Slip Op. 26-133

UNITED STATES COURT OF INTERNATIONAL TRADE

JINKO SOLAR IMPORT AND EXPORT CO., LTD., ET AL.,

Plaintiffs,

and

JA SOLAR TECHNOLOGY YANGZHOU CO., LTD., ET AL.,

Plaintiff-Intervenors,

v.

UNITED STATES,

Defendant,

and

AMERICAN ALLIANCE FOR SOLAR MANUFACTURING,

Defendant-Intervenor.

Before: Claire R. Kelly, Judge

Consol. Court No. 22-00219

OPINION

[Sustaining United States Department of Commerce's results in the administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China.]

Dated: October 29, 2026

Ned H. Marshak, Dharmendra N. Choudhary, Jordan C. Kahn, Brandon M. Peterlin, and Elaine F. Wang, Grunfeld Desiderio Lebowitz Silverman and Klestadt LLP, of New York, NY and Washington D.C., for plaintiffs Jinko Solar Import and Export Co. Ltd., Jinko Solar Co., Ltd., Jinkosolar Technology (Haining) Co., Ltd., Yuhuan Jinko Solar Co., Ltd., Zhejiang Jinko Solar Co., Ltd., Jiangsu Jinko Tiansheng Solar Co.,

Ltd., Jinkosolar (Chuzhou) Co., Ltd., Jinkosolar (Yiwu) Co., Ltd., and Jinkosolar (Shangrao) Co., Ltd.

Jonathan M. Freed, Robert G. Gosselink, and Kenneth N. Hammer, Trade Pacific PLLC, of Washington D.C., for consolidated plaintiffs Trina Solar Co., Ltd., Trina Solar (Changzhou) Science & Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Turpan Trina Solar Energy Co., Ltd., Trina Solar (Hefei) Science & Technology Co., Ltd., Changzhou Trina Hezhong Photoelectric Co., Ltd.

Jeffrey S. Grimson, Sarah M. Wyss, Bryan P. Cenko, Jill A. Cramer, Kristin H. Mowry, Savannah R. Maxwell, and Yixin (Cleo) Li, Mowry & Grimson, PLLC of Washington D.C., for consolidated plaintiffs, and plaintiff-intervenors JA Solar Technology Yanghzou Co., Ltd., and Shanghai JA Solar Technology Co., Ltd.

Craig A. Lewis, Lindsay K. Brown, and Nicholas W. Laneville, I, Hogan Lovells Cadwalader US LLP, of Washington D.C., for consolidated plaintiff BYD (Shangluo) Industrial Co., Ltd.

Gregory S. Menegaz, Alexandra H. Salzman, and Vivien J. Wang, The Inter-Global Trade Law Group PLLC, of Washington D.C., for consolidated plaintiff and plaintiff-intervenor Risen Energy Co., Ltd.

An Hoang, Commercial Litigation Branch – Civil Division, U.S. Department of Justice, of Washington D.C., for defendant United States. With him on the brief were Brett A. Shumate, Assistant Attorney General, Patricia McCarthy, Director, and Reginald T. Blades, Jr., Assistant Director. Of counsel were Fee Pauwels, Jack Dunkelman, and William M. Purdy, Office of the Chief Counsel for Trade Enforcement & Compliance, U.S. Department of Commerce of Washington D.C.

Timothy C. Brightbill, Laura El-Sabaawi, Stephanie M. Bell, and Paul A. Devamithran, Wiley Rein, LLP, of Washington D.C., for defendant-intervenor Americal Alliance for Solar Manufacturing.

Kelly, Judge: Before the Court is the U.S. Department of Commerce's ("Commerce") Final Results of Redetermination Pursuant to Court Remand, Aug. 13, 2026, ECF No. 185 ("Third Remand Results") pursuant to this Court's remand order in the 2019–20 administrative review of the antidumping duty ("AD") order covering crystalline silicon photovoltaic cells, whether or not assembled into modules, from the

People's Republic of China ("China"). See Jinko Solar Imp. & Exp. Co. v. United States, 829 F. Supp. 3d 1247 (Ct. Int'l Trade 2026) ("Jinko III"); see also 87 Fed. Reg. 38,379 (Dep't of Commerce June 28, 2022), as amended by Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China, 87 Fed. Reg. 48,621 (Dep't of Commerce Aug. 10, 2022) (amended final results) ("Final Results") and accompanying Issues and Decision Memo., Oct. 5, 2022, ECF No. 24-5 ("Final Decision Memo"). For the following reasons, Commerce's redetermination is sustained.

BACKGROUND

The Court presumes familiarity with the facts set forth in Jinko Solar Imp. & Exp. Co. v. United States, 701 F. Supp. 3d 1367 (Ct. Int'l Trade 2024) ("Jinko I"), Jinko Solar Imp. & Exp. Co. v. United States, 789 F. Supp. 3d 1275 (Ct. Int'l Trade 2025) ("Jinko II"), and Jinko III, and recounts only those facts pertinent to the instant matter. See generally Jinko I, 701 F. Supp. 3d 1367; Jinko II, 789 F. Supp. 3d 1275; Jinko III, 829 F. Supp. 3d 1247. On December 7, 2012, Commerce published the AD order on solar cells from China. See generally Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order, 77 Fed. Reg. 73,018 (Dep't of Commerce Dec. 7, 2012) (amended final determination). On February 4, 2021, Commerce initiated the eighth administrative review of the AD order. See generally Initiation of Antidumping and Countervailing

Duty Administrative Reviews, 86 Fed. Reg. 8,166 (Dep't of Commerce Feb. 4, 2021). Commerce selected Plaintiff Jinko Solar Import and Export Co., Ltd. ("Plaintiff" or "Jinko") and Consolidated Plaintiff and Plaintiff-Intervenor, Risen Energy Co., Ltd. ("Risen"), as mandatory respondents. See Respondent Selection Memorandum at 5, P.R. 53, C.R. 5 (Feb. 25, 2021).

On December 23, 2021, Commerce published its preliminary results. See generally Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review, Partial Recission of Antidumping Administrative Review and Preliminary Determination of No Shipments; 2019–20, 86 Fed. Reg. 72,923 (Dep't of Commerce Dec. 23, 2021) (preliminary results and partial recission) ("Preliminary Results") and accompanying Issues and Decisions Memorandum ("Prelim. Decision Memo.") P.R. 396. On August 10, 2022, Commerce issued its final results. See Final Results; Final Decision Memo.

Because Commerce treats China as a non-market economy ("NME") when calculating the dumping margins for mandatory respondents, Commerce determined the surrogate value ("SV") of the respondent's entries of subject merchandise by using data from a surrogate market economy country to value the factors of production ("FOP"). See 19 U.S.C. § 1677b(c)(4). Commerce chose Malaysia as the primary surrogate country for valuing all of respondents' FOPs to construct normal value for

purposes of calculating dumping margins. See Prelim. Decision Memo. at 16–19, 23–28; Final Decision Memo. at 18.

Plaintiffs, Consolidated Plaintiffs and Plaintiff-Intervenor challenged various aspects of the Final Decision Memo. before this court, and on May 1, 2024, the Court issued Jinko I.[1] See Jinko I, 701 F. Supp. 3d 1367. Commerce filed its first remand results on August 29, 2024. See Final Results of Remand Redetermination Pursuant to Court Remand, Aug. 29, 2024, ECF Nos. 89, 90. Plaintiff, Consolidated Plaintiffs, and Plaintiff-Intervenor filed comments in response to Commerce's remand redetermination. See ECF Nos 97–101. The Court subsequently issued Jinko II. See generally Jinko II, 789 F. Supp. 3d 1275.[2] Commerce filed its second remand results on September 26, 2025. See Final Results of Redetermination Pursuant to Court Remand, Sept. 26, 2025, ECF No. 147 ("Second Remand Results"). On January 5,

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[1] In Jinko I, the Court sustained Commerce's determination regarding, (1) separate rate status of Consolidated Plaintiffs Trina Solar Co., Ltd., Trina Solar (Changzhou) Science & Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Trina Soloar (Hefei) Science & Technology Co., Ltd., and Changzhou Trina Hezhong Photoelectric Co., Ltd.; "(2) the valuation of Plaintiff's electricity, ocean freight, backsheet and [ethylene vinyl acetate ("EVA")]; (3) use of JA Solar Malaysia's financial statements to calculate surrogate financial ratios; (4) deduction of Section 301 duties; and (5)use of facts available with an adverse inference" in calculating Risen's rate. Jinko I, 701 F. Supp. 3d at 1397. The Court remanded Commerce's determinations regarding "its solar glass and air freight valuations and its methodology for calculating facts available with an adverse inference." Id.

[2] In Jinko II, the Court sustained Commerce's redetermination regarding "its use of Freightos data to value air freight." Jinko II, 789 F. Supp. 3d at 1278. The Court remanded Commerce's determination regarding its "valuation of solar glass its methodology for calculating facts available with an adverse inference." Jinko II, 789 F. Supp. 3d at 1292.

2026, Risen, Jinko, BYD (Shangluo) Industrial Co., Ltd. ("BYD"), JA Solar Technology Yangzhou Co., Ltd., and Shanghai JA Solar Technology Co., Ltd., ("JA Solar") submitted comments in opposition to Commerce's determinations in the Second Remand Results. See generally ECF Nos. 159–165. In Jinko III, the Court sustained Commerce's redetermination regarding its method of calculating Risen's rate using facts available with an adverse inference. See Jinko III, 829 F. Supp. 3d at 1262. The Court remanded Commerce's determination regarding (1) its use of "Romanian glass data to calculate normal value" and (2) the review specific separate rates assigned to JA Solar and BYD. Jinko III, 829 F. Supp. 3d at 1262.

Commerce filed its Third Remand Results on August 13, 2026. See Third Remand Results. Jinko filed their comments on Commerce's remand redetermination on September 14, 2026, requesting the Court to sustain Commerce's Third Remand Results. See Plaintiff's Comments on Third Remand Results, Sept. 14, 2026, ECF No. 187, 188, 189 ("Pl. Cmts."). Defendant-Intervenors filed their comments on the Third Remand Results on September 14, 2026. See Defendant-Intervenors' Comments re Commerce's Third Remand Redetermination, Sept. 14, 2026, ECF No. 190 ("Def.-Int. Cmts."). Defendant filed its request to sustain the remand results on October 6, 2026. See Defendant's Request to Sustain Remand Results, Oct. 6, 2026, ECF No. 191 ("Def. Request").

JURISDICTION AND STANDARD OF REVIEW

The Court has jurisdiction pursuant to 28 U.S.C. § 1581(c) (2018), which grants the Court authority to review actions initiated under 19 U.S.C. § 1516a(a)(2)(B)(iii)[3] contesting the final determination in an administrative review of an antidumping duty order. The Court will uphold Commerce's determination unless it is "unsupported by substantial evidence on the record, or otherwise not in accordance with law." 19 U.S.C. § 1516a(b)(1)(B)(i). "The results of a redetermination pursuant to court remand are also reviewed 'for compliance with the court's remand order.'" Xinjiamei Furniture Co. v. United States, 968 F. Supp. 2d 1255, 1259 (Ct. Int'l Trade 2014) (citations omitted).

DISCUSSION

On third remand, in reconsidering the valuation of solar glass, Commerce reopened the record and requested "CONNUM-specific [kilogram per square meter] glass conversion factors" from Jinko and Risen because the two companies did not "explicitly report glass weight, length and width data on a CONNUM-specific basis." Third Remand Results at 6, 8. Specifically, Commerce states,

> We required specific glass conversion factors because using an overall average kilogram-to-square meters glass conversion factor does not yield the actual quantity of glass consumed in square meters where there are variations in the thickness, and thus the weight, of the glass used for different CONNUMs. . . . Because we now can determine the square meters of glass consumed on a CONNUM-specific basis, we no longer have the accuracy issues that are present when using an overall

[3] Further citations to the Tariff Act of 1930, as amended, are to the relevant provisions of Title 19 of the U.S. Code 2018 edition.

> average kilogram-to-square meter glass conversion factor, which is the accuracy issue that the CIT directed Commerce to further explain. Variations in the thickness of glass between CONNUMs, and thus variations in glass conversion factors between CONNUMs, are now taken into account by using CONNUM-specific kilogram per square meter glass conversion factors. Moreover, because we now have CONNUM-specific kilogram per square meter glass conversion factors on the record, we no longer need to calculate those factors. Thus, the complexities that prevented Commerce from calculating CONNUM-specific glass conversion factors, which the CIT directed Commerce to identify and explain, are no longer an issue. Lastly, Jinko's support for its overall kilogram to square meter glass conversion factor . . . which the CIT found Commerce failed to address, is no longer relevant because we are now using CONNUM-specific factors to convert Jinko's glass consumption in kilograms to glass consumption in square meters.

Third Remand Results at 6–7. Therefore, Commerce finds "import values under Malaysian HS code 7007.19.90 as the surrogate value for solar glass." Third Remand Results at 8. Commerce also assigns a "separate rate to JA Solar Technology Yangzhou Co., Ltd. and BYD based on the dumping margins" it calculated for Jinko and Risen. Third Remand Results at 8. Therefore, Commerce "calculate[s] a dumping margin of 4.76 percent for Jinko and a de minimis dumping margin for Risen." Third Remand Results at 8–9.

Jinko filed comments "in support" of Commerce's Third Remand Results, asking the Court to affirm the Third Remand Results as "it complies with Jinko III, is supported by substantial evidence, and is otherwise in accordance with law." Pl. Cmts. at 1. Jinko asserts that Commerce properly "obtained CONNUM-specific kilogram per square meter glass conversion factors from both companies" and "converted the respondents' glass consumption in kilograms to glass consumption in

square meters," "valued their glass consumption using import values under Malaysia HS Code 7007.19.90, and recalculated their dumping margins based on these changes." Pl. Cmts. at 1–2 (quoting Third Remand Results at 6, 7).

Defendant also asserts that Commerce "fully complied with the Court's remand order" by reconsidering "the use of Romanian import data to calculate Jinko and Risen's dumping margins and reconsidering its separate rate determination for JA Solar and BYD." Def. Request at 1–2. While Defendant-Intervenor argues that "Commerce's original interpretation of the Romanian HTS category was reasonable," it also "recognizes that Commerce's [T]hird [R]emand [R]esults are consistent with the Court's remand order in Jinko III." Def.-Int. Cmts. at 3, 5. Therefore, Commerce's Third Remand Results are sustained as supported by substantial evidence and compliant with this Court's Remand Order in Jinko III.

CONCLUSION

For the foregoing reasons, Commerce's redetermination with respect to using import values under Malaysian HS Code 7007.19.90 as the surrogate value for glass is sustained. Commerce's redetermination with respect to the separate rates assigned to JA Solar and BYD is sustained. Judgment will enter accordingly.

/s/ Claire R. Kelly
Claire R. Kelly, Judge

Dated: October 29, 2026
New York, New York