Slip Op. 25-101

UNITED STATES COURT OF INTERNATIONAL TRADE

YINGLI ENERGY (CHINA) COMPANY LIMITED,

Plaintiff,

v.

UNITED STATES,

Defendant,

and

AMERICAN ALLIANCE FOR SOLAR MANUFACTURING,

Defendant-Intervenor.

Before: Mark A. Barnett, Chief Judge
Court No. 24-00131

PUBLIC VERSION

OPINION

[Denying Plaintiff's motion for judgment on the agency record and sustaining the Department of Commerce's *Final Results* of the administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China.]

Dated: August 11, 2025

Gregory S. Menegaz, Alexandra H. Salzman, and Vivien Jinghui Wang, The Inter-Global Trade Law Group, PLLC, of Washington, DC, for Plaintiff Yingli Energy (China) Company Limited. On the brief was Judith L. Holdsworth.

Kristin E. Olson, Trial Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, Washington, DC, for Defendant United States. Also on the brief were Yaakov M. Roth, Acting Assistant Attorney General, Patricia M. McCarthy, Director, and Reginald T. Blades, Jr., Assistant Director. Of counsel on the brief was Jack Dunkelman, Attorney, Officer of the Chief Counsel for Trade Enforcement & Compliance, U.S. Department of Commerce, of Washington, DC.

Timothy C. Brightbill, Laura El-Sabaawi, and Paul A. Devamithran, Wiley Rein LLP of Washington, DC, for Defendant-Intervenor American Alliance for Solar Manufacturing.

Barnett, Chief Judge: Yingli Energy (China) Company Limited ("Yingli China" or "Plaintiff") challenges the U.S. Department of Commerce's ("Commerce" or "the agency") final results of the administrative review of the antidumping duty order on crystalline silicon photovoltaic cells from the People's Republic of China ("China") for the period December 1, 2021, through November 30, 2022. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China*, 89 Fed. Reg. 55,562 (Dep't Commerce July 5, 2024) (final results and final partial rescission of antidumping duty admin. rev.; and final determination of no shipments; 2021–2022) ("*Final Results*"),[1] ECF No. 18-4,[2] and accompanying Issues and Dec. Mem., A-570-979 (June 28, 2024) ("I&D Mem."), ECF No. 18-5. The court has jurisdiction pursuant to section 516A(a)(2)(B)(iii) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1516a(a)(2)(B)(iii) (2018) and 28 U.S.C. § 1581(c).[3] For the following reasons, the court denies Yingli China's motion for judgment on the agency record and sustains Commerce's *Final Results*.

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[1] Commerce later published a correction, which is not relevant to the issues before the court. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China*, 89 Fed. Reg. 67,071 (Dep't Commerce Aug. 19, 2024) (final results and final partial rescission of antidumping duty admin. rev.; and final determination of no shipments; 2021–2022; correction), ECF No. 18-6.

[2] The administrative record filed in connection with the *Final Results* is divided into a Public Administrative Record ("PR"), ECF No. 18-2, and a Confidential Administrative Record ("CR"), ECF No. 18-3. Parties submitted joint appendices containing record documents cited in their briefs. *See* Confid. J.A. ("CJA"), ECF No. 39; Public J.A., ECF No. 40. The court references the confidential version of the relevant documents, unless otherwise specified.

[3] Citations to the Tariff Act of 1930, as amended, are to Title 19 of the U.S. Code. All references to the U.S. Code are to the 2018 edition unless otherwise specified.

BACKGROUND

Based upon affirmative findings of dumping and material injury by Commerce and the U.S. International Trade Commission, respectively, the United States may impose antidumping duties on foreign-produced goods sold in the United States at less than fair value. 19 U.S.C. § 1673. If requested, Commerce conducts an annual administrative review of the antidumping duty order and calculates a new antidumping duty rate. *Id.* § 1675(a)(1)–(2). "If it is not practicable to make individual weighted average dumping determinations . . . because of the large number of exporters or producers involved in the . . . review, [Commerce] may determine the weighted average dumping margins for a reasonable number of exporters or producers by limiting its examination to" the "exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined." *Id.* § 1677f-1(c)(2)(B). Those selected are sometimes referred to as "mandatory respondents."

In the case of a nonmarket economy ("NME") country like China, Commerce establishes a China-wide rate based on an "NME presumption," a rebuttable presumption that a company within an NME country is subject to government control. *See, e.g.*, *Sigma Corp. v. United States*, 117 F.3d 1401, 1405 (Fed. Cir. 1997). Respondents may seek a rate that is separate from the China-wide rate (referred to as a "separate rate") by establishing the absence of government control. *See, e.g.*, *China Mfrs. All. v. United States*, 1 F.4th 1028, 1037 (Fed. Cir. 2021).

Here, Commerce initially selected Yingli China as a mandatory respondent. Resp't Selection Mem. (Apr. 20, 2023) at 6, PR 121, CR 71, CJA Tab 7. Yingli China ultimately did not receive a separate rate and, based upon the denial of the separate rate, its imports were assigned the China-wide rate. *Final Results*, 89 Fed. Reg. at 55,563, 55,565 & App'x III.

During the period of review, Yingli China exported subject merchandise to the United States, with all such sales imported by Yingli Green Energy Americas, Inc. ("YGEA"). Yingli China Sec. A Questionnaire Resp. (May 18, 2023) ("Sec. A Resp.") at 1–2, PR 160–61, CR 74–78, CJA Tab 8. "YGEA's manager has the ultimate authority to determine the selling prices and contractually bind YGEA to sell merchandise" to its U.S. customers. *Id.* at 9. Yingli China and YGEA have separate ownership. *See id.* at 3, Ex. A-4; Yingli First Suppl. Questionnaire Resp. (Aug. 4, 2023) ("1st Suppl. Resp.") at 9, PR 244, CR 165–76, CJA Tab 10. Yingli China's majority owner is a regional State-Owned Assets Supervision and Administration Commission ("SASAC"), Sec. A. Resp. at 3, while YGEA is owned by a British Virgin Islands parent company ("BVI Parent Company"), *id.* at 3, 16–17, Ex. A-4. Yingli China variously refers to YGEA as "an independent reseller," [Confid.] Pl.'s Rule 56.2 Mem. in Supp. of Mot. for J. Upon the Agency R. ("Pl.'s Br.") at 14–15, ECF No. 30, and a "former U.S. affiliate," *id.* at 2. During the period of review, the relationship between the two companies was such that YGEA's general manager was also the vice president of Yingli China in charge of sales. 1st Suppl. Resp. at 9–10.

Before the preliminary determination, Commerce concluded that because Yingli China was subject to government control, it was not eligible for a separate rate and, thus, Commerce selected an additional mandatory respondent in place of Yingli China. [Add'l] Resp't Selection Mem. (Sept. 8, 2023), at 2–4, PR 269, CR 200, CJA Tab 11. Commerce explained that although Yingli China claimed that neither its shareholders nor state-controlled owner were involved in the daily operations, under normal business practices, the ability to control and an interest in controlling the business operations would be present based on the government ownership. *Id.* at 2. Commerce also determined that Yingli China's Articles of Association supported a finding of government control. *Id.* at 3. In its preliminary determination, Commerce denied Yingli China a separate rate. Decision Mem. for the Prelim. Results (Dec. 28, 2023) ("Prelim. Mem.") at 13 & n.51, PR 339, CJA Tab 4.

Yingli China argued that Commerce's finding of government control was erroneous. Yingli China Case Br. (Feb. 12, 2024) at 3–4, PR 367, CR 257, CJA Tab 12. Nonetheless, for the *Final Results*, Commerce continued to deny Yingli China a separate rate. I&D Mem. at 9–14. Commerce explained that Yingli China had failed to rebut the NME presumption. *Id.* at 12–13.[4]

Plaintiff continues to challenge the *Final Results* before this court. *See* Pl.'s Br.; Pl.'s Reply Br. ECF No. 38. Defendant United States ("the Government") supports

[4] In its preliminary decision, Commerce identified the NME presumption as part of its methodology, but the agency did not explicitly tie that presumption to its determination that Yingli China was subject to government control. Prelim. Mem. at 13 & n.51.

Commerce's *Final Results*. [Confid.] Def.'s Resp. to Pl.'s Rule 56.2 Mot. for J. on the Agency R. ("Def.'s Resp."), ECF No. 36.[5]

STANDARD OF REVIEW

The court will uphold an agency determination that is supported by substantial evidence and otherwise in accordance with law. 19 U.S.C. § 1516a(b)(1)(B)(i).[6]

DISCUSSION

Yingli China's challenge to Commerce's determination is twofold. First, Yingli China argues that Commerce's determination that Yingli China's exports and sales were *de facto* controlled by the Government of China ("GOC") is not supported by substantial evidence. Second, Yingli China argues that Commerce's use of the NME presumption is unlawful. The court addresses each argument in turn.

I. Commerce's *De Facto* Government Control Analysis

a. Parties' Contentions

Yingli China argues that substantial evidence does not support Commerce's determination that Yingli China's exports and sales to the United States are controlled by the GOC. Pl.'s Br. at 8–13. Yingli China argues that "Commerce merely speculates that YGEA's general manager is controlled by [the] GOC because she is also the vice

[5] American Alliance for Solar Manufacturing intervened in this case on Defendant's side. *See* Order (Sept. 30, 2024), ECF No. 17. Defendant-Intervenor's response did not include any additional substantive arguments. Def.-Int. Am. All. for Solar Mfg. Resp. to Pl.'s Mot. for J. on the Agency R., ECF No. 37.

[6] Plaintiff erroneously identifies 19 U.S.C. § 1516a(b)(1)(A) as a relevant standard of review. Pl.'s Br. at 7. That standard applies to actions involving determinations by the International Trade Commission or determinations not to initiate an investigation.

president of Yingli China in charge of sales." *Id.* at 10. Yingli China contends that it is "irrational and arbitrary to presume that [YGEA's] BVI Parent Company would allow interference from [the] GOC in the business activities of its subsidiaries." *Id.* at 11. Yingli China extrapolates that, because "all of Yingli China's export activities are conducted through YGEA," and YGEA is independent, therefore, Yingli China's export and sales activities are also independent of government control. *Id.* (citing Sec. A Resp. at 1–2, 9, Ex. A-4). The Government disagrees, arguing that Commerce reasonably based its determination on the majority ownership of Yingli China by a state-controlled entity. Def.'s Resp. at 8–9.

b. Analysis

"Commerce maintains a rebuttable presumption that all companies within the NME country are subject to government control and, thus, should be assigned a single dumping margin unless the company can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*) with respect to exports." Prelim. Mem. at 10. As for *de facto* government control:

> Typically, Commerce considers four factors in evaluating whether a company is subject to *de facto* government control of its export activities: (1) whether the company's export sales prices are set by, or are subject to the approval of, a government agency; (2) whether the company has the authority to negotiate and sign contracts and other agreements; (3) whether the company has autonomy from the government in making decisions regarding the selection of management; and (4) whether the company retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses.

Id. at 12–13.[7]

Here, Commerce relied on the fact that a Chinese government entity indirectly owned a majority of Yingli China to conclude that Yingli China was not eligible for a separate rate. *See* I&D Mem. at 12–13; Proprietary Info. for the Final Results (June 28, 2024) ("Proprietary Info. Mem.") at 1, PR 390, CR 267, CJA Tab 13. Commerce explained that its "current practice is to conclude that where a government entity holds a majority equity ownership, either directly or indirectly, in a respondent exporter, this interest, in and of itself, means that the government exercises, or has *the potential to exercise*, control over the company's operations, generally." I&D Mem. at 11. Moreover, Commerce explained that "Yingli [China] never provided record evidence that the government had no power to influence any of the four factors of Commerce's *de facto* analysis." *Id.* at 12. According to Commerce, the record evidence Yingli China relied on did not demonstrate an absence of control. *Id.* at 12–13. Commerce acknowledged Yingli China's argument that YGEA determined its sales prices to its U.S. customers. Proprietary Info. Mem. at 4. Commerce explained, however, that the vice president of Yingli China in charge of sales was also YGEA's general manager and that Yingli China's Articles of Association suggested government control,[8] and those facts weighed against Yingli China's arguments. *Id.*

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[7] Commerce considers other factors for *de jure* control, but *de jure* control is not at issue in this case.

[8] Under Yingli China's Articles of Association, "[[

Yingli China's emphasis on YGEA's independence misses the point. Yingli China variously describes YGEA as "an American company," Pl.'s Br. at 11, "an independent reseller," *id.* at 14–15, and "a former U.S. affiliate," *id.* at 2. Yingli China argues that, because "all of its export activities are conducted through YGEA" and YGEA is "completely independent of any Chinese government control," Pl.'s Br. at 11, Yingli China has established that its export activities are *de facto* independent from GOC control, *id.* Yingli China further noted that it "does not coordinate with other exporters in setting prices or in determining which companies will sell to which markets." Sec. A. Resp. at 9. None of these statements speak to whether Yingli China is *de facto* controlled by the GOC, and Commerce is not reviewing YGEA—the agency reviews "exporters and producers of the subject merchandise." 19 U.S.C. § 1677f-1(c)(1). Any evidence of YGEA's independence that Yingli China provides does not outweigh the evidence that Yingli China itself, majority-owned by a SASAC, is subject to government control.

Finally, the court notes that additional criteria in the *de facto* analysis remain unaddressed. Namely, Commerce's findings that Plaintiff failed to establish that *Yingli China* "ha[s] the authority to negotiate and sign contracts and other agreements" (the second factor) or "maintain[s] autonomy from the government in making decisions regarding the selection of management" (the third factor) are unchallenged. *See* Prelim.

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Proprietary Info. Mem. at 4.

Mem. at 12–13. Indeed, the evidence of majority government ownership and Yingli China's Articles of Association support Commerce's finding of *de facto* government control based on those factors. *See* I&D Mem. at 11–12 (pointing to all four factors in reaching its determination).

In sum, the court finds that Commerce's determination that Yingli China is subject to *de facto* government control is supported by substantial evidence.

II. NME Presumption

a. Parties' Contentions

Yingli China further argues that no legal authority supports Commerce's NME presumption. Pl.'s Br. at 13–22. Yingli China contends that *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), applies to the court's analysis of whether the statute permits a "discretionary application" like the NME presumption. Pl.'s Reply Br. at 7; *see also* Pl.'s Br. at 19–20.

The Government counters that the NME presumption is an evidentiary practice, not an issue of statutory interpretation, and therefore *Loper Bright* is inapplicable. Def.'s Resp. at 22–23. The Government also argues that Yingli China failed to exhaust its administrative remedies by not challenging the NME presumption at the administrative level. *Id.* at 17–20.

Yingli China responds that the lawfulness of the NME presumption is "of a purely legal nature" and therefore exhaustion was not necessary. Pl.'s Reply Br. at 5.

b. Analysis

As mentioned above, "[i]n antidumping duty proceedings involving a country, such as China, that Commerce considers to have a nonmarket economy, Commerce employs a rebuttable presumption that all enterprises operating within that country are controlled by the government." *Zhejiang Quzhou Lianzhou Refrigerants Co. v. United States*, 42 CIT __, __, 350 F. Supp. 3d 1308, 1314 (2018) (collecting cases). A nonmarket economy is "any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise." 19 U.S.C. § 1677(18)(A). In reaching this determination, Commerce considers, among other factors, "the extent of government ownership or control of the means of production" and "the extent of government control over the allocation of resources and over the price and output decisions of enterprises." *Id.* § 1677(18)(B)(iv)–(v).

First, the court must address the Government's contention that Yingli China forfeited this argument by failing to raise it during the administrative proceeding. Def.'s Resp. at 17–20. No party contends that the lawfulness of the NME presumption was raised in the administrative proceeding. Yingli China contends that the question is purely legal, rendering exhaustion excused. Pl.'s Reply Br. at 5. The Government counters that the issue is not a pure question of law because "the statute does not speak to how Commerce is to weigh evidence in a particular proceeding." Def.'s Resp. at 19. Neither party's explanation on this issue is well developed. Regardless, the court finds that the failure to exhaust is excused because Yingli China "had no reason to

believe the agency would not follow established precedent," *ABB Inc. v. United States*, 40 CIT __, __, 190 F. Supp. 3d 1159, 1180 n.35 (2016), given the historical application of the NME presumption.

For roughly thirty years, courts have consistently "agree[d] with the government that it [is] within Commerce's authority to employ a presumption of state control for exporters in a nonmarket economy, and to place the burden on the exporters to demonstrate an absence of central government control." *Sigma*, 117 F.3d at 1405; *see also Jilin Forest Indus. Jingqiao Flooring Grp. Co. v. United States* ("*Jilin Forest CAFC*"), No. 2023-2245, 2025 WL 2100233, at *4 (Fed. Cir. July 28, 2025) (citing cases applying the presumption). This presumption is rooted in the antidumping statute, which "recognizes a close correlation between a nonmarket economy and government control of prices, output decisions, and the allocation of resources." *Sigma*, 117 F.3d at 1405–06 (citing 19 U.S.C. § 1677(18)(B)(iv), (v)). Likewise, this rebuttable presumption aligns with "Commerce's recognition," also sustained by the courts, "of an NME-wide entity as a single exporter for purposes of assigning an antidumping rate to the individual members of the entity." *China Mfrs. All.*, 1 F.4th at 1036. Because the NME-wide entity is a single exporter, Commerce reasonably requires that a company seeking examination separate from that entity establish its independence therefrom.

Yingli China attempts to distinguish this case from *Sigma*, arguing that "[t]he *Sigma* Court decision was based on a Commerce decision that exclusively considered Government control over *export activities* and a presumption that could actually be rebutted." Pl.'s Reply Br. at 7; *see also id.* at 4 (citing *Sigma*, 117 F.3d at 1405). But

the holding remains: the application of an NME presumption is within Commerce's authority. *Sigma*, 117 F.3d at 1405. Indeed, in a precedential opinion, the U.S. Court of Appeals for the Federal Circuit, for many of the reasons given in this opinion, recently reaffirmed Commerce's NME presumption. *Jilin Forest CAFC*, 2025 WL 2100233, at *3–6.[9] That decision squarely forecloses Yingli China's argument.[10]

Loper Bright does not alter this court's analysis.[11] *Loper Bright* stands for the proposition that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority." 603 U.S. at 412. But, as discussed

[9] While the case is not yet final, given the years of consistent jurisprudence upon which *Jilin Forest CAFC* was decided, the case offers strong support here.

[10] The appellate court similarly noted that two of the factors considered in making an NME determination are "the extent of government ownership or control of the means of production" and "the extent of government control over the allocation of resources and over the price and output decisions of enterprises." *Jilin Forest CAFC*, 2025 WL 2100233, at *6 (quoting 19 U.S.C. § 1677(18)(B)(iv), (v)). The court concluded that "there is nothing unreasonable about presuming that exporters in that country are subject to government control, unless proved otherwise in each individual case." *Id.* Given the breadth of government control that may exist within an NME country, establishing an evidentiary presumption consistent with that finding, i.e., that presumes all companies within the NME are part of a single entity unless and until they establish their independence, finds further support in and is consistent with the statutory definition of affiliated parties. *See* 19 U.S.C. § 1677(33)(F) (including "[t]wo or more persons directly or indirectly controlling, controlled by, or under common control with, any person" and, for this purpose, defining control to exist where "the person is legally or operationally in a position to exercise restraint or direction over the other person").

[11] Yingli China relies heavily on the decision from the U.S. Court of International Trade underlying *Jilin Forest CAFC*. The court there found that Commerce "failed to provide a lawful justification for its use of the NME presumption." *Jilin Forest Indus. Jingqiao Flooring Grp. Co. v. United States*, 47 CIT __, __, 617 F. Supp. 3d 1343, 1369 (2023). That court noted that "[r]ecent cases also suggest that the wind is blowing against wide-ranging claims for deference." *Id.* at 1367. That case, however, was reversed on appeal, for many of the same reasons this court gives now, albeit without mentioning *Loper Bright*. *Jilin Forest CAFC*, 2025 WL 2100233.

above, support for the NME presumption is rooted in the plain language of the antidumping statute, namely, the definition of an NME country. *See Sigma*, 117 F.3d at 1405–06; *Jilin Forest CAFC*, 2025 WL 2100233, at *6. Moreover, courts have long recognized administrative agencies' use of evidentiary presumptions. *See, e.g.*, *Republic Aviation Corp. v. NLRB*, 324 U.S. 793, 804–05 (1945). The validity of such a presumption "depends on the rationality between what is proved and what is inferred." *Id.* Here, the connection between the NME status of a country (proved, unchallenged, and based upon express statutory criteria) and the government control over companies in that economy (inferred based on an evidentiary presumption consistent with the statutory provisions) is rational. *See Jilin Forest CAFC*, 2025 WL 2100233, at *6.

To the extent Yingli China argues that an NME entity rate is not individually investigated and therefore not in accordance with the statute, *see* Pl.'s Reply Br. at 7–8 (arguing Yingli China is entitled to "an individually calculated rate"); *see also* Pl.'s Br. at 9 (citing the relevant provisions), that argument is also foreclosed. A "country-wide NME entity rate may be an 'individually investigated' rate." *China Mfrs. All.*, 1 F.4th at 1039 (discussing 19 U.S.C. § 1673d(c)(1)(B)(i)(I)); *see also Jilin Forest CAFC*, 2025 WL 2100233, *5 (affirming the same). That is the rate assigned to Yingli China.

In contesting the NME presumption, Yingli China also argues that "[t]he policy that GOC majority ownership 'supports' a finding of GOC control is, in fact, a per se rule." Pl.'s Br. at 15–16 (citing *Zhejiang Refrigerants*, 350 F. Supp. 3d 1308). Yingli China appears to conflate the NME presumption with its application to the facts of this case. The presumption applies to *any enterprise* operating within China. *Sigma*,

117 F.3d at 1405. The presumption is not based on ownership share but on the location of the company within China. The ownership share, majority or minority, may affect whether the presumption is rebutted, but it is not the basis of the presumption. Here, Yingli China failed to rebut the presumption because it is, in fact, majority-owned by a SASAC and the company provided no further relevant evidence. Yingli China's inability to rebut the NME presumption based on the facts of this case does not convert the presumption into an irrebuttable one.

Any argument that Commerce has a policy, apart from the NME presumption, of treating GOC majority ownership as per se, irrebuttable evidence of government control, is unpersuasive.[12] Yingli China overreads the court's decision in *Zhejiang Refrigerants* and Commerce's decision here. In *Zhejiang Refrigerants*, the court considered an exporter and its parent company with majority government ownership and explained that, in that case, any distinction between the exporter and its parent company did not rebut the presumption of *de facto* control "*absent contrary evidence*." 350 F. Supp. 3d at 1318 (emphasis added). Indeed, the *Zhejiang Refrigerants* court specifically explained that it was not creating or sustaining an irrebuttable presumption. *Id.* at 1323.[13]

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[12] As with the NME presumption, Yingli China did not explicitly challenge this purported policy before the agency. *See* Yingli China Case Br. at i (table of contents showing only substantive argument about *de facto* control). The court addresses the issue now in the interest of completeness.

[13] Yingli China's reliance on cases involving minority state ownership, *see* Pl.'s Br. at 14–15, 18–19 n. 3, is inapposite because Yingli China is majority-owned by a SASAC.

Likewise, here, Commerce did not apply this evidence of majority government ownership as an irrebuttable presumption or per se rule. Commerce confirmed that its "current practice is to conclude that where a government entity holds a majority equity ownership, either directly or indirectly, in a respondent exporter, this interest, in and of itself, means that the government exercises, or has *the potential to exercise*, control over the company's operations, generally." I&D Mem. at 11. However, Commerce further explained that "there is no record evidence demonstrating that the Chinese government had *no power to influence* any of the four factors of the *de facto* analysis." *Id.* at 12–13. This explanation indicates that Commerce recognized that contrary evidence could change its analysis, even in the case of majority ownership; however, no such evidence was provided.

In sum, the court finds that Commerce did not err in applying the NME presumption.

CONCLUSION

For the above-mentioned reasons, the court denies Yingli China's motion for judgment on the agency record and sustains Commerce's determination. Judgment will enter accordingly.

/s/ Mark A. Barnett
Mark A. Barnett, Chief Judge

Dated: August 11, 2025
New York, New York