or reinstallation request referred to in clause (a) or (b) within 12 months from having been notified by the end user.
- (e) In the event that Trina Solar and the CER agree that the process outlined in clauses (a) through (d) cannot be completed or should be modified, Trina Solar and the CER may, but are not obliged to, agree to a variation of the processes.
- (f) Provide assurance acceptable to the CER as to the safety, quality and warranty support for panels that do not meet CEC approved PV module listing requirements and have been supplied and/or installed. This includes, but is not limited, to Trina Solar providing information to customers and consumers of these matters and to undertake compliance testing as requested by the CER.

### **3. Acknowledgements**

3.1 Trina Solar acknowledges that:

- (a) the Regulator may lawfully accept this Undertaking;
- (b) the Regulator will make this Undertaking publicly available, including its publication on the Regulator’s website;
- (c) the Regulator and officers of the Regulator may, from time to time, make public reference to this Undertaking;
- (d) this Undertaking in no way derogates from the rights and remedies available to the Commonwealth and any other person arising from any conduct by Trina Solar; and
- (e) it bears all costs associated with its compliance with this Undertaking.



**4. Commencement of enforceable undertaking**

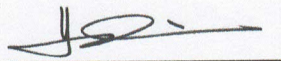
4.1 This undertaking comes into effect when:

- (a) The Undertaking is executed by Trina Solar; and
- (b) The Regulator accepts the Undertaking so executed.

4.2 This Undertaking ceases to have effect when the actions required by clause 2.2 are completed to the CER's satisfaction.

Executed by

Trina Solar Australia Pty Ltd ACN 150 695 524 by its authorised officer pursuant to section 127(1) of the *Corporations Act 2001*.

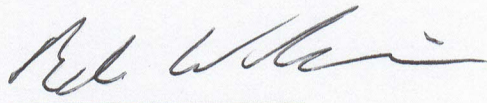


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Director

This 7th day of May 2020

Accepted by the Regulator pursuant to section 154Q of the *Renewable Energy (Electricity) Act 2000*.



Mark Williamson

Executive General Manager and Delegate of the Clean Energy Regulator

This 7<sup>th</sup> day of MAY 2020